



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 25 January 2010

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Proclamations commencing Acts

[Heritage Amendment Act 2009 No. 34](#) (2010-24) – published LW 29 January 2010

Regulations and other statutory instruments

[Heritage Amendment \(Heritage and Conservation Register\) Regulation 2010](#) (2010-25) – published LW 29 January 2010

[Liquor Amendment \(Special Events–Extended Trading Periods\) Regulation 2010](#) (2010-26) – published LW 29 January 2010

OFFICIAL NOTICES**Appointments**

TEACHER HOUSING AUTHORITY ACT 1975

Notification of Appointments to the Board

I, VERITY FIRTH, Minister for Education and Training, pursuant to Cabinet approval and in accordance with sections 7.1 (1) (a) and 7.(2) (a) of the Teacher Housing Authority Act 1975, appoint Mr Denis Armstrong as Member of the Board of the Teacher Housing Authority for a period ending 31 December 2014.

VERITY FIRTH, M.P.,
Minister for Education and Training

Department of Industry and Investment

FISHERIES MANAGEMENT ACT 1994

ERRATUM

THE notice published in the *Government Gazette* of 29 January 2010 on page 396 under the heading: Fisheries Management Act 1994, Section 8 Notification – Fishing Closure, The Richmond River; there were missing words in column 2 of the Schedule. The correct Schedule is republished below:

SCHEDULE

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
Prawn net (hauling) Try net (prawns) Prawn running net Seine net (prawns) Hand-hauled prawn net Push or scissors net (prawns) Dip or scoop net (prawns)	<i>Richmond River</i> The Richmond River and all creeks, rivers, lakes, lagoons and tributaries flowing into or from the Richmond River upstream of the Pacific Highway bridge that crosses the Richmond River at Wardell.

FISHERIES MANAGEMENT ACT 1994

Notice of Receipt of Application for Aquaculture Lease

Notification under Section 163 (7) of the Fisheries Management Act 1994 and Clause 33 of the Fisheries Management (Aquaculture) Regulation 2007

INDUSTRY AND INVESTMENT NSW (IandI NSW) advises an application has been received for four (4) new aquaculture leases over public water land for the purpose of cultivating Sydney rock oysters and Pacific oysters. Location is Port Stephens, described as follows:

- 4.8151 hectares over former oyster lease OL70/318
- 1.0495 hectares over former oyster lease OL70/094
- 2.1895 hectares over former oyster lease OL77/187
- 0.7951 hectares over former oyster lease OL86/024

IandI NSW is calling for written submissions from any person supporting or objecting to the oyster lease proposals, citing reasons for the support/objection. IandI NSW is also calling for expressions of interest from persons or corporations interested in leasing the areas specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease numbers OL70/318, OL70/094, OL77/187 and/or OL86/024 to be signed and dated with a return address.

If additional expressions of interest are received, IandI NSW may offer the areas for leasing through a competitive public tender process, auction or ballot. For proposed oyster lease OL70/094, the successful applicant will be required to obtain development consent from Council under Part 4 of the Environmental Planning and Assessment Act 1979.

If granted the leases will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act 1994, and any conditions of consent as imposed by Council.

Specific details of the proposed leases can be obtained or enquiries made with IandI NSW, Aquaculture Administration Section, Port Stephens (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director, Fisheries Conservation and Aquaculture Branch,
Aquaculture Administration Section, Port Stephens Fisheries Institute, Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,
Director,
Fisheries Conservation and Aquaculture Branch,
Industry and Investment NSW

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification – Revocation of Fishing Closure

The Richmond River

I, PAUL O’CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to section 227 and 228 of the Fisheries Management Act 1994 (“the Act”) and pursuant to section 11 of the Act, revoke the notification “The Richmond River” published in the New South Wales Government Gazette No. 26 of 29 January 2010 at page 396.

Dated this 2nd day of February 2010.

PAUL O’CONNOR,
Principal Director, Fisheries and Compliance,
Department of Industry and Investment

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Catch Limits for Certain Shark Species Harvested in the Ocean Trap and Line Fishery

I, STEVE WHAN, M.P., Minister for Primary Industries, pursuant to section 8 of the Fisheries Management Act 1994 (“the Act”), do by this notification prohibit the taking of all species of shark from ocean waters, by holders of endorsements in the Ocean Trap and Line Fishery, except when those fish are taken in accordance with the conditions specified in Schedule 1 to this notification.

SCHEDULE 1

Commercial fishing catch limit conditions

1. Endorsement holders may take no more than the weekly limit of any species of shark (excluding those of a type specified in Schedule 2 to this notification) or combination of any species of shark (excluding those of a type specified in Schedule 2 to this notification) within any weekly period commencing midnight Sunday to midnight the following consecutive Sunday.
2. Endorsement holders must not take shark species (excluding those of a type specified in Schedule 2 to this notification) if the weight of shark species (excluding

those of a type specified in Schedule 2 to this notification) on the boat at any one time exceeds the weekly limit.

3. Endorsement holders must not have shark fins on the boat if they are not attached to a carcass.
4. Endorsement holders must not have sharks on the boat if they are not whole, headed, gutted or headed and gutted.
5. Endorsement holders must complete a record of fishing activities when shark species are taken, using the form issued by Industry and Investment NSW for this purpose, prior to moving the catch more than 50m from the vessel. These records must be submitted to Industry and Investment NSW within 2 days of the end of the month in which fishing occurred.

SCHEDULE 2

Species excluded from catch limit

<i>Common Name</i>	<i>Scientific Name</i>
Dogfishes (including gulper sharks)	Family: SQUALIDAE/ CENTROPHORIDAE (excluding <i>Centrophorus squamosus</i>)/ SOMNIOSIDAE
Wobbegong sharks	Family ORECTOLOBIDAE
School shark	<i>Galeorhinus galeus</i>
Gummy shark	<i>Mustelus antarcticus</i>

In this notification:

“gutted” means fish from which the gut and internal organs have been removed.

“headed” means fish from which the head and gills have been removed by a cut in front of the last gill slit and pectoral fin with the cut being perpendicular to the long axis of the fish.

“Ocean Trap and Line Fishery” means the share management fishery of that name, as described in Schedule 1 to the Act.

“shark” means the species of cartilaginous fishes contained within the following families:

<i>Family</i>	<i>Common Name</i>
ALOPIIDAE	Thresher Sharks
BRACHAELURIDAE	Blind sharks
CARCHARHINIDAE	Whaler sharks
CENTROPHORIDAE	Leafscale gulper shark
CETORHINIDAE	Basking Sharks
CHLAMYDOSELACHIDAE	Friiled Sharks
ECHINORHINIDAE	Bramble Sharks
GINGLYMOSTOMATIDAE	Nurse Sharks
HEMIGALEIDAE	Weasel sharks
HEMISCYLLIDAE	Longtailed Carpetshark
HETERODONTIDAE	Horn sharks
HEXANCHIDAE	Sixgill and Sevengill Sharks
LAMNIDAE	Mackerel Sharks
MEGACHASMIDAE	Megamouth Sharks
MITISUKURINIDAE	Goblin Sharks
OXYNOTIDAE	Roughsharks
PARASCYLLIDAE	Collared Carpet Sharks
PRISTIPHORIDAE	Sawsharks
PSEUDOCARCHARIDAE	Crocodile Sharks
RHINCODONTIDAE	Whale Sharks
SCYLIORHINIDAE	Catsharks
SPHYRNIDAE	Hammerhead sharks
SQUATINIDAE	Angelsharks
STEGOSTOMATIDAE	Zebra Sharks
TRIAKIDAE	Houndsharks

“weekly limit” means a total weight of 700 kg if the sharks are whole or 500 kg if the sharks are headed, gutted or headed and gutted.

The provisions of this fishing closure in respect of endorsement holders in the Ocean Trap and Line Fishery have effect despite any provision in the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

Note: If, during the period 1 July 2009 to 31 January 2011, the total catch of sharks by all endorsement holders (excluding those sharks of a type specified in Schedule 2 to this notification and excluding any catches taken pursuant to a permit issued under section 37 of the Act authorising the taking of shark) is more than 140 tonnes estimated whole weight, the Minister intends to replace conditions 1 and 2 in Schedule 1 to this notification with a condition that endorsement holders may take no more than two (2) individuals of any species of shark (excluding those of a type specified in Schedule 2 to this notification) or combination of any species of shark (excluding those of a type specified in Schedule 2 to this notification) on any day, commencing midnight on that day.

This fishing closure is effective until 31 January 2011 unless sooner amended or revoked.

Dated this 3rd day of January 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Catch Limits for Certain Dogfishes (Deepwater Sharks)

I, STEVE WHAN, MP, Minister for Primary Industries, pursuant to section 8 of the Fisheries Management Act 1994 (“the Act”), do by this notification prohibit the taking of Harrison’s Dogfish (*Centrophorus harrissoni*), Endeavour Dogfish (*Centrophorus moluccensis*), Greeneye Spurdog (*Squalus cholorculus*) and Southern Dogfish (*Centrophorus zeehani*) from ocean waters by holders of endorsements in the Ocean Trap and Line Fishery and the Ocean Trawl Fishery, except when those fish are taken in accordance with the conditions specified in Schedule 1 to this notification.

SCHEDULE 1

Commercial fishing catch limit conditions

1. Endorsement holders must not take or be in possession on board the fishing vessel each day or from the time of departure to the time of return to port (if longer than a day) of more than 65 kg whole weight of any or any combination of, the species *Centrophorus harrissoni* (Harrisson’s Dogfish), *Centrophorus moluccensis* (Endeavour Dogfish), *Squalus chloroculus* (Greeneye Spurdog) or *Centrophorus zeehaani* (Southern Dogfish).

In this notification:

“Ocean Trap and Line Fishery” means the share management fishery of that name, as described in Schedule 1 to the Act.

“Ocean Trawl Fishery” means the share management fishery of that name, as described in Schedule 1 to the Act.

The provisions of this fishing closure in respect of endorsement holders in the Ocean Trap and Line Fishery have effect despite any provision in the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

The provisions of this fishing closure in respect of endorsement holders in the Ocean Trawl Fishery have effect despite any provision in the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006.

This fishing closure is effective until 31 January 2011 unless sooner amended or revoked.

Dated this 3rd day of January 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

HEMP INDUSTRY ACT 2008

Section 18 Notification – Appointment of Inspectors

I, ANDREW COLIN SANGER, Director Agricultural Compliance, with the delegated authority of the Director-General of the Department of Industry and Investment pursuant to section 41 of the Hemp Industry Act 2008 (“the Act”) and pursuant to section 18 (1) of the Act do by this notification appoint the persons named in the Schedule below as inspectors for the purposes of the Act.

Schedule

Robert Bruce BOWMAN
David DEANE
Ian Alexander GERRARD
Brett Simon KERRUISH
Adrian Shannon Stinson KNOBEL
Genevieve Patricia LEONARD
David Neil PATTERSON
Gary Raymond SAVINS
Anne WEBSTER
Christopher James WETHERALL

Dated this 3rd day of February 2010.

A. C. SANGER,
Director, Agricultural Compliance,
Department of Industry and Investment

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T10-0034)

No. 3904, TEMPLAR RESOURCES PTY LTD, (ACN 085 644 944), area of 32 units, for Group 1, dated 20 January 2010. (Orange Mining Division).

(T10-0035)

No. 3905, OROYA MINING LIMITED (ACN 009 146 794), area of 48 units, for Group 1, dated 20 January 2010. (Sydney Mining Division).

(T10-0037)

No. 3907, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), area of 31 units, for Group 1, dated 21 January 2010. (Orange Mining Division).

(T10-0038)

No. 3908, JACARANDA MINERALS LTD AND MINERALS AUSTRALIA PTY LTD, area of 4 units, for Group 1, dated 22 January 2010. (Wagga Wagga Mining Division).

(T10-0040)

No. 3909, GOLD AND COPPER RESOURCES PTY LIMITED (ACN 124 534 863), area of 1 units, for Group 1, dated 28 January 2010. (Orange Mining Division).

(T10-0041)

No. 3910, GOLD AND COPPER RESOURCES PTY LIMITED (ACN 124 534 863), area of 58 units, for Group 1, dated 28 January 2010. (Orange Mining Division).

(T10-0042)

No. 3911, OZ EXPLORATION PTY LTD (ACN 137 626 914), area of 20 units, for Group 1, dated 29 January 2010. (Orange Mining Division).

(T10-0043)

No. 3912, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), area of 37 units, for Group 1, dated 2 February 2010. (Orange Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T09-0050)

No. 3662, now Exploration Licence No. 7425, PEDRO KASTELLORIZOS, County of Camden, Map Sheet (8928), area of 10 units, for Group 2, dated 1 December 2009, for a term until 1 December 2011.

(T09-0070)

No. 3680, now Exploration Licence No. 7423, FORTIUS MINES PTY LTD (ACN 140 151 917), Counties of Roxburgh and Wellington, Map Sheet (8831), area of 62 units, for Group 1, dated 30 November 2009, for a term until 30 November 2011.

(T09-0105)

No. 3714, now Exploration Licence No. 7424, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), Counties of Ashburnham and Kennedy, Map Sheets (8531, 8532), area of 44 units, for Group 1, dated 30 November 2009, for a term until 30 November 2011.

(T09-0113)

No. 3723, now Exploration Licence No. 7426, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), Counties of Beresford, Cowley and Murray, Map Sheets (8725, 8726), area of 66 units, for Group 1, dated 4 December 2009, for a term until 4 December 2011.

(T09-0131)

No. 3741, now Exploration Licence No. 7433, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), Counties of Ashburnham and Kennedy, Map Sheets (8531, 8532), area of 7 units, for Group 1, dated 18 December 2009, for a term until 18 December 2011.

(T09-0146)

No. 3753, now Exploration Licence No. 7434, NEWMONT EXPLORATION PTY LTD (ACN 006 306 690), County of Cunningham, Map Sheet (8432), area of 10 units, for Group 1, dated 21 December 2009, for a term until 21 December 2011.

(Z09-5743)

No. 3780, now Exploration Licence No. 7442, CENTENNIAL INGLENOOK PTY LIMITED (ACN 120 159 051), County of Roxburgh, Map Sheets (8831, 8931), area of 1815 hectares, for Group 9, dated 12 January 2010, for a term until 12 January 2015. As a result of the grant of this title, Authorisation No. 360 has partly ceased to have effect.

(T09-0171)

No. 3785, now Exploration Licence No. 7437, AWATI RESOURCES PTY LTD (ACN 106 020 419), Counties of Evelyn and Tongowoko, Map Sheet (7238), area of 53 units, for Group 1, dated 23 December 2009, for a term until 23 December 2011.

MINING LEASE APPLICATION

(Z04-0527)

Orange No. 242, now Mining Lease No. 1639 (Act 1992), COL'DORO MINING PTY LTD (ACN 115 107 367), Parish of Lewis, County of Wellington, Map Sheets (8731-1-S, 8731-4-S), area of 62.02 hectares, to mine for gold, dated 23 November 2009, for a term until 23 November 2030.

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T10-0032)

No. 3902, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), County of Bathurst and County of Wellington, Map Sheet (8731). Withdrawal took effect on 19 January 2010.

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

NOTICE is given that the following applications for renewal have been received:

(T08-0737)

Exploration Licence No. 4642, PETER WARREN ENGLISH, area of 1 units. Application for renewal received 20 January 2010.

(T03-0971)

Exploration Licence No. 6250, REEDY CREEK PTY LIMITED (ACN 108 530 678), area of 10 units. Application for renewal received 29 January 2010.

(Z04-0544)

Exploration Licence No. 6372, CHALLENGER MINES LTD (ACN 090 166 528), area of 41 units. Application for renewal received 29 January 2010.

(T04-0021)

Exploration Licence No. 6381, MONARO MINING N.L. (ACN 073 155 781), area of 91 units. Application for renewal received 22 January 2010.

(Z05-0290)

Exploration Licence No. 6511, COALWORKS LIMITED (ACN 114 702 831), area of 4 units. Application for renewal received 29 January 2010.

(Z05-0289)

Exploration Licence No. 6519, ZEDEX MINERALS LIMITED (ACN 107 523 428), area of 11 units. Application for renewal received 25 January 2010.

(Z05-0263)

Exploration Licence No. 6525, NEW SOUTH RESOURCES LIMITED (ACN 119557416), area of 89 units. Application for renewal received 20 January 2010.

(Z04-0576)

Exploration Licence No. 6540, UNIMIN AUSTRALIA LIMITED (ACN 000 971 844), area of 1 units. Application for renewal received 2 February 2010.

(Z07-0385)

Exploration Licence No. 7087, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 24 units. Application for renewal received 21 January 2010.

(T07-0505)

Exploration Licence No. 7098, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), area of 149 units. Application for renewal received 1 February 2010.

(T07-0507)

Exploration Licence No. 7100, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), area of 117 units. Application for renewal received 1 February 2010.

(T07-0515)

Exploration Licence No. 7102, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), area of 38 units. Application for renewal received 1 February 2010.

(T07-0516)

Exploration Licence No. 7103, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), area of 124 units. Application for renewal received 1 February 2010.

(T07-0517)

Exploration Licence No. 7104, AUSGOLD EXPLORATION PTY LTD (ACN 078 093 606), area of 144 units. Application for renewal received 1 February 2010.

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(Z06-3543)

Exploration Licence No. 2033, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Bathurst, Map Sheets (8630, 8730), area of 42 units, for a further term until 6 July 2011. Renewal effective on and from 2 February 2010.

(Z05-0359)

Exploration Licence No. 4573, IVANPLATS SYERSTON PTY LIMITED (ACN 008 755 155), Counties of Cunningham and Kennedy, Map Sheets (8332, 8432), area of 19 units, for a further term until 16 August 2011. Renewal effective on and from 2 February 2010.

(T02-0448)

Exploration Licence No. 6064, KIMBERLEY METALS LIMITED (ACN 129 954 365), County of Kennedy, Map Sheet (8333), area of 5 units, for a further term until 20 March 2011. Renewal effective on and from 2 November 2009.

(T02-0457)

Exploration Licence No. 6090, RAPTOR MINERALS LIMITED (ACN 101 168 343), Counties of Forbes and Gipps, Map Sheet (8430), area of 8 units, for a further term until 19 June 2011. Renewal effective on and from 21 December 2009.

(T03-0039)

Exploration Licence No. 6127, PEAK GOLD MINES PTY LIMITED (ACN 001 533 777) AND LYDAIL PTY LTD (ACN 076 772 275), Counties of Mouramba and Robinson, Map Sheets (8034, 8133, 8134), area of 98 units, for a further term until 23 September 2011. Renewal effective on and from 2 February 2010.

(Z04-0525)

Exploration Licence No. 6305, DONALD JOHN PERKIN AND MINEXCHANGE PROPRIETARY LIMITED (ACN 086 042 524), Counties of Forbes and Monteagle, Map Sheet (8530), area of 14 units, for a further term until 23 September 2010. Renewal effective on and from 21 December 2009.

(Z05-0215)

Exploration Licence No. 6464, TURON GOLD PTY LTD (ACN 108 675 216), County of Young, Map Sheets (7434, 7435), area of 100 units, for a further term until 18 September 2011. Renewal effective on and from 29 January 2010.

(Z06-4068)

Exploration Licence No. 6739, ISOKIND PTY LIMITED (ACN 081 732 498), Counties of Canbelego and Flinders, Map Sheets (8234, 8235), area of 30 units, for a further term until 26 March 2011. Renewal effective on and from 22 December 2009.

(Z07-0073)

Exploration Licence No. 6744, BEMAX RESOURCES LIMITED (ACN 009 247 858), County of Wentworth, Map Sheets (7329, 7330, 7430), area of 228 units, for a further term until 1 April 2011. Renewal effective on and from 29 January 2010.

(Z06-4187)

Exploration Licence No. 6769, RANGOTT MINERAL EXPLORATION PTY LIMITED, County of Dowling, Map Sheet (8131), area of 20 units, for a further term until 7 May 2011. Renewal effective on and from 21 December 2009.

(Z07-0132)

Exploration Licence No. 6804, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), Counties of Menindee and Yancowinna, Map Sheets (7133, 7134), area of 55 units, for a further term until 6 June 2011. Renewal effective on and from 21 January 2010.

(Z06-7063)

Exploration Licence No. 6806, MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), Counties of Bathurst, Forbes and Monteagle, Map Sheets (8629, 8630), area of 94 units, for a further term until 7 June 2011. Renewal effective on and from 19 January 2010.

(Z07-0179)

Exploration Licence No. 6809, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Perry, Map Sheets (7331, 7431), area of 115 units, for a further term until 13 June 2011. Renewal effective on and from 29 January 2010.

(Z07-0084)

Exploration Licence No. 6832, CAPITAL MINING LIMITED (ACN 104 551 171), County of Yantara, Map Sheets (7337, 7338), area of 50 units, for a further term until 6 July 2011. Renewal effective on and from 29 January 2010.

(Z07-0145)

Exploration Licence No. 6850, PLATSEARCH NL (ACN 003 254 395), County of Barrona, Map Sheets (7838, 7938), area of 100 units, for a further term until 3 August 2011. Renewal effective on and from 21 January 2010.

(T07-0146)

Exploration Licence No. 6851, PLATSEARCH NL (ACN 003 254 395), Counties of Gunderbooka and Irrara, Map Sheets (7938, 8038), area of 91 units, for a further term until 3 August 2011. Renewal effective on and from 21 January 2010.

(Z06-7087)

Exploration Licence No. 6880, BIG ISLAND MINING PTY LTD (ACN 112 787 470), Counties of Ashburnham and Forbes, Map Sheets (8530, 8531), area of 135 units, for a further term until 14 September 2011. Renewal effective on and from 2 February 2010.

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

TRANSFERS

(Z10-0256)

Exploration Licence No. 6243, formerly held by NARRABRI COAL PTY LTD (ACN 107 813 963), EDF TRADING AUSTRALIA PTY LIMITED (ACN 110 262 925), J-POWER AUSTRALIA PTY LTD (ACN 002 307 682) AND UPPER HORN INVESTMENTS (AUSTRALIA) PTY LTD (ACN 129190281) has been transferred to NARRABRI COAL PTY LTD (ACN 107

813 963), DAEWOO INTERNATIONAL NARRABRI INVESTMENT PTY LTD (ACN 139 088 967), EDF TRADING AUSTRALIA PTY LIMITED (ACN 110 262 925), J-POWER AUSTRALIA PTY LTD (ACN 002 307 682), KORES NARRABRI PTY LIMITED (ACN 138 993 263) AND UPPER HORN INVESTMENTS (AUSTRALIA) PTY LTD (ACN 129190281). The transfer was registered on 18 January 2010.

(Z10-0256)

Mining Lease No. 1609 (Act 1992), formerly held by NARRABRI COAL PTY LTD (ACN 107 813 963), EDF TRADING AUSTRALIA PTY LIMITED (ACN 110 262 925), J-POWER AUSTRALIA PTY LTD (ACN 002 307 682) AND UPPER HORN INVESTMENTS (AUSTRALIA) PTY LTD (ACN 129190281) has been transferred to NARRABRI COAL PTY LTD (ACN 107 813 963), DAEWOO INTERNATIONAL NARRABRI INVESTMENT PTY LTD (ACN 139 088 967), EDF TRADING AUSTRALIA PTY LIMITED (ACN 110 262 925), J-POWER AUSTRALIA PTY LTD (ACN 002 307 682), KORES NARRABRI PTY LIMITED (ACN 138 993 263) AND UPPER HORN INVESTMENTS (AUSTRALIA) PTY LTD (ACN 129190281). The transfer was registered on 18 January 2010.

IAN MACDONALD, M.L.C.,
Minister for Mineral and Forest Resources

NOTICE is given that the following applications for cancellation have been received:

(T89-0554)

Mining Lease No. 594 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD, (ACN 000 393 135), County of Gloucester, area of 575.9 hectares.

Application for cancellation was received on 15 January 2010.

(T98-0478)

Mining Lease No, 744 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD, (ACN 000 393 135), County of Gloucester, area of 14.28 hectares. Application for cancellation was received on 15 January 2010.

(T97-0328)

Mining Lease No, 785 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD, (ACN 000 393 135), County of Gloucester, area of 89.26 hectares.

Request for cancellation was received on 15 January 2010.

(T85-0204)

Mining Lease No. 1170 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD, (ACN 000 393 135), County of Gloucester, area of 31.56 hectares.

Request for cancellation was received on 15 January 2010.

(T01-0069)

Mining Lease No 1222 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD, (ACN 000 393 135), County of Gloucester, area of 96.03 hectares.

Request for cancellation was received on 15 January 2010.

(T01-0071)

Mining Lease No. 1226 (Act 1973), RUTILE AND ZIRCON MINES (NEWCASTLE) LTD (ACN 000 393 135), County of Gloucester, area of 23.26 hectares.

Application for cancellation was received on 15 January 2010.

Land and Property Management Authority

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6883 3300 Fax: (02) 6882 6920

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public roads vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District – Coonabarabran; Council – Gilgandra

Roads Closed: Lot 1 in DP 1143429, Parish Piangula, County Gowen.

File No.: DB05 H 68.

Schedule

On closing, title to the land comprised in Lot 1, DP 1143429 remains vested in the State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Local Government Area of Dubbo
Land District of Dubbo*

Lot 1 DP 1144478, Parish of Gilgal, County of Gordon (not being land under the Real Property Act). File No: DB05H201.

Note: On closing, the title for Lot 1 shall vest in The State of New South Wales as Crown Land.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Local Government Area of Warrumbungle
Land District of Coonabarabran*

Lot 1 DP 1143621, Parish of Timor, County of Gowen (not being land under the Real Property Act). File No: DB05H506.

Note: On closing, the title for Lot 1 shall vest in The State of New South Wales as Crown Land.

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 3400 Fax: (02) 6642 5375****ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Grafton.	Reserve No.: 79295.
Local Government Area: Clarence Valley Council.	Public Purpose: Public recreation and resting place.
Locality: Iluka.	Notified: 25 January 1957.
Lot 2, DP 1132382, Parish Nanegai, County Clarence.	Lot 7300, DP 1142178, Parish Nanegai, County Clarence.
Lot 1, DP 1132382, Parish Nanegai, County Clarence.	New Area: 2.037 hectares.
Area: 1.236 hectares.	
File No.: GF94 R 15.	

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District – Grafton; L.G.A. – Clarence Valley Council

Roads Closed: Lots 1 and 2, DP 1132382 at Iluka, Parish Nanegai, County Clarence.

File No.: GF03 H 30.

Schedule

On closing, the land within Lots 1 and 2, DP 1132382 becomes vested in the State of New South Wales to be added to Reserve 79295 for public recreation and resting place on this day.

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Land District – Casino;
LGA – Richmond Valley*

Road Closed: Lot 1, DP 1145014 at Ellangowan, Parish Richmond, County Richmond.

File Reference: GF05H648.

Schedule

On closing, the land within Lot 1, DP 1145014 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Casino;
LGA – Kyogle*

Road Closed: Lot 1, DP 1145505 at Culmaran Creek, Parish Tabulam, County Drake.

File Reference: GF06H413.

Schedule

On closing, the land within Lot 1, DP 1145505 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Grafton;
LGA – Clarence Valley*

Road Closed: Lots 3, 4, 5 and 6, DP 1144530 at Chambigne, Parish of Ermington and Toothill, County Fitzroy.

File Reference: GF05H810.

Schedule

On closing, the land within Lots 3, 4, 5 and 6, DP 1144530 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6962 3600 Fax: (02) 6962 5670

ERRATUM

ORDER

Correction of Defective Instrument

IN pursuance of the provisions of the Roads Act 1993, section 257, the Instrument contained within *New South Wales Government Gazette* No. 16, dated 22 January 2010, Folio 315, under the heading "GRIFFITH OFFICE, Notification of Closing of a Road", On closing, title to the land comprised in Lot 2 remains vested in the Crown as Crown Land" is deleted and replaced with "On closing, title to the land comprised in Lot 1 remains vested in the Crown as Crown Land".

File No.: GH00 H 52.MR.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Parish – Bourke; County – Cooper;
Land District – Narrandera; L.G.A. – Carrathool

Road Closed: Lot 1, DP 1145884.

File No.: 08/11575 (MR).

Schedule

On closing, title to the land comprised in Lot 1 remains vested in the Crown as Crown Land.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9306 Fax: (02) 4934 8417****NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Parish – Horton; County – Gloucester;
Land District – Dungog; L.G.A. – Dungog*

Road Closed: Lot 1, DP 1141804 (not being land under the Real Property Act).

File No.: MD06 H 67.

Schedule

On closing, the land within Lot 1 remains vested in the State of New South Wales as Crown Land.

ERRATUM

THE Notice “NOTIFICATION OF CLOSING OF PUBLIC ROAD” published in the *New South Wales Government Gazette* of the 18 December 2009, Folio 6131, in relation to the road closing contained an error. The notice is amended by including the Parish of Underbank.

File No.: 07/1146.

TONY KELLY, M.L.C.,
Minister for Lands

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the roads is extinguished. On road closing, title to the land comprising the former public roads vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Land District – Warialda; Council – Gwydir Shire;
Parish – Stanley; County – Burnett*

Roads Closed: Lots 4 and 5 in DP 874008 and Lots 5, 6, 7 and 8 in DP 1140027.

File No.: ME98 H 77.

Schedule

On closing, the land within Lots 4 and 5 in DP 874008 and Lots 5, 6, 7 and 8 in DP 1140027 remains vested in the Gwydir Shire Council as operational land for the purposes of the Local Government Act 1993.

Council's Reference: 470:RP:clb.

Description

*Land District – Moree; Council – Moree Plains Shire;
Parishes – Burrandoon and Meero; County – Benarba*

Roads Closed: Lots 1 and 2 in DP 1138784.

File No.: ME06 H 35.

Schedule

On closing, title to the land within Lots 1 and 2 in DP 1138784 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Moree; Council – Moree Plains Shire;
Parish – Bogree; County – Courallie*

Roads Closed: Lot 1 in DP 1144214.

File No.: ME02 H 290.

Schedule

On closing, title to the land within Lot 1 in DP 1144214 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Narrabri Shire;
Parish – Bobbiwaa; County – Jamison*

Roads Closed: Lot 1 in DP 1130631.

File No.: ME05 H 502.

Schedule

On closing, title to the land within Lot 1 in DP 1130631 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Narrabri Shire;
Parish – Tippereena; County – Nandewar*

Road Closed: Lot 1 in DP 1146077.

File No.: ME05 H 189.

Schedule

On closing, title to the land within Lot 1 in DP 1146077 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Narrabri; Council – Narrabri Shire

Roads Closed: Lots 1, 2 and 3, DP 1144479, Parish Berrioye, County Nandewar.

File No.: ME06 H 134.

Schedule

On closing, title to the land within Lots 1, 2 and 3, DP 1144479 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Moree; Council – Moree Plains

Roads Closed: Lots 1 and 2, DP 1144482, Parishes Brigalow and Carraa, County Benarba.

File No.: ME04 H 382.

Schedule

On closing, title to the land within Lots 1 and 2, DP 1144482 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Warialda; Council – Moree Plains

Road Closed: Lot 1, DP 1144481, Parish Limebon, County Stapylton.

File No.: ME05 H 413.

Schedule

On closing, title to the land within Lot 1, DP 1144481 remains vested in the State of New South Wales as Crown Land.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
 Minister for Lands

Description

Parish – Mogila;
County – Auckland
Land District – Bega
Local Government Area – Bega Valley

Road Closed: Lot 2 DP 1145489 at Mogila & Bemboka.

File Reference: 08/6454.

Schedule

On closing, the land within Lot 2 DP 1145489 remains vested in State of New South Wales as Crown land.

Description

Parish – Meringo;
County – Auckland;
Land District – Bega;
Local Government Area – Bega Valley

Road Closed: Lot 1 DP 1145643 at Buckajo.

File Reference: 07/6108.

Schedule

On closing, the land within Lot 1 DP 1145643 remains vested in State of New South Wales as Crown land.

Description

Parish – Mumbulla;
County – Auckland;
Land District – Bega;
Local Government Area – Bega Valley

Roads Closed: Lots 1 & 5 DP 1137204 at Brogo.

File Reference: NA05H191.

Schedule

On closing, the land within Lots 1 and 5 DP 1137204 remains vested in State of New South Wales as Crown land.

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public roads.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE 1

*Parish – Cargo; County – Ashburnham;
 Land District – Molong*

Various Streets in the Town of Cargo listed and described as follows:

Greenslopes Place (road southeast Lot 163, DP 750145); Misty Close (road northwest Lot 150, DP 750145); Hillside Street (road north Lots 221, 206 and 205, DP 750145); Sherwin Street (road east Lots 205, 140, 138, 143 and 144, DP 750145, intersection with Hillside Street); Fisher Street (road southwest Lots 206 and 205, DP 750145 and Lot 101, DP 1065003; intersection with Sherwin Street being northeast Lot 4, section 26, DP 758226); Union Street (road northwest Lots 1-5, section 29, DP 758226); Wall Street (road northeast Lot 342, DP 750145, Lot 6, section 28, DP 758226, Lot 943, DP 838355, Lot 5, section 31, DP 758226, Lots 4 and 5, section 33, DP 758226, Lot 1, DP 44102, Lot 4, section 36, DP 758226, Lot 314, DP 750145; southwest Lot 1, DP 521772, intersection with Thompson and Brooks Streets); Church Street (road northeast Lot 7016, DP 1020716, Lot 4, section 32, DP 758226, Lots 12-13, DP 828489; southwest Lot 1, DP 735706 and Lot 1, section 40, DP 758226; intersection with Thompson, Brooks and Sharp Streets); Hutton Street (road southeast Lots 1-3, section 38, DP 758226, Lots 1-3, section 6, DP 758226); Sharp Street (roads southeast Lot 314, DP 750145, Lot 1, section 40, DP 758226, Lots 1 and 6, section 39, DP 758226; intersection with the lane between Lots 1 and 6); Thompson Street (road southeast Lots 1-5, section 30, DP 758226 and Lots 1-5, section 31, DP 758226); Brooks Street (road southeast Lots 1-5, section 34, DP 758226, Lots 1-4, section 33, DP 758226; northwest Lots 4-6, section 38, DP 758226); Hamilton Street (road northeast Lot 6, section 8, DP 758226, Lot 25, 130 and 135, DP 750145; southwest Lot 20, DP 702443; intersection with Hutton Street); Mayne Street (road northwest Lot 91, DP 665697, Lot 91, DP 662496, Lot 91, DP 665698, Lot 1, DP 927040, Lot 21, DP 702443 and Lot 20, DP 702443; southeast Lot 1, section 12, DP 758226); Hicks Street (road northeast Lot 849-850, DP 830838); Molong Street (road east Lot 150, DP 750145; east Lots 5-8, section 24, DP 758226; west Lot 342, DP 750145 and Lot 1, section 28, DP 758226, intersection with Loftus Street); Forbes Street (road northeast Lots 2-5, section 20, DP 758226, Lots 1-2, DP 589937; intersection with Dalton Street); Loftus Street (road southeast Lots 150-156, 158-159, DP 750145, Lot 2, DP 1132304, Lot 20, DP 1009935; northwest Lot 106, DP 664862; intersection with Powers Street); Powers Street (road west Lots 1-2 and 8, section 23,

DP 758226, Lot 2, DP 1132304 and Lot 1, section 24, DP 758226; northeast Lots 75-76 and 155, DP 750145); Dalton Street (road east Lot 2-5, section 23, DP 758226 and Lot 2, DP 1132304; northwest Lot 2, DP 589937, Lot 15, section 14, DP 758226, Lot 1, DP 125385; intersection with Powers and Frame Street); Reservoir Street (road north and northeast Lots 20-21, DP 1009935); Back Street (road northwest Lot 21, DP 660243); Belmore Street (road separating Lot 44, DP 1126505 from Lot 2-3, section 10, DP 758226; intersection with Hamilton Street southeast Lot 44, DP 1126505).



SCHEDULE 2

Roads Authority: Cabonne Council.

LPMA File: 09/01001.

Council Reference: KH:bie 17.11.08 Cargo Roads Transfer.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The person for the time being holding the office of Councillor, Cowra Shire Council (ex-officio member) Leslie Norman COX (re-appointment) William Reuben Bruce WHITE (new member) Margaret Ann DUFF (new member) Allan John HARCOMBE (re-appointment) Joan HOUSDEN (re-appointment) Brian Thomas CRANNEY (re-appointment) Bryan James DAWES (re-appointment)	Wyangala Waters State Park Trust	Dedication No. 1001342 Public Purpose: Public Recreation Notified: 1 June 1997 File Reference: OE92R11

For a term commencing 12 February 2010 and expiring 11 February 2015.

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District – Forbes;
LGA – Forbes

Road Closed: Lots 1 and 2, DP 1144211 at Warroo, Parish Burrawong, Monwonga and Warroo, County Cunningham and Gipps.

File Reference: 08/0151.

Schedule

On closing, the land within Lots 1 and 2, DP 1144211 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Rylstone;
LGA – Mid Western Regional Council

Road Closed: Lot 202, DP 1064922 at Rylstone, Parish Rylstone, County Roxburgh.

File Reference: OE02H96.

Schedule

On closing, the land within Lot 202, DP 1064922 remains vested in the State of New South Wales as Crown Land.

APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST

PURSUANT to section 117, Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder, is appointed as administrator for the term also specified hereunder, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.P.,

Minister for Lands

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Terance Bradley CHILDS	Central Tablelands Heritage Lands Trust	Reserve No. 190112 Public Purpose: Environmental Protection, Heritage purposes, and Public Recreation Notified: 27 February 1998 Reserve No. 81412 Public Purpose: Public Recreation Notified: 20 February 1959 Reserve No. 97960 Public Purpose: Public Recreation Notified: 25 October 1985 File No: OE99R1

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Terance Bradley CHILDS	Six Foot Track Heritage Trust	Reserve No. 1001056 Public Purpose: Environmental Protection, Heritage Purposes, and Public Recreation Notified: 27 February 1998 File No: OE99R1

For a 2 year term commencing 5 February 2010.

Note: The positions of Administrator of the Reserves specified in column 2 of Schedules 1 and 2 above are vacant in accordance with Section 119 (2) (b) of the Crown Lands Act 1989.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

TONY KELLY, M.L.C.,
 Minister for Lands

 DESCRIPTION

*Land District – Metropolitan;
 L.G.A. – Fairfield*

Lots 1-3, DP 1144394 at Cabramatta West; Parish St Luke;
 County Cumberland.

File No.: MN07H1.

Notes:(1) On closing, titles for the land in lots 1-3 remains vested in Fairfield City Council as operational land.

(2) The road is closed subject to the easements to drain water 1m wide and 1.5m wide as shown in DP 1144394.

AUTHORISATION OF ADDITIONAL PURPOSE

IT is hereby notified pursuant to Section 121A of the Crown Lands Act 1989, that the purpose specified in Column 1 of the Schedule hereunder is applied to the whole of the reserve specified opposite thereto in Column 2.

TONY KELLY, M.L.C.,
 Minister for Lands.

 SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Community Purposes	Reserve No. 79926 Public Purpose: Public Recreation Notified: 20 September 1957 File Reference: MN97R45

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
 Minister for Lands

 Description

*Parish – Jamison;
 County – Cook;*

Land District – Penrith;

Local Government Area – Blue Mountains

Road Closed: Lot 10, DP 1109322 at Leura subject to an easement to drain water 3 wide created by DP 1109322.

File No.: MN05H1.

Schedule

On closing, title for the land in Lot 10, DP 1109322 remains vested in the State of New South Wales as Crown Land.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****REVOCATION OF RESERVATION OF CROWN
LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Tamworth.	The whole being Lot C,
Local Government Area: Tamworth Regional Council.	DP 328858, Parish Manillam, County Darling, of an area of 240.2 square metres.
Locality: Manilla.	
Reserve No.: 97314.	
Public Purpose: Future public requirements.	
Notified: 15 June 1984.	
File No.: 08/4779.	

Note: Sale of land by private treaty.

ROADS ACT 1993**ORDER****Transfer of Crown Road to Council**

IN pursuance of provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

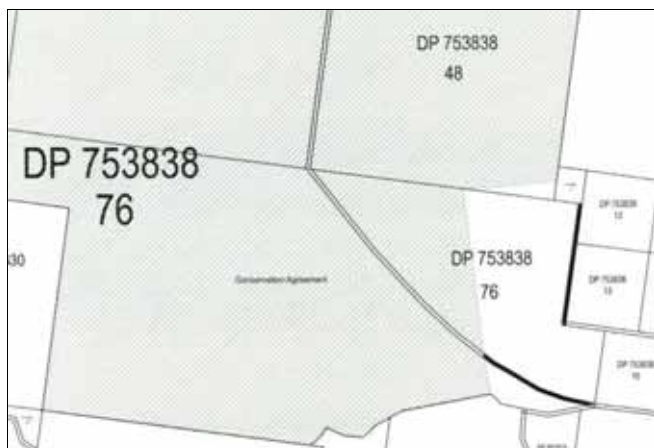
TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Parish – Gill; County – Inglis;

Land District – Tamworth; L.G.A. – Tamworth Regional

Crown public road shown hatched in black in the below diagram.



TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District – Gloucester;
LGA – Gloucester

Road Closed: Lot 2, DP 1144492 at Bindera and Barrington, Parish Fitzroy, County Gloucester.

File Reference: TE05H189.

Schedule

On closing, the land within Lot 2, DP 1144492 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Gloucester;
LGA – Gloucester

Road Closed: Lot 1, DP 1145938 at Berrico, Parish Berrico, County Gloucester.

File Reference: TE05H192.

Schedule

On closing, the land within Lot 1, DP 1145938 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Port Macquarie;
LGA – Port Macquarie-Hastings

Road Closed: Lot 2, DP 1141670 at Upper Pappinbarra and Pappinbarra, Parish Bellangry, County Macquarie.

File Reference: TE05H119.

Schedule

On closing, the land within Lot 2, DP 1141670 remains vested in the State of New South Wales as Crown Land.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****PLAN OF MANAGEMENT FOR CROWN RESERVES UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 2006**

Draft Plan of Management for Riverside Wagga Wagga

A draft plan of management has been prepared for the Crown reserves described hereunder, which are predominantly under the trust management of Wagga Wagga City Council.

Inspection of the draft plan can be made during normal office hours at Wagga Wagga City Council's Customer Service Centre at the Civic Centre on the corner of Baylis and Morrow Streets Wagga Wagga and the project web site www.riversidewaggawagga.com.au.

Representations are invited from the public in regard to the draft plan. These may be made in writing for a period of 42 days commencing from 1 February 2010 and should be sent to Wagga Wagga City Council at the address below. Submissions also will be received via e-mail.

All enquires should be directed to either:

Richard Ahearn,
Riverside Project Manager,
Land and Property Management Authority,
at the above address
or on telephone (02) 6937 2711,
e-mail: richard.ahearn@lpma.nsw.gov.au.

Andrew Crakanthorp,
Wagga Wagga City Council,
at the above address
or on telephone (02) 6926 9121,
e-mail: riverside@wagga.nsw.gov.au.

This notice is a requirement of the Crown Lands Act 1989.

ANTHONY BERNARD KELLY, M.L.C.,
Minister for Lands

Description of Reserves

*Land District – Wagga Wagga; City – Wagga Wagga;
Parish – South Wagga Wagga; County – Wynyard*

Riverside Wagga Wagga comprises:

Reserve 5660 for travelling stock and camping, notified 3 March 1888, under the control of Hume Livestock Health and Pest Control Authority.

Reserve 13487 for site for gasworks, notified 7 March 1891, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 43514 for access to water, camping and public recreation, notified 20 October 1908, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 50638 for public recreation, notified 20 April 1915, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 57860 for public recreation, notified 20 March 1925, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 57863 for travelling stock and camping, notified 20 March 1925, under the control of Hume Livestock Health and Pest Control Authority.

Reserve 58656 for camping and public recreation, notified 19 March 1926, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 64975 for public recreation, notified 19 March 1926, control of which devolves on Wagga Wagga City Council Crown in terms of section 48 of the Local Government Act.

Reserve 76984 for protection of approach to bridge and public recreation, notified 20 August 1954, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 83074 for public recreation and parking, notified 10 March 1961, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 87043 for drainage and parking, notified 17 January 1969.

Reserve 87557 for public hall, notified 12 December 1969, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Reserve 91500 for public recreation, notified 20 July 1979, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

The area at Wagga Wagga dedicated (D620057) for public recreation, 8 December 1894, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

The area at Wagga Wagga dedicated (D620077) for public recreation, 3 August 1888, under trusteeship of Wagga Wagga City Council Crown Reserves Reserve Trust.

Crown Road: part Hopkirk Street west of Gardiner Street.

Crown Road: Cadell Place.

Crown Land: Lot 13, section 42, DP 759031.

Crown Land: Lot 2, DP 1009934.

Crown Land: Lot 7011, DP 1116224.

File No.: 09/03616.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

**ALTERATION OF PURPOSE/CONDITIONS OF A
WESTERN LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of Section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

TONY KELLY MLC,
Minister for Lands

—————
Administrative District – Bourke;
Shire – Bourke;
Parish – Pera;
County – Gunderbooka

The purpose/conditions of Western Lands Lease 10420, being the land contained within Folio Identifier 35/753574 has been altered from "Grazing" to "Grazing & Cultivation (Irrigated)" effective from 2 February, 2010.

As a consequence of the alteration of purpose and conditions rent will be assessed annually in line with the Western Lands Act 1901 and Regulations.

The conditions previously annexed to Western Lands Lease 10420 have been revoked and the following conditions have been annexed thereto.

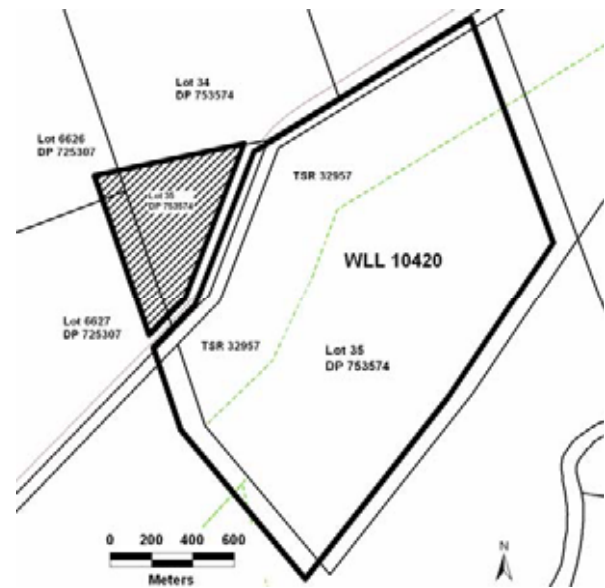
**CONDITIONS ATTACHED TO WESTERN LANDS
LEASE 10420.**

- (1) In the conditions annexed to the lease, the expression "the Minister" means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Land and Property Management Authority as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression "the Commissioner" means the Commissioner charged with the administration of the Western Lands Act 1901 ("the Act") in accordance with section 4(2) of the Act.
- (3) (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty's Heirs and Successors and the Minister.
 (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder's use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
- (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
- (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.
- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
 "GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
 (b) Notwithstanding any other provision of this Agreement:
 - (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
 - (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee must pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee must hold and use the land leased bona fide for the lessee's own exclusive benefit and shall not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee must not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.

- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased must be used only for the purpose of Grazing and Cultivation (Irrigated).
- (12) The lessee must maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and must permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee must permit any person duly authorised in that behalf to enter upon the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
- (15) The lessee must comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
- (16) The lessee must comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
- (17) The lessee must not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
- (18) The lessee must ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (19) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee must leave the land in a clean and tidy condition free from rubbish and debris.
- (20) The lessee must, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (21) The lessee must not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
- (22) The lessee must erect gates on roads within the land leased when and where directed by the Commissioner for public use and must maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (23) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee must not obstruct access or passage by any member of the public to or along the bank.
- (24) Any part of a reserve for travelling stock, camping or water supply within the land leased must, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee must post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee must provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities must be erected and maintained to the satisfaction of the Commissioner. The lessee must not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (25) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (26) The lessee must comply with the provisions of the Native Vegetation Act 2003 and any regulations made in pursuance of that Act.
- (27) The lessee must comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Authority has first been obtained and any condition to which the consent is subject under sub section (6) is complied with.
- (28) Notwithstanding any other condition annexed to the lease, the lessee must, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.

- (29) The lessee must not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and must not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and must not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
- (30) The lessee must undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (31) The lessee must, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (32) Whenever so directed by the Commissioner, the lessee must, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (33) The lessee must not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee shall comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (34) The lessee must, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee must erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (35) The lessee must furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (36) The lessee must, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and must keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (37) The lessee must not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (38) Disposal of tail water into creeks and rivers is controlled by The Department of Environment, Climate Change and Water under the Protection of the Environment Act 2003. Before disposing of any tail water or water which may be contaminated with fertiliser, herbicide or pesticide, the lessee must contact the Department of Environment, Climate Change and Water.
- (39) The lessee must ensure that no tail water or drainage water run-off will escape or discharge into or onto adjoining lands by any means including surface or sub-surface drains or pipes.
- (40) The lessee must ensure that cultivation and associated activities do not interfere with any road formation within or adjacent to the allowable area.
- (41) The lessee must ensure incised drainage lines, other than mad-made structures, which carry water after storms are left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except where the Commissioner specifies otherwise.
- (42) The lessee must cease work immediately should any Aboriginal archaeological relics or sites be uncovered during the proposed works (Aboriginal Sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development).
- (43) The lessee must consider the requirements of the National Parks and Wildlife Act 1974 with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director-General of the Department of Environment, Climate Change and Water. If a site is discovered the lessees must contact the Manager, Cultural Heritage Unit, Department of Environment, Climate Change and Water on Phone (02) 6883 5324 or at 58-62 Wingewarra St, Dubbo.
- (44) The lessee must establish windbreaks at his/her own expense, as may be ordered by the Western Lands Commissioner to provide adequate protection of the soil.
- (45) The lessee must ensure that stubble and other crop residue is retained on the soil surface and must not be burnt, except with the written approval of the Western Lands Commissioner or his delegate. Where such approval is granted, stubble burning must be carried out with the approval as per requirements of the NSW Rural Fire Services.
- (46) The lessee must undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (47) The lessee must not permanently transfer Irrigation water from the lease without the prior written permission of the Western Lands Commissioner.

- (48) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the commissioner.
- (49) Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlaying a clay subsoil and are prone to scolding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area must not be cultivated except in accordance with a plan approved by the Commissioner.
- (50) The lessee must ensure areas with a slope greater than 2% remain uncultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee expense.
- (51) The lessee must ensure that cultivation and cropping do not to alter the natural flood regime or obstruct the reasonable passage of floodwaters. Crops are not to be protected by levees.
- (52) The lessee is authorised to cultivate an area of 34 hectares as indicated by the hatched area shown on the diagram below. Cultivation is only allowed within the area indicated. Cultivation outside this area will only be allowable with the written consent of the Commissioner or Minister.



Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

INSTRUMENT OF DELEGATION

I, Anthony (Tony) Kelly, M.L.C., Minister for Planning, under section 23 of the Environmental Planning and Assessment Act 1979 hereby:

1. revoke all previous delegations of my functions the subject of this Instrument of Delegation, other than the delegation dated 18 November 2008 of my functions under sections 75J and 75JA of the Environmental Planning and Assessment Act 1979 to the Planning Assessment Commission; and
2. delegate my functions referred to, and subject to the limitations set out, in this Instrument of Delegation to those people for the time being holding the positions referred to in the Instrument of Delegation (whether in an acting or permanent capacity).

Dated: 25th day of January 2010.

Hon. ANTHONY (TONY) KELLY, M.L.C.,
Minister for Planning

Part 1 – Functions under the Environmental Planning and Assessment Act 1979 (EPandA Act)

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
1	Certifying a person to be the proponent under s75A of the EPandA Act.	Department of Planning staff: Director-General
2	Approving or disapproving the carrying out of a project under s75J of EPandA Act. This delegation applies only to applications where there are fewer than 25 public submissions in the nature of objections in respect of the project application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal
3	Authorising or requiring a proponent to apply for approval of a concept plan under s75M of the EPandA Act. This delegation applies only where the project is consistent (in the opinion of the delegate) with the Sydney Metropolitan Strategy or the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites
4	Giving or refusing to give approval for a concept plan under s75O of the EPandA Act. This delegation applies only to applications (including single applications under s75M(3A)) where: (a) the development the subject of the application is consistent (in the opinion of the delegate) with the Sydney Metropolitan Strategy or the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning, and (b) there are fewer than 25 public submissions in the nature of objections in respect of the application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal
5	All of my functions under s75P of the EPandA Act. Note: These functions and powers are only exercisable if approval is given for a concept plan for a project under s75O.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
6	Modifying an approval or disapproving a modification request under s75W of the EPandA Act. This delegation applies only to modification requests where there are fewer than 25 public submissions in the nature of objections in respect of the modification request.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites
7	Modifying an approval or disapproving a modification under s75W of the EPandA Act. This delegation applies only to modification requests where there are less than 10 public submissions in the nature of objections in respect of the modification request.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
8	Modifying an approval or disapproving a modification request under s75W of the EPandA Act. This delegation applies only to modification requests: (a) where the project is on land to which Sydney Regional Environmental Plan No 29 – Rhodes Peninsula applies, and (b) where the modification, if approved, does not increase: (i) the total gross floor area of all buildings within each Precinct as approved by the Minister; and (ii) the height of any building involving additional habitable level(s), unless the Director-General has approved that increase.	Canada Bay City Council
9	Determining development applications under s80 of the EPandA Act. This delegation applies only to applications where there are fewer than 25 public submissions in the nature of objections in respect of the development application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites
10	Determining development applications under s80 of the EPandA Act. This delegation applies only to applications where there are fewer than 10 public submissions in the nature of objections in respect of the development application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
		(e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
11	Determining development applications under s80 of the EPandA Act. This delegation applies only to applications: (a) where there are fewer than 10 public submissions in the nature of objections in respect of the development application; and (b) in relation to land to which State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 applies.	Department of Planning staff: (a) Team Leader, Alpine Resorts Team
12	Determining development applications under s80 and applications for the extension of the lapsing period under s95A of the EPandA Act. This delegation applies only to applications where: (a) the development is on land in the Sydney Olympic Park site referred to in Schedule 3 of State Environmental Planning Policy (Major Development) 2005; and (b) the Sydney Olympic Park Authority is not the applicant to the development application (unless the application only relates to temporary development for a period of up to 12 months); and (c) the Sydney Olympic Park Authority will not receive annual income or other commercial benefits (not being development contributions) as a result of the development greater than \$250,000.	Sydney Olympic Park Authority staff: (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design
13	Determining development applications under s80 and applications for the extension of the lapsing period under s95A of the EPandA Act. This delegation applies only to applications where: (a) the development is on land in the Redfern-Waterloo Authority Sites referred to in Schedule 3 of State Environmental Planning Policy (Major Development) 2005; and (b) the Redfern-Waterloo Authority is not the applicant to the development application; and (c) the Redfern-Waterloo Authority will not receive annual income or other commercial benefits (not being development contributions) as a result of the development greater than \$250,000.	Redfern-Waterloo Authority staff: (a) Chief Executive Officer (b) Planning Director
14	Determining applications to extend the lapsing period of development consents under s95A of the EPandA Act.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment (d) Directors in the Major Projects Assessment Division

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
15	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only to applications where there are fewer than 25 public submissions in the nature of objections in respect of the modification application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment (d) Executive Director, Urban Renewals and Major Sites
16	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only to applications where there are fewer than 10 public submissions in the nature of objections in respect of the modification application.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
17	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only to applications: (a) where there are fewer than 10 public submissions in the nature of objections in respect of the development application; and (b) in relation to land to which State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 applies.	Department of Planning staff: (a) Team Leader, Alpine Resorts Team
18	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only where a member of staff of the Sydney Olympic Park Authority has exercised a delegation to grant a development consent.	Sydney Olympic Park Authority staff: (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design
19	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only where a member of staff of the Redfern-Waterloo Authority has exercised a delegation to grant a development consent.	Redfern-Waterloo Authority staff: (a) Chief Executive Officer (b) Planning Director
20	Determining modification applications under s96 and s96AA of the EPandA Act. This delegation applies only to modification applications: (a) where the project is on land to which Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula applies, and (b) where the modification, if approved, does not increase: (i) the total gross floor area of all buildings within each Precinct as approved by the Minister; and (ii) the height of any building involving additional habitable level(s), unless the Director-General has approved that increase.	Canada Bay City Council

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
21	All of my functions as a certifying authority under Part 4A of the EPandA Act.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
22	All of my functions as a certifying authority under Part 4A of the EPandA Act. This delegation applies only to applications in relation to land to which State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 applies.	Department of Planning staff: (a) Team Leader, Alpine Resorts Team
23	All of my functions as a certifying authority under Part 4A of the EPandA Act. This delegation applies only where a member of staff of the Sydney Olympic Park Authority is exercising or has exercised a delegation to grant a development consent.	Sydney Olympic Park Authority staff: (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design
24	All of my functions as a certifying authority under Part 4A of the EPandA Act. This delegation applies only where a member of staff of the Redfern-Waterloo Authority is exercising or has exercised a delegation to grant a development consent.	Redfern-Waterloo Authority staff: (a) Chief Executive Officer (b) Planning Director
25	All of my functions under Divisions 2A, 2B and 2C of Part 6 of the EPandA Act.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
26	All of my functions under: (a) s118L(2)(a); (b) Part 6 Division 2A; and (c) ss 149A to 149G, of the EPandA Act but only in relation to land to which State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 applies.	Department of Planning staff: (a) Team Leader, Alpine Resorts Team

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
27	All of my functions under Division 2A of Part 6 of the EPandA Act. This delegation applies only to development on land in the Sydney Olympic Park site referred to in Schedule 3 to State Environmental Planning Policy (Major Development) 2005	Sydney Olympic Park Authority staff: (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design
28	All of my functions under Division 2A of Part 6 of the EPandA Act. This delegation applies only to development on land in the Redfern-Waterloo Authority Sites referred to in Schedule 3 to State Environmental Planning Policy (Major Development) 2005	Redfern-Waterloo Authority staff: (a) Chief Executive Officer (b) Planning Director

Note:

- (a) This Instrument of Delegation does not authorise the delegation under Part 3A of the EPandA Act to determine whether to approve under section 75J the carrying out of a critical infrastructure project or under section 75O the concept plan for a critical infrastructure project.
- (b) The term “public submissions” refers to submissions received from the general public and are not submissions received from public authorities.
- (c) For the purpose of this Instrument, a petition or a single submission that is signed by multiple parties is taken to be one submission.

Part 2 – Functions under the Environmental Planning and Assessment Regulation 2000 (Regulation)

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
1	Determining whether to reject applications under cl 8D of the Regulation.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
2	Determining whether to direct that an application be determined as if the amendments made by Schedule 1 to the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 had not been made under cl 8J(4A) or cl 8J(5) of the Regulation.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment
3	Forming an opinion that development was State significant development under cl 8J(7) of the Regulation.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment
4	Determining whether to approve a development consent being treated as a Part 3A approval for the purposes of s75W of the EPandA Act under cl 8J(8) of the Regulation.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment (d) Directors in the Major Projects Assessment Division

<i>Item</i>	Function	<i>Delegate</i>
5	<p>My functions under cl 8M(2) of the Regulation.</p> <p>This delegation only extends to matters where the delegate exercising these functions has (as delegate) revoked the declaration of a project under Part 3A.</p>	<p>Department of Planning staff:</p> <ul style="list-style-type: none"> (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Directors in the Major Projects Assessment Division (e) Directors in the Urban Renewal and Major Sites Division
6	<p>My functions as either a planning authority, consent authority or certifying authority under:</p> <ul style="list-style-type: none"> (a) Part 4; (b) Part 6; (c) Part 8; (d) Part 9; and (e) Part 15 <p>of the Regulation.</p> <p>Note:</p> <ul style="list-style-type: none"> (a) This delegation relates to development contributions including giving public notice of planning agreements, procedures for development applications, certification of development, fire safety matters and fees. (b) Some of the functions relate to Part 3A of the EPandA Act – see s75R(4) for example. 	<p>Department of Planning staff:</p> <ul style="list-style-type: none"> (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division
7	<p>My functions under cl 55 and Divisions 1 and 2 of Part 15 but only in relation to land to which State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007 applies.</p>	<p>Department of Planning staff:</p> <ul style="list-style-type: none"> (a) Team Leader, Alpine Resorts Team
8	<p>My functions as a consent authority under Division 12 of Part 6 and cl 256 of the Regulation.</p> <p>Note: These powers relate to modification applications and fees for those applications.</p>	<p>Canada Bay City Council</p>
9	<p>My functions as a planning authority, consent authority or certifying authority under:</p> <ul style="list-style-type: none"> (a) Part 4; (b) Part 6; (c) Part 8; (d) Part 9; and (e) Part 15 <p>of the Regulation.</p> <p>This delegation applies only where a member of staff of the Sydney Olympic Park Authority is exercising or has exercised a delegation to determine a development application.</p> <p>Note: This delegation relates to development contributions including giving public notice of planning agreements, procedures for development applications, certification of development, fire safety matters and fees.</p>	<p>Sydney Olympic Park Authority staff:</p> <ul style="list-style-type: none"> (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
10	<p>My functions as either a planning authority, consent authority or certifying authority under:</p> <p>(a) Part 4; (b) Part 6; (c) Part 8; (d) Part 9; and (e) Part 15 of the Regulation.</p> <p>This delegation applies only where a member of staff of the Redfern-Waterloo Authority is exercising or has exercised a delegation to determine a development application.</p> <p>Note: This delegation relates to development contributions including giving public notice of planning agreements, procedures for development applications, certification of development, fire safety matters and fees.</p>	<p>Redfern-Waterloo Authority staff:</p> <p>(a) Chief Executive Officer (b) Planning Director</p>

Part 3 – Functions under State Environmental Planning Policy (Major Development) 2005 (MD SEPP)

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
1	<p>Forming an opinion under cl 6(1) and cl 6A of the MD SEPP.</p>	<p>Department of Planning staff:</p> <p>(a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites (f) Directors in the Major Projects Assessment Division (g) Directors in the Urban Renewal and Major Sites Division</p>
2	<p>Determining whether to direct that a class of development or activity is a project under Part 3A of the EPandA Act under cl 6(3) of the MD SEPP.</p>	<p>Department of Planning staff:</p> <p>(a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites</p>
3	<p>Determining whether to initiate an investigation into a proposal to amend Schedule 3 to the MD SEPP under cl 8(1) MD SEPP.</p> <p>This delegation applies only where the development is consistent (in the opinion of the delegate) with a relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning and endorsed by the Minister for Planning.</p>	<p>Department of Planning staff:</p> <p>(a) Director-General (b) Deputy Director-General, Plan Making and Urban Renewal</p>

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
4	Forming an opinion under cl 9A of the MD SEPP.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment (d) Directors in the Major Projects Assessment Division
5	Forming an opinion under cl 9A of the MD SEPP. This delegation applies only to applications where the development is on land within the Sydney Olympic Park site referred to in Schedule 3 to the MD SEPP.	Sydney Olympic Park Authority staff: (a) Chief Executive Officer (b) Executive Manager, Urban Planning and Design
6	Forming an opinion under cl 9A of the MD SEPP. This delegation applies only to applications where the development is on land within the Redfern-Waterloo Authority Sites referred to in Schedule 3 to the MD SEPP.	Redfern-Waterloo Authority staff: (a) Chief Executive Officer (b) Planning Director
7	Determining whether a purpose constitutes an agricultural produce industry or food and beverage processing under cl 3(d) of Schedule 1 to the MD SEPP.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Executive Director, Major Projects Assessment (d) Directors in the Major Projects Assessment Division
8	Forming an opinion that development is only of local environmental planning significance under cl 14 to Schedule 1 to the MD SEPP and determining that development is only of local environmental planning significance under cl 16 to Schedule 1 to the MD SEPP.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites
9	Determining whether development is of strategic State or regional planning significance under cl 23 to Schedule 1 to the MS SEPP.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites
10	The following functions under Part 5 of Schedule 3 of the MD SEPP in relation to the Redfern-Waterloo Authority Sites: (a) whether to approve exempt development guidelines under cl 17; (b) whether to approve design competition guidelines under cl 22.	Department of Planning staff: (a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal (d) Executive Director, Major Projects Assessment (e) Executive Director, Urban Renewals and Major Sites

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
11	<p>All of my following functions as consent authority under the following clauses in Part 5 of Schedule 3 of the MD SEPP in relation to the Redfern-Waterloo Authority Sites:</p> <p>(a) cl 27(2); (b) cl 28(3), cl 28(5) and cl 28(6).</p> <p>Note: These matters relate to heritage conservation and the preservation of trees and vegetation.</p>	<p>Redfern-Waterloo Authority staff:</p> <p>(a) Chief Executive Officer (b) Planning Director</p>

Part 4 – Functions under Sydney Regional Environmental Plan No. 26 – City West (SREP 26)

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
1	<p>My functions as consent authority in relation to urban development plans and master plans under the following clauses in SREP 26:</p> <p>(a) cl 38; (b) cl 40; (c) cl 44.</p>	<p>Department of Planning staff:</p> <p>(a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal</p>

Part 5 – Functions under Sydney Local Environmental Plan No. 2005 (SLEP)

<i>Item</i>	<i>Function</i>	<i>Delegate</i>
1	<p>My functions as consent authority in relation to master plans under the following clauses in the SLEP:</p> <p>(a) cl 106; (b) cl 110.</p>	<p>Department of Planning staff:</p> <p>(a) Director-General (b) Deputy Director-General, Development Assessment and Systems Performance (c) Deputy Director-General, Plan Making and Urban Renewal</p>

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

COOMA MONARO COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

General Manager,
Cooma Monaro Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Cooma Monaro Council 4.6 Metre High Vehicle Route Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2012 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
4.6m		Clarke Street, Nimmitabel	HW19 Monaro Highway	Old Bega Road	
4.6m		Old Bega Road, Nimmitabel	Clarke Street	Kybean Road	
4.6m		Kybean Road, Nimmitabel	Old Bega Road	Tuross Road	
4.6m		Old Dangelong Road, Cooma	HW19 Monaro Highway	Shannon Road	
4.6m		Tom Groggin Road, Cooma	HW19 Monaro Highway	Dangelong Road	
4.6m		Dangelong Road, Cooma	Tom Groggin Road	Property 'Dangelong' approx 7.5kms	
4.6m		Springs Road, Cooma	HW19 Monaro Highway,	Entire Road	
4.6m	7625	Numeralla Road, Cooma	HW19 Monaro Highway	Countegany Road, Numeralla	
4.6m		Jerangle Road, Bredbo	HW19 Monaro Highway	Entire length to Palerang Shire Boundary	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

COOMA MONARO COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

General Manager,
Cooma Monaro Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Cooma Monaro Council 25 Metre B-Double route Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m		Old Dangelong Road, Cooma	HW19 Monaro Highway	Shannon Road	
25m		Springs Road, Cooma	HW19 Monaro Highway	Entire length	
25m		Tom Groggin Road, Cooma	HW19 Monaro Highway	Dangelong Road	
25m		Dangelong Road, Cooma	Tom Groggin Road	Property 'Dangelong'	approx 7.5kms
25m		Jerangle Road, Bredbo	HW19 Monaro Highway	Cappawidgee Road, Bredbo	
25m		Ryrie Road, Michelago	HW19 Monaro Highway	Driveway on eastern side of service station, approx 100m from Monaro Highway	

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

COOMA MONARO SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 19 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

General Manager,
Cooma Monaro Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as (insert Council name) 19 Metre B-Double route Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 19 metre B-Double vehicles where gross weight exceeds 50 tonnes which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
19m	7625	Numeralla Road, Cooma Monaro Shire	HW19 Monaro Highway	Stockpile site 0.6km east of Numeralla	1. Travel not permitted during the following hours on school days: 7am to 9am and 3pm to 5pm.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation 2005

COOMA MONARO SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 25m B-Doubles may be used.

General Manager,
Cooma Monaro Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Cooma Monaro Shire Council 25m B-Doubles Repeal Notice No. 1/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General B Double Permit Notice 2005 is amended by omitting the following from that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting point</i>	<i>Finishing point</i>
25m	Numeralla Road, Cooma_Monaro Shire	Monaro Highway (SH19)	Stockpile site 0.6km east of Numeralla

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

PORT MACQUARIE HASTINGS COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

ANDREW ROACH,
General Manager,
Port Macquarie Hastings Council
(by delegation from the Minister for Roads)
Date: 28 January 2010.

SCHEDULE
1. Citation

This Notice may be cited as Port Macquarie Hastings Council 25m B-Double route Notice No. 1/2010.

2. Commencement

This Notice takes effect on the date of the gazettal.

3. Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25		Hastings River Drive, Port Macquarie	Pacific Highway	Ocean Drive	For use in emergency situations only when directed by the RTA, Police or Port Macquarie Hastings Council. Left turn into Blackbutt Road not permitted. Travel not permitted 7:00-9:00am and 4:00-6:00pm
		Ocean Drive, Port Macquarie	Hastings River Drive	Lake Road	
		Lake Road, Port Macquarie	Ocean Drive	Central Road	

ROAD RULES 2008**Approved bicycle helmet**

For the purposes of the definition of an approved bicycle helmet in the Dictionary to the Road Rules 2008, an approved bicycle helmet is a protective helmet for bicycle riders of a type that:

- (a) (i) complies with Australian/New Zealand Standard AS/NZS 2063:2008 Bicycle helmets; or
- (ii) in the case of helmets manufactured in Australia, complies with the version of AS/NZS 2063 that was in force at the time of manufacture or any later version; or
- (iii) in the case of helmets imported into Australia, complies with the version of AS/NZS 2063 that was in force at the time of importation or any later version; and
- (b) has an identifying mark from a body accredited or approved by the Joint Accreditation System of Australia and New Zealand certifying compliance with an above standard.

Approved motor bike helmet

For the purposes of the definition of an approved motor bike helmet in the Dictionary to the Road Rules 2008, an approved motor bike helmet is a protective helmet for motor bike riders of a type that:

- (a) (i) complies with Australian/New Zealand Standard AS/NZS 1698:2006 Protective helmets for vehicle users, as amended by Amendment No. 1 of 28 September 2007 and Amendment No. 2 of 27 May 2009; or
- (ii) in the case of helmets manufactured in Australia, complies with the version of AS/NZS 1698 or Australian Standard AS 1698-1988 Protective helmets for vehicle users that was in force at the time of manufacture or any later version; or
- (iii) in the case of helmets imported into Australia, complies with the version of AS/NZS 1698 or Australian Standard AS 1698-1988 Protective helmets for vehicle users that was in force at the time of importation or any later version; and
- (b) has an identifying mark from a body accredited or approved by the Joint Accreditation System of Australia and New Zealand certifying compliance with an above standard.

Approved child restraint

For the purposes of the definition of an approved child restraint in the Dictionary to the Road Rules 2008, an approved child restraint is a restraint for children of a type that:

- (a) (i) complies with Australian/New Zealand Standard AS/NZS 1754:2004 Child Restraint Systems for Use in Motor Vehicles, as amended by Amendment No. 1 of 29 December 2004; or
- (ii) in the case of child restraints manufactured in Australia, complies with the version of AS/NZS 1754 that was in force at the time of manufacture or any later version; or
- (iii) in the case of child restraints imported into Australia, complies with the version of AS/NZS 1754 that was in force at the time of importation or any later version; and
- (b) has an identifying mark from a body accredited or approved by the Joint Accreditation System of Australia and New Zealand certifying compliance with an above standard.

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Kogarah Bay, Blakehurst and Carrs Park
in the Kogarah City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Kogarah City Council area, Parish of St George, County of Cumberland, shown as:

<u>Description of Land</u>	<u>Title Particulars</u>
Lot A Deposited Plan 356884	Certificate of Title Volume 4275 Folio 176
Lot 1 Deposited Plan 350507	Certificate of Title Volume 5497 Folio 61
The area of 2 ³ / ₄ perches shown on RTA Plan 0001.237.SS.0612 being the whole of the land in Memorandum of Transfer dealing F279272, registered at Land and Property Management Authority and being also part of Lot 43 in Deposited Plan 12529	Certificate of Title Volume 5798 Folio 87
The area of 2 ³ / ₄ perches shown on RTA Plan 0001.237.SS.0610 being the whole of the land in Memorandum of Transfer dealing F297695, registered at Land and Property Management Authority and being also part of Lot 45 in Deposited Plan 12529	Certificate of Title Volume 3659 Folio 44
Lot 1 Deposited Plan 344199	Certificate of Title Volume 4269 Folio 115
Lot 1 Deposited Plan 368851	Certificate of Title Volume 5049 Folio 102
Lot B Deposited Plan 346118	Certificate of Title Volume 4753 Folio 150
Lot 1 Deposited Plan 361569	Certificate of Title Volume 3639 Folio 222
Lot 1 Deposited Plan 335284	Folio Identifier 1 / 335284
Lot 1 Deposited Plan 345384	Certificate of Title Volume 4974 Folio 152
Lot 1 Deposited Plan 359062	Certificate of Title Volume 5140 Folio 154

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SCHEDULE

ALL those pieces or parcels of land situated in the Kogarah City Council area, Parish of St George, County of Cumberland, shown as:

<u>Description of Land</u>	<u>Title Particulars</u>
The area of 4 ¼ perches shown on Deposited Plan 346038 and being part of Lot 61 in Deposited Plan 6905	Certificate of Title Volume 4808 Folio 9
Lot 1 Deposited Plan 347109	Certificate of Title Volume 2587 Folio 206
Lot 1 Deposited Plan 347766	Certificate of Title Volume 5234 Folio 82
The area of 2 ¾ perches shown on Deposited Plan 346258 being part of Lot 58A in Deposited Plan 344433	Certificate of Title Volume 5234 Folio 81
The area of 2 ¾ perches shown on Deposited Plan 346393 being part of Lot 58 in Deposited Plan 344433	Certificate of Title Volume 5270 Folio 9
Lot 1 Deposited Plan 347108	Certificate of Title Volume 3588 Folio 185
Lot 1 Deposited Plan 357213	Folio Identifier 1 / 357213
The area of 4 perches shown on RTA Plan 0001.237.SS.0730 being the land in Memorandum of Transfer dealing F993189, registered at Land and Property Management Authority, being also part Lot A2 in Deposited Plan 4078	Certificate of Title Volume 6327 Folio 80
Lot 1 Deposited Plan 385138	Certificate of Title Volume 2299 Folio 217
Lot 3 Deposited Plan 238843	Certificate of Title Volume 4214 Folio 45
Lot 1 Deposited Plan 335289	Folio Identifier 1 / 335289

(RTA Papers: FPP 9M3346; RO 237.12054)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Beverley Park, Carlton and Kogarah Bay
in the Kogarah City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Kogarah City Council area, Parish of St George, County of Cumberland, shown as:

<u>Description of Land</u>	<u>Title Particulars</u>
Lots 1 and 2 Deposited Plan 326712	Auto Consol 4453 - 130
Lot 1 Deposited Plan 327420	Folio Identifier 1 / 327420
Lots 1 and 2 Deposited Plan 182539	Auto Consol 4317 - 202
Lot 11 Deposited Plan 706821	Folio Identifier 11 / 706821
Lot 4 Deposited Plan 706820	Folio Identifier 4 / 706820
Lot 13 Deposited Plan 625850	Folio Identifier 13 / 625850
Lot 12 Deposited Plan 625850	Certificate of Title Volume 10848 folio 58
Lot A Deposited Plan 374561	Certificate of Title Volume 6105 folio 208
Lot 1 Deposited Plan 373959	Certificate of Title Volume 6105 folio 207
The area of 6½ perches shown on RTA Plan 0001.237.SS.0828 and being land in dealing G460787 registered at the Land and Property Management Authority being also part of Lots 3 and 4 Deposited Plan 7056.	Certificates of Title: Volume 2883 folio 213; and Volume 7202 folio 223
Lot 1 Deposited Plan 362364	Certificate of Title Volume 2657 folio 80
The area of 11 perches shown on Deposited Plan 435231 being part of Lots 1 to 5 Deposited Plan 21668.	Certificate of Title Volume 6149 folio 140
Lot 41 in Deposited Plan 730315	Folio Identifier 41 / 730315

(RTA Papers: FPP 9M3346; RO 205.11119)

ROADS ACT 1993

Notice of Dedication of Land as Public Road
at Riverstone in the Blacktown City Council area

THE Roads and Traffic Authority of New South Wales, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Blacktown City Council area, Parishes of Gidley and St Matthew, County of Cumberland, shown as:

Lots 92 and 93 Deposited Plan 1097608;

Lot 12 Deposited Plan 1035500;

Lot 22 Deposited Plan 1035498; and

Lots 16 to 19 inclusive Deposited Plan 1076228.

(RTA Papers: FPP 9M4049; RO 40.12636)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition and Dedication as
Public Road of Land at Queanbeyan in the
Queanbeyan City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as public road under Section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of land situated in the Queanbeyan City Council area, Parish of Queanbeyan and County of Murray, shown as Lot 1 Deposited Plan 805912, being the whole of the land in Certificate of Title 1/805912.

The land is said to be in the possession of Queanbeyan City Council.

(RTA Papers: 9M3763; RO 374.1503)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Artarmon
in the Willoughby City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL that piece or parcel of land situated in the Willoughby City Council area, Parish of Willoughby and County of Cumberland, shown as Lot 2 Deposited Plan 1126478 being part of the land in Certificate of Title 566/785466.

The land is said to be in the possession of Weir Minerals Australia Ltd (formerly Weir Warman Ltd).

(RTA Papers: 9M4018; RO 490.11061)

Department of Water and Energy

WATER MANAGEMENT ACT 2000

Order under Section 51

I, DAVID HARRISS, having delegated authority from the Minister for Water, do, by this order, made under section 51 of the Water Management Act 2000:

1. repeal the programs for implementing the water sharing plans specified in column 1 of Schedule 1; and
2. establish the programs for implementing the water sharing plans specified in column 2 of Schedule 1 and attached at Schedule 2.

Dated this 11th day of December 2009.

DAVID HARRISS,
NSW Commissioner for Water,
Signed for the Minister for Water
(by delegation)

SCHEDULE 1

<i>Column 1 Water Sharing Plans</i>	<i>Column 2 Water Sharing Plans</i>
Adelong Creek Water Source 2003	Adelong Creek Water Source 2003
Alstonville Plateau Groundwater Sources 2003	Alstonville Plateau Groundwater Sources 2003
Apsley River Water Source 2003	Apsley River Water Source 2003
Castlereagh River above Binnaway Water Source 2003	Castlereagh River above Binnaway Water Source 2003
Commissioners Waters Water Source 2003	Commissioners Waters Water Source 2003
Coopers Creek Water Source 2003	Coopers Creek Water Source 2003
Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003	Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003
Gwydir Regulated River Water Source 2002	Gwydir Regulated River Water Source 2002
Hunter Regulated River Water Source 2003	Hunter Regulated River Water Source 2003
Jilliby Jilliby Creek Water Source 2003	Jilliby Jilliby Creek Water Source 2003
Kangaroo River Water Source 2003	Kangaroo River Water Source 2003
Karuah River Water Source 2003	Karuah River Water Source 2003
Kulnura Mangrove Mountain Groundwater Sources 2003	Kulnura Mangrove Mountain Groundwater Sources 2003
Lachlan Regulated River Water Source 2003	Lachlan Regulated River Water Source 2003
Macquarie and Cudgong Regulated Rivers Water Source 2003	Lower Gwydir Groundwater Source 2003
Mandagery Creek Water Source	Lower Lachlan Groundwater Source 2003
Murrumbidgee Regulated River Water Source 2003	Lower Macquarie Groundwater Sources 2003
New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003	Lower Murray Groundwater Source
Ourimbah Creek Water Source 2003	Lower Murrumbidgee Groundwater Sources 2003
Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003	Macquarie and Cudgong Regulated Rivers Water Source 2003
Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003	Mandagery Creek Water Source
Stuarts Point Groundwater Source 2003	Murrumbidgee Regulated River Water Source 2003
Tarcutta Creek Water Source 2003	New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003
Tenterfield Creek Water Source 2003	Ourimbah Creek Water Source 2003
Tomago Tomaree Stockton Groundwater Sources 2003	Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003
Toorumbie Creek Water Source 2003	Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003
Upper Billabong Water Source 2003	Stuarts Point Groundwater Source 2003
Upper Brunswick River Water Source 2003	Tarcutta Creek Water Source 2003
Upper Namoi and Lower Namoi Regulated River Water Sources 2003	Tenterfield Creek Water Source 2003
	Tomago Tomaree Stockton Groundwater Sources 2003

<i>Column 1</i> <i>Water Sharing Plans</i>	<i>Column 2</i> <i>Water Sharing Plans</i>
Wandella Creek Water Source 2003 Wybong Creek Water Source 2003	Toorumbee Creek Water Source 2003 Upper Billabong Water Source 2003 Upper Brunswick River Water Source 2003 Upper and Lower Namoi Groundwater Sources 2003 Upper Namoi and Lower Namoi Regulated River Water Sources 2003 Wandella Creek Water Source 2003 Wybong Creek Water Source 2003

SCHEDULE 2



Implementation Program for the major inland alluvial groundwater Water Sharing Plans

- Lower Gwydir
- Lower Macquarie
- Lower Murrumbidgee
- Lower Murray
- Lower Lachlan
- Upper and Lower Namoi

January 2009 – June 2018

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

Publication No. 09_255b

1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of a water sharing plan which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic and stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. Each Plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IPs for the inland groundwater sharing plans, namely the Lower Lachlan, Lower Gwydir, Lower Macquarie, Lower Murrumbidgee, Lower Murray and Upper and Lower Namoi are incorporated into a single IP. The IP allows the community to identify the strategies that the NSW Office of Water (**the Office**) will adopt to ensure the provisions of the Plan are being implemented and that the objectives of the Plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Department achieve its commitments.

This IP covers six individual IPs and was developed for the first time in January 2009 and outlines the activities required to give effect to the plans for the remainder of their term (ie. nine and a half years to June 2018.) Note that all plans cease on 30 June 2017 except for the Lower Lachlan which ceases on 30 June 2018. Some activities required at the commencement of the Plans have been completed and are not included in this IP.

1.1 Description of the water sources

This Implementation Program refers to the:

Lower Lachlan groundwater source

This is located westward from Lake Cargelligo for 220 kilometres (km), covering an area of 29,770 km². This groundwater source includes all water contained in the unconsolidated alluvial sediment aquifers. Conceptually this groundwater source is divided into three layers: an upper unconfined aquifer and two lower confined aquifers. Recharge to the aquifers comes from rainfall, leakage from the river and creeks, inundation from flooding and deep drainage from irrigation. Discharge occurs naturally and through groundwater pumping from all three layers.

Lower Gwydir groundwater source

This extends approximately 90 km westward from Gravesend and covers an area of about 190,000 hectares. The catchment of this groundwater source is dissected by the Gwydir River. The water in this groundwater source includes all water contained in the unconsolidated alluvial sediment aquifers associated with the Gwydir River, its tributaries and effluents downstream of Gravesend. It does not include water derived from the deeper underlying Great Artesian Basin.

Conceptually, this groundwater source is divided into two major regional aquifers: an upper, unconfined aquifer and a lower, confined one. Recharge to the aquifers comes from rivers, rainfall and irrigation. Discharge occurs naturally and through groundwater pumping from both aquifers. Regional

1 | NSW Government, 2009

flow from north to south is negligible. The aquifers receive groundwater inflow (recharge) from the east boundary, and outflow (discharge) is to the west.

Lower Macquarie groundwater sources

These six groundwater sources are located near Narromine, covering an area of 4,042 km². They are called:

- Lower Macquarie Zone 1 Groundwater Source (referred to as zone 1)
- Lower Macquarie Zone 2 Groundwater Source (referred to as zone 2)
- Lower Macquarie Zone 3 Groundwater Source (referred to as zone 3)
- Lower Macquarie Zone 4 Groundwater Source (referred to as zone 4)
- Lower Macquarie Zone 5 Groundwater Source (referred to as zone 5)
- Lower Macquarie Zone 6 Groundwater Source (referred to as zone 6).

In this area, Great Artesian Basin sandstone is overlain by alluvial material eroded by the Macquarie River and its predecessors. The water in these sources includes all the water in the unconsolidated alluvial aquifers and the sandstone aquifers of the Great Artesian Basin.

Recharge in these sources occurs through rainfall infiltration, leakage from the Macquarie and Bogan Rivers, and irrigation drainage. There is also through flow between sources. Discharge occurs naturally and through groundwater pumping from all three layers.

Lower Murrumbidgee groundwater sources

These are located between Narrandera to the east and Balranald to the west. They extend north to Griffith and Booligal, and follow the Lachlan River downstream to its junction with the Murrumbidgee River, then from the Murrumbidgee River to its junction with the Murray River. In the south they extend to Jerilderie, following Billabong Creek and the Edward River to its junction with the Murray River.

This plan covers two groundwater sources:

1. The Lower Murrumbidgee Shallow Groundwater Source consists of alluvial yellow and brown poorly sorted sand and clay sediments that extend to a depth of between 50 and 70 metres (m) below the ground surface and is largely the source for domestic and stock supply.
2. The Lower Murrumbidgee Deep Groundwater Source groundwater source consists of alluvial pale grey to white quartz sand layers, with lenses of grey to white clay extending from the bottom of the Shepparton source down to the bedrock, with a typical thickness of 100 to 300 m and is largely the source for irrigation water and town water supplies.

Lower Murray groundwater source

This refers to the groundwater contained in the unconsolidated alluvial sediments of the Calivil, Renmark, and the Lower Shepparton aquifers deeper than 12 metres below the ground surface, demarcated by the area bounded by Billabong Creek to the north, the Murray River to the south, and the Corowa-Urana Road to the east.

Upper and Lower Namoi groundwater sources

The Upper Namoi Groundwater Sources refers to groundwater contained within the alluvial sediments formed by the Mooki River, Cox's Creek and Namoi River up stream of Narrabri. They extend approximately 175 km south from Narrabri and cover an area of about 4,750 km². The Upper Namoi Groundwater Sources includes 12 water sources (zones) delineated on the basis of geology and hydrogeology.

The Lower Namoi Groundwater Source refers to the groundwater contained in the alluvial sediments associated with the Namoi River and its effluent's downstream of Narrabri. It extends from approximately 10 km north of Narrabri westward along the Narrabri River plain for approximately 160 km covering an area of about 5,100 km². Most of the aquifer lies below the Namoi water management area but a northern section, associated with an older channel of the Naomi River, lies within the Gwydir water management area.

More details of the groundwater sources covered by this Plan are given in Table 1 below:

Table 1: Management zones of the Upper and Lower Namoi groundwater source

Management Zone	Name of groundwater source
Upper Namoi Zone 1 (hereafter Zone 1)	Borambil Creek Groundwater Source,
Upper Namoi Zone 2 (hereafter Zone 2)	Cox's Creek (Mullaley to Boggabri) Groundwater Source
Upper Namoi Zone 3 (hereafter Zone 3)	Mooki Valley (Breeza to Gunnedah) Groundwater Source
Upper Namoi Zone 4 (hereafter Zone 4)	Namoi Valley (Keepit Dam to Gin's Leap) Groundwater Source
Upper Namoi Zone 5 (hereafter Zone 5)	Namoi Valley (Gin's Leap to Narrabri) Groundwater Source
Upper Namoi Zone 6 (hereafter Zone 6)	Tributaries of the Liverpool Range (South to Pine Ridge Road) Groundwater Source
Upper Namoi Zone 7 (hereafter Zone 7),	Yarraman Creek, (East of Lake Goran to Mooki River) Groundwater Source
Upper Namoi Zone 8 (hereafter Zone 8),	Mooki Valley (Quirindi - Pine Ridge Road to Breeza) Groundwater Source
Upper Namoi Zone 9 (hereafter Zone 9),	Cox's Creek (up-stream Mullaley) Groundwater Source
Upper Namoi Zone 10 (hereafter Zone 10),	Warrah Creek Groundwater Source
Upper Namoi Zone 11 (hereafter Zone 11),	Maules Creek Groundwater Source
Upper Namoi Zone 12 (hereafter Zone 12), and	Kelvin Valley Groundwater Source
Lower Namoi Groundwater Source (hereafter the Lower Namoi).	

1.2 Time-frames

Implementation of the provisions of the Plans will be undertaken based on the tasks and time frames over the life of the Plan. This IP details the milestones for the remaining nine (all plans excluding the Lower Lachlan) – 10 (Lower Lachlan) years of the Plans.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

3. Basis for Water Sharing

3.1 Recharge Estimate

Climate and the level of natural recharge to these groundwater sources vary from year to year. Therefore, the basis for water sharing in the Plan is the estimate of the average annual recharge to each of these groundwater sources.

At the start of the Plans, estimates for the average annual recharge to each groundwater source are detailed below. The requirements for basic landholder rights, as the commencement of the plan must be added to all the estimated figures, except for the Murrumbidgee to obtain the average annual recharge.

Lower Lachlan

- 108,000ML/yr
- Recharge to this groundwater source has been derived by estimating and combining contributions of recharge from rainfall, irrigation, river and flooding.

Lower Gwydir

- 38,000 ML/yr
- Recharge to this groundwater source has been estimated from modelling using data from bores covering an area of approximately 5,000 square kilometres over the period 1986 to 1998. The modelling tool used is known as MODFLOW.

Lower Macquarie

- 25,500 ML/yr in Zone 1
- 26,600 ML/yr in Zone 2
- 11,000 ML/yr in Zone 3
- 6,000 ML/yr in Zone 4
- undefined in Zone 5, and
- 9,600 ML/yr in Zone 6
- The Plan requires that an estimate of Zone 5 recharge be made by the end of year 2.
- Recharge for each water source (except Zone 5) has been derived by estimating and combining contributions from rainfall, irrigation, river leakage and through flow.

Lower Murrumbidgee

- 65,000 ML/yr for the Shallow; and
- 335,000 ML/yr for the Deep.
- Recharge to these groundwater sources has been estimated from modelling using data from bores within the groundwater management area using MODFLOW. It is a 3-dimensional model comprising three layers and calibrated using groundwater level data collected during the period 1975 -1990.

Lower Murray

- 83,700 ML/yr
- Recharge to this groundwater source has been estimated by a groundwater model using data from bores within the groundwater management area. The model used is MODFLOW, a three dimensional model comprising three layers and calibrated using groundwater level data collected during the period 1985-2000.
- This recharge estimate will remain for the life of the plan.

Upper and Lower Namoi

- 2,100 ML/yr in Zone 1
- 7,200 ML/yr in Zone 2
- 17,300 ML/yr in Zone 3
- 25,700 ML/yr in Zone 4
- 16,000 ML/yr in Zone 5
- 14,000 ML/yr in Zone 6
- 3,700 ML/yr in Zone 7
- 16,000 ML/yr in Zone 8
- 11,400 ML/yr in Zone 9
- 4,500 ML/yr in Zone 10
- 2,200 ML/yr in Zone 11
- 2,000 ML/yr in Zone 12 and
- 86,000 ML/yr in the Lower Namoi.
- The recharge to the Upper Namoi groundwater sources have been estimated using a number of methods. Recharge estimates for Zones 1, 2, 3, 4, 5, and 8 have been derived using the Hill (Plot) Method and data from the Department's groundwater monitoring network and licence database over the period 1985 to 1999. Groundwater modelling using the MODFLOW modelling tool was undertaken for zones 3 and 8 which verified the recharge estimates using the Hill Plot method (Bish and Ross, 2001). A numerical model developed in 1997 for Zone 1 was reviewed by Salient Solutions (2000). As a result a modified recharge estimate was adopted.
- For zones 6, 7, 9, 10, 11 and 12 the Upper Namoi recharge of 1-2% of rainfall infiltrating into the aquifer was adopted. Groundwater level response to rainfall infiltration was used to validate the results (e.g. Zone 7).
- The natural recharge to the Lower Namoi groundwater source has been estimated from modelling using data from 27 multi-level groundwater monitoring bores located across an area of 5,100 km². The modelling tool used is known as MODFLOW.

3.2 Revision of estimated average annual recharge

The Minister may vary the annual average recharge volume in the Lower Lachlan, Lower Gwydir, Lower Macquarie, Lower Murrumbidgee and Upper and Lower Namoi groundwater sources based on further review. This generally involves refined modelling of the average annual recharge value of the groundwater source will be undertaken to better predict aquifer response and yield.

During the first four years of the Plan the recharge volume in all zones, except Zone 1, will be reassessed and the Minister may vary the annual average extraction limit for these zones based on these studies.

During the first two years of the Plan the recharge volume in Zone 1 will be reassessed and the Minister may vary the annual average recharge volume based on these studies.

In the Upper and Lower Namoi groundwater source priority will be given to the water sources that do not currently have numerical model. These are Zones 1, 2, 4, 5, 11 and 12 in the Upper Namoi. If new information becomes available in zones that currently have a model, priority will be given to Zones 3 and 8 in the Upper Namoi.

The recharge estimate for the Lower Murray will not be varied during the life of the Plan.

The relevant clause in the Plans is clause 16.

Milestones for the term of the Plans

- If required by the Minister, the Office undertakes further studies of the natural recharge for Zone 1 and update groundwater model for the Upper and Lower Namoi
- After June 2008 (if required) – The Minister varies the recharge value in Zone 1 of the Upper Namoi
- June 2009 – The Office finalises initial study of groundwater recharge for the Lower Macquarie.
- June 2011 – The Office finalises results from updated groundwater model for the Lower Murrumbidgee and Lower Gwydir.
- June 2012, – The Office finalises 2nd study of groundwater recharge for the Lower Macquarie.
- If required by the Minister – The Office undertakes further studies to update groundwater model in Zones 2-12 of the Upper Namoi and the Lower Namoi.
- If changes in recharge likely to be recommended, and required by the Minister, the Office develops terms of reference and undertake selection of consultants for independent review of recharge for the Lower Lachlan.
- Within three months of appointment of consultants, the Office finalises independent technical review of recharge for the Lower Lachlan.
- If required – The Office provides recommendations to the Minister on proposed amendments to recharge for consideration (Lower Macquarie, Upper & Lower Namoi, Lower Murrumbidgee, Lower Gwydir)
- March 2011 – The Office provides recommendations to the Minister on whether amendments required to recharge provisions in the Lower Macquarie.
- March 2014 – The Office provides recommendations to the Minister on whether amendments required to recharge provisions in the Lower Macquarie.
- After June 2010 (if required) – The Minister varies the recharge estimate in the plan for the Lower Lachlan, Lower Macquarie, and/or Upper & Lower Naomi (Zones 2-12 only),
- After June 2011 (if required) – The Minister varies the recharge estimate in the plan for the Lower Murrumbidgee and/or Lower Gwydir,
- After June 2014 (if required) – The Minister varies the recharge estimate in the plan for the Lower Macquarie.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

4. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water.

4.1 Planned environmental water

The Act requires that water be allocated for the fundamental health of a water source and its dependent ecosystems as a first priority. The Plans therefore sets aside water for environmental health purposes as follows:

Lower Lachlan

- The long-term average storage component of the groundwater source, minus the requirements for supplementary water access.

Lower Gwydir

- The long-term average storage component of each groundwater source minus the requirements for supplementary access.
- Fifteen per cent of the recharge minus basic landholder rights requirements to this groundwater source, being 5,700 ML/yr.

Lower Macquarie

- The long-term average storage component of the groundwater source, minus the requirements for supplementary water access.
- Fifteen per cent of the recharge minus basic landholder rights requirements to each groundwater source, other than Zone 5.

Lower Murrumbidgee

- The long-term average storage component of each groundwater source minus the requirements for supplementary water access.
- 55,000 ML/ yr of the average annual recharge to the Shallow.
- 65,000 ML/ yr of the average annual recharge to the Deep.

Lower Murray

- The long-term average storage component of the groundwater source, minus the requirements for supplementary access.

Upper and Lower Namoi

- The long-term average storage component of Zones 1 to 12 of the Upper Namoi Groundwater Sources minus the requirements for supplementary water access.
- The long-term average storage component of the Lower Namoi Groundwater Source minus the requirements for supplementary water access.

It is recognised that the information on groundwater dependent ecosystems at the start of the Plans, except for the Lower Murray, is limited. In recognition of this in the Lower Lachlan, Lower Gwydir, Lower Macquarie, Lower Murrumbidgee and Upper and Lower Namoi, the Department will undertake studies to identify GDEs and designate them with a priority category based on environmental, cultural and heritage needs. The studies will aim to bridge any gaps in our existing knowledge on the location and needs of GDEs and Aboriginal cultural heritage within these groundwater sources. The studies will be independently reviewed. This work will provide information for the Minister to vary the environmental health water provision if required in these Plans.

The relevant clause in the Plans is clause 18.

Milestones for the term of the Plans

- If required by the Minister – The Office develops project brief(s) on review of GDEs and their associated Aboriginal cultural heritage values with priority for review being Warrah Creek, Maules Creek and Zone 5 areas of the Upper Namoi.
- If required by the Minister – The Office commences work to assess high priority GDEs and the Aboriginal cultural heritage values associated with these GDEs, including community consultation in the Upper and Lower Namoi.
- If required by the Minister – The Office establishes the methodology and process, including community consultation for the study on Groundwater Dependent Ecosystems and Aboriginal cultural heritage requirements.
- If study required – The Office finalises study of GDEs and Aboriginal cultural heritage requirements within twelve months.
- If study of GDEs and Aboriginal cultural heritage requirements undertaken – The Office establishes Advisory Committee as per plan provisions to (1) independently review the terms of reference and selection of consultation for the review of GDE/Aboriginal cultural heritage studies and (2) make recommendation to the Minister regarding any changes to planned environmental water in the Lower Macquarie and/or Lower Lachlan.
- If study of GDEs and Aboriginal cultural heritage requirements undertaken – The Office finalises brief for independent review of these studies within three months for the Lower Macquarie and Lower Lachlan.
- If required – The Office ensures independent review of GDE and Aboriginal cultural heritage requirements undertaken within six months of the studies being completed for the Lower Macquarie and Lower Lachlan.
- March 2010 and March 2015 (if required) – Advisory Committees (established for the review of environmental provisions) recommends any change to the Minister on the proportion of average annual recharge to be reserved for the environment and Aboriginal cultural heritage in each of zones 1,2,3,4,6 in the Lower Macquarie.
- March 2010 – Advisory Committee (established for the review of environmental provisions) recommends to the Minister, the proportion of the annual average recharge to be reserved for the environment and Aboriginal cultural heritage in Zone 5 in the Lower Macquarie and/or Lower Lachlan.

- March 2015 – Advisory Committee recommends to the Minister, any change to the annual average recharge to be reserved for the environment and Aboriginal cultural heritage in Zone 5 in the Lower Macquarie.
- If required, the Minister varies the proportion of recharge reserved as planned environmental water in these groundwater sources:
 - a. After June 2010 in the Lower Gwydir, Lower Lachlan, Lower Macquarie, and Upper and Lower Namoi.
 - b. After June 2011 in the Lower Murrumbidgee.
 - c. After June 2015 in the Lower Macquarie.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (d) & (h)
Lower Macquarie	11(a), (b), (d) & (e)
Lower Murrumbidgee	11(a), (d) to (f)
Lower Murray	11(a) & (f)
Lower Lachlan	11(a) & (d)
Upper and Lower Namoi	11(a), (b) & (g)

Adaptive Environmental Water (AEW)

Before an access licence is committed as Adaptive Environmental Water (AEW), the Minister is required to approve a plan for the implementation of the condition an appropriate water allocation account will be established. Such plans, known as an AEW Use Plans must further the objectives of the WSP. The terms of the commitment will be documented in an AEW Use Plan and appropriate conditions applied to the access licence. Licences committed as AEW will be managed by an Environmental Water Manager (in line with the Use Plan). This may be the individual licence holder, DECC, a CMA or other group.

As of January 2009 no adaptive environmental water conditions has been attached to a licence in these groundwater sources.

5. Basic Landholder Rights

Under the *Water Management Act*, landholders exercising basic landholder rights do not require an access licence but they do require a water supply works approval for the bore.

The Plan provides rules to minimise interference to basic landholder rights (ie. domestic, stock and native title rights) caused by licensed extractors. If a landholder's bore used to extract basic rights is affected by extraction from an access licence holder, then their bore may be deepened or replaced to ensure basic rights can continue to be provided. A state-wide policy will be developed by the Department to assist local communities in developing their specific arrangements. The Plan also allows basic rights water to be supplied by an alternative means during critical times.

The Minister can issue an Order under the Act to restrict the exercise of basic landholder rights so as to protect the environment, for reasons of public health, or to preserve existing basic landholder rights.

The relevant clause in the Plans is clause 21.

Milestones for the term of the Plans

- June 2010 – The Office develops a draft state-wide policy for cost sharing arrangements in relation to bore deepening to protect basic landholder rights in consultation with the community.
- On completion of draft statewide policy for bore deepening (if required) – The Office develops guidelines for the groundwater users.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(b), (c) & (f)
Lower Macquarie	11 (b)
Lower Murrumbidgee	11(b), (c), (d) & (f)
Lower Murray	11(c)
Lower Lachlan	11(b) & (c)
Upper and Lower Namoi	11(c) & (d)

6. Bulk Access Regime

The rules in the Plans for granting access licences and making water available to licence holders is known as the bulk access regime. Section 8 of this IP details milestones relating to the granting of access licences. Section 9 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 10 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clauses in the Plans is clause 24.

7. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW. Changes in access licences, including those arising from the granting of new access licences, are included in a Departmental register. Each year the Department will report on changes to the total of access licence share component volume and new access licences issued under the Plan's provisions.

The relevant clauses in the Plans is clause 25.

Milestones for the term of the Plans

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews cumulative entitlements against extraction limits and report on changes in cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

8. Rules for granting access licences

8.1 Aquifer access licence, local water utility access licence and domestic and stock access licences – share components

Upon transition to the Plan each access licence was given a licence entitling them to a share of the available resource. The share component of local water utility and domestic and stock access licences may be varied should the requirement for water for these purpose increase or decrease during the life of the Plan. Generally the share component of aquifer access licence can only be varied through a dealing permitted by the Plan. There are no milestones relating to these activities in this IP.

8.2 Supplementary water access licences – share component

In all these groundwater sources supplementary water access licence have been issued to assist licensees to adjust to reduced entitlements. In all water sources except the Lower Murray supplementary access were issued to aquifer access licence holders with a history of extraction greater than their aquifer access licence (AAL) share component. These licences have a share component equal to the history of extraction minus the aquifer access licence share component. In the Lower Murray the licensees were issued with a supplementary water access licence with a share component equal to their history of extraction minus the aquifer access licence share component or 31.25 per cent of their pre water sharing plan entitlement whichever was the greater. The share component for supplementary water access licences will be reduced to zero and the licence cancelled in the final year of the Plan. There are no milestones relating to these activities in this IP.

8.3 Local water utility access licences – share component

Local water utilities are required to hold an access licence for extraction of groundwater and will not be subject to any share component reductions during the term of the plan. The Act makes provision for water utility access licence share components to change during the term of their access licence (and the Plan) to accommodate rapid population growth. Local water utility share components' will be reviewed at the end of each five year period of their access licence (which typically have effect for 20 years). Local water utilities may apply for review of their share component due to rapid growth in population. There are no milestones relating to these activities in this IP.

8.4 Granting of additional access licences

New aquifer access licences may only be issued where permitted for in the Plan. The Plans allow applications to be made the following types of access licences within the groundwater sources:

All:

- Specific purpose access licences specified in Clause 19 of the Water Management Act (General) Regulations 2004.
- Access licences with a zero share component in accordance with sections 61 (1) (b) and 63 (5) of the Act.
- Access licences that may be granted in accordance with a dealing that is permitted by the Plan.

In addition in the **Lower Murrumbidgee** applications may be made for an aquifer (community and education) access licences and an access licence within the Shallow Water Source that accesses water from less than 20 m below the ground surface and, in the opinion of the Minister, are in areas where the water table has risen, and lowering of the water table is required, and only if the sum of all access licence share components in the Shallow Water Source remain below 10,000).

All applications for new access licences must be assessed in accordance with the Department's Integrated Assessment Process before a decision is taken to grant or refuse the application. This includes consideration of the provisions of the Act, the Access Licence Dealing Principles Order and the Plan.

The relevant clauses in the Plans is clause 26.

9. Limits to the availability of water

9.1 Long term average extraction limits

The Plan sets a long-term average extraction limit for each of these groundwater sources of:

Lower Lachlan

- 108,000 ML/yr, plus total water allocations made to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this Plan.
- The water allocations made to supplementary water access licences is reduced to zero over the life of the Plan and by the end of the Plan the extraction limit will equal the sustainable yield.

Lower Gwydir

- 32,300 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan.
- The extraction limit is the estimated average annual recharge of this groundwater source (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP) plus the total water allocations made to supplementary water access licences.

Lower Macquarie

- 21,680 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan in Zone 1.
- 22,610 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan in Zone 2.
- 9,350 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan in Zone 3.
- 5,100 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan in Zone 4.
- 8,160 ML/yr plus the total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan in Zone 6.

The extraction limit for these Zones is the estimated average annual recharge of this groundwater source (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP) plus the total water allocations made to supplementary water access licences.

Until the average annual recharge and the proportion of recharge reserved for the environment are established for Zone 5 the extraction limit for this Zone is taken to be 2,398 ML/yr, plus basic landholder rights.

Lower Murrumbidgee

- 10,000 ML/yr plus the total requirements for basic landholder rights at the commencement of this plan for the Shallow.
- 270,000 ML/yr, plus the total access permitted under supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan for the Deep.

The extraction limits for these Zones are the estimated average annual recharge of the groundwater sources (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP) plus, for the Deep Zone the total water allocations made to supplementary water access licences.

1. Lower Murray

- 83,700 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan.
- The extraction limits for these Zones are the estimated average annual recharge of the groundwater sources (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP) plus the total water allocations made to supplementary water access licences.

2. Upper and Lower Namoi

- 2,100 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 1.
- 7,200 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 2.
- 17,300 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 3.
- 25,700 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 4.

- 16,000 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 5.
- 14,000 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 6.
- 3,700 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 7.
- 16,000 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 8.
- 11,400 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 9.
- 4,500 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 10.
- 2,200 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 11.
- 2,000 ML/yr plus the total water made available to supplementary water access licences plus basic rights in Zone 12.
- 86,000 ML/yr plus the total water made available to supplementary water access licences plus basic rights in the Lower Namoi.
- The extraction limits for these Zones are the estimated average annual recharge of the groundwater sources (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP) plus the total water allocations made to supplementary water access licences.
- The water allocations made to supplementary water access licences in all these water sources is reduced to zero over the life of the Plan and by the end of the Plan the extraction limit will equal the sustainable yield of each water source.
- The Minister may vary the long-term average extraction limit as a result of any change to the average annual recharge or the environmental health water provisions in all groundwater sources excluding the Lower Murray groundwater source. However, the Plans limits any variation to the extraction limit.
- In the Lower Lachlan the extraction limit cannot be increased to more than 215,393 ML/yr plus the total requirements for basic landholder rights at the commencement of this Plan nor be decreased to less than 73,500 ML/yr plus total water allocations made to supplementary water access licences under clause 29, plus the total requirements for landholder basic landholder rights.
- In the Lower Gwydir the extraction limit cannot be increased to more than 38,760 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 25,840 ML/yr, plus total water made available to supplementary water access licences under clause 29, plus the total requirements for basic landholder rights at the commencement of this plan.

- In the Lower Macquarie
 - a) in Zone 1 the extraction limit cannot be increased to more than 27,540 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 16,065 ML/yr plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
 - b) in Zone 2 the extraction limit cannot be increased to more than 28,730 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 16,760 ML/yr plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
 - c) in Zone 3 the extraction limit cannot be increased to more than 11,880 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 6,930 ML/yr plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
 - d) in Zone 4 the extraction limit cannot be increased to more than 6,480 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 3,780 ML/yr plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
 - e) in Zone 5 the extraction limit will not be decreased to less than 2,398 ML/yr plus basic landholder rights at the commencement of this plan, and
 - f) in Zone 6 the extraction limit cannot be increased to more than 10,370 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 7,340 ML/yr plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan.
- In the Lower Murrumbidgee Deep groundwater source the extraction limit cannot be increased to more than 390,000, ML/yr plus the total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 230,000 ML/yr plus the total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan .
- In the Upper and Lower Namoi:
 - a) the extraction limit for Zone 1 cannot be increased to more than 2,625 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 1,575 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,

- b) the extraction limit for Zone 2 cannot be increased to more than 9,000 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 5,400 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- c) the extraction limit for Zone 3 cannot be increased to more than 21,625 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 12,975 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- d) the extraction limit for Zone 4 cannot be increased to more than 32,125 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 19,275 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- e) the extraction limit for Zone 5 cannot be increased to more than 20,000 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 12,000 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- f) the extraction limit for Zone 6 cannot be increased to more than 17,500 ML/yr, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 10,500 ML/yr, plus the total requirements basic landholder rights at the commencement of this plan,
- g) the extraction limit for Zone 7 cannot be increased to more than 4,625 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 2,775 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- h) the extraction limit for Zone 8 cannot be increased to more than 20,000 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 12,000 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- i) the extraction limit for Zone 9 cannot be increased to more than 14,250 ML/yr, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 8,550 ML/yr, plus the total requirements basic landholder rights at the commencement of this plan,
- j) the extraction limit for Zone 10 cannot be increased to more than 5,625 ML/yr, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 3,375 ML/yr, plus the total requirements basic landholder rights at the commencement of this plan,

- k) the extraction limit for Zone 11 cannot be increased to more than 2,750 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 1,650 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- l) the extraction limit for Zone 12 cannot be increased to more than 2,500 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 1,500 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan,
- m) the extraction limit for the Lower Namoi cannot be increased to more than 107,500 ML/yr, plus total water made available to supplementary water access licences, plus the total requirements for basic landholder rights at the commencement of this plan nor be decreased to less than 64,500 ML/yr, plus total water made available to supplementary water access licences plus the total requirements for basic landholder rights at the commencement of this plan.

The relevant clauses in the Plans is clause 28.

Milestones for the term of the Plans

- If required – The Office reports to the Minister providing revised extraction limits, with consideration of revised environmental provisions (and recharge for the Lower Murrumbidgee only).
- If required – The Minister announces revised extraction limits:
 - a) After June 2010 in the Lower Gwydir, Lower Lachlan, Lower Macquarie, Upper and Lower Namoi.
 - b) After June 2011 in the Lower Murrumbidgee.
 - c) After June 2015 in the Lower Macquarie.
- June 2009 – The Office documents the procedures to be used in assessing compliance with the extraction limit.
- After the first year of adequate collection of monitoring of use data, (July to March annually thereafter) – The Office assesses the average annual extractions in this groundwater source to ensure extraction is within the specified limit.
- After the first year of adequate collection of monitoring of use data, (March annually thereafter) – The Office reports the results of assessment and proposed management actions.
- Following commencement of three years of monitoring of use, and review of basic rights estimate – The Office amends AWD if required to adjust for growth in BLR if shown.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

9.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account. The AWDs are announced (via Ministerial order) as:

- a percentage of the share component of local water utility and domestic and stock access licence where the share component is expressed as megalitres
- a volume per unit of share component for aquifer access licences where the share component is expressed in share units.

AWDs are made for each category of access licences in each groundwater source each year.

AWDs are recorded on the Office internet site (www.water.nsw.gov.au).

AWDs are generally made at the start of the water year (1 July).

AWDs for local water utility access licences and domestic and stock access licences will be 100% of the share component unless the Plan or part of the Plan is suspended in exceptional circumstances (e.g. drought).

AWDs for access licences will be:

Lower Lachlan

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. This is 105,678 ML/year. The total share components of aquifer access licences are 105,678 ML/yr. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit.
- The AWD for supplementary water access licences for the 2007/08 water year is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2008/09 will be 0.9 ML per share unit reducing by 0.1 ML per year each year thereafter. It will be 0 ML per share unit in the 2017/18 water year.

Lower Gwydir

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. This is 28,725 ML/year. The total share components of aquifer access licences are 28,858 ML/yr. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit. The AWD for supplementary water access licences for the 2006/07, 2007/08 and 2008/09 water years is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2009/10 will be 0.85 ML per share unit reducing by an average of 0.143 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

Lower Macquarie

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit. The AWD for aquifer access licences in Zones 5 and 6 will not be greater than 1 ML per share unit of aquifer access licence share component.

- The AWD for supplementary water access licences for the 2006/07 water year is 0.9 ML per share unit of supplementary access licence share component. The AWD for these licences in 2007/08 will be 0.8 ML per share unit reducing by 0.1 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

Lower Murrumbidgee

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit. The AWD for aquifer access licences in the Shallow Groundwater Source will not be greater than 1 ML per share unit of aquifer access licence share component.
- The AWD for supplementary water access licences for the 2006/07 water year is 0.9 ML per share unit of supplementary access licence share component. The AWD for these licences in 2007/08 will be 0.8 ML per share unit reducing by 0.1 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

Lower Murray

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. This is 83,581 ML/year. The total share components of aquifer access licences are 83,581 ML/yr. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit.
- The AWD for supplementary water access licences for the 2006/07 to 2010/2011 water years is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2011/12 will be 0.8 ML per share unit reducing by 0.2 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

Upper and Lower Namoi

- Initially the total water made available to aquifer access licences is equal to the extraction limit minus requirements for basic rights, minus the total available water determinations for domestic and stock and local water utility access licences and supplementary water access licences. AWDs for the 2006/07, 2007/08 and 2008/09 water years will be 1 ML per share unit. The AWD for aquifer access licences in Zones 6, 9 and 10 will not be greater than 1 ML per share unit of aquifer access licence share component.
- The AWD for supplementary water access licences in Zone 1 for the 2006/07 and 2007/08 water years is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2008/09 will be 0.88 ML per share unit reducing by 0.12 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.
- The AWD for supplementary water access licences in Zones 2, 3, 4, and 8 and the Lower Namoi for the 2006/07 water year is 0.9 ML per share unit of supplementary access licence share component. The AWD for these licences in 2007/08 will be 0.8 ML per share unit reducing by 0.1 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.
- The AWD for supplementary water access licences in Zones 5, 11 and 12 for the 2006/07 to the 2009/10 water years is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2010/11 will be 0.84 ML per share unit reducing by 0.16 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

- The AWD for supplementary water access licences in Zone 1 for the 2006/07 to the 2012/13 water years is 1 ML per share unit of supplementary access licence share component. The AWD for these licences in 2013/14 will be 0.67 ML per share unit reducing by 0.33 ML per year each year thereafter. It will be 0 ML per share unit in the 2015/16 water year.

From 2009/10 for all water sources except the Lower Lachlan and from 2010/11 for the Lower Lachlan if extractions in the previous three years exceed the extraction limit for those years by more than 5% the AWD for that year will be reduced by an amount necessary to return subsequent total water extractions to the extraction limit.

The relevant clauses in the Plans are clause 29 (clause 34 Lower Murray).

Milestones for the term of the Plans

- Following commencement of 3 years of monitoring of use, (and annually thereafter), if necessary, the Office announces reduced available water determination to maintain the Plan LTAEL.
- The Office announces AWDs for supplementary water access licences reducing by amounts specified in the WSP over the remainder of the Plan:
 - a. From plan commencement for Lower Murrumbidgee and Lower Macquarie (Note they will reduce by one tenth each year).
 - b. July 2009 – July 2015 for the Lower Gwydir (Note they will reduce by one seventh each year from the 2009/10 water year).
 - c. July 2011 – July 2015 –for Lower Murray (Note they will reduce by one fifth each year from the 2011/12 water year).
 - d. July 06 – July 2015 –for Upper and Lower Naomi (in Zones 2,3,4 and 8 and the Lower Namoi). (Note they will reduce by one tenth each year).
 - e. July 2008 – 2015 –for Upper and Lower Naomi (in Zone 1). (Note they will reduce by one eighth each year from the 2008/09 water year).
 - f. July 2010 – 2015 –for Upper and Lower Naomi (in Zones 5, 11 and 12). (Note they will reduce by one fifth each year from the 2010/11 water year).
 - g. July 2012 – 2015 –for Upper and Lower Naomi (in Zone 7). (Note they will reduce by one third each year from the 2012/13 water year).
 - h. July 2015 – No water available under supplementary access licences in the Upper and Lower Naomi.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

10. Rules for managing access licences

10.1 Water allocation account management

A water allocation account was established by State Water at the commencement of each Plan for each access licence in these groundwater sources. Water allocation accounts are managed in accordance with the account management rules specified in the Plans. Each account has a maximum account limit and a maximum annual take (or extraction) limit. These limits are a function of the share component of the licence.

The water allocation account records the water allocated and extracted under each access licence. After each AWD, the Department credits an access licence's water allocation account with a volume of water determined by the share component and the AWD limited to the maximum account limit. Accounts are adjusted to reflect any dealings (share assignments or allocation assignments) immediately the dealing is approved or registered.

In all groundwater sources the water allocation account of stock and domestic access licences and local water utilities cannot exceed 100% of their access licence share component, plus or minus any allocation of account water. No water can be carried over from one water year to the next.

The maximum volume of water in an aquifer access licence account and the maximum water that may be taken from an account are:

Lower Lachlan

- Maximum volume: 2 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.
- Maxim water that may be taken in a water year: 1.5 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.

Lower Macquarie

- Maximum volume: 1.62 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.
- Maxim water that may be taken in a water year: 1.44 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.

Lower Murrumbidgee

- Maximum volume: 3 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.
- Maxim water that may be taken in a water year: 1.5 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.

Lower Gwydir, Lower Murray and Upper and Lower Namoi

- Maximum volume: 3 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.
- Maxim water that may be taken in a water year: 2 ML per share unit plus any allocation assignment to the account minus any allocation assignment from the account.

Water allocation account of supplementary water access licence cannot exceed 1 ML per unit of share component. No water can be carried over from one water year to the next. Where an aquifer access licence and supplementary water access licence both nominate the same works approval water is debited from the supplementary water access licence allocation account until it is exhausted prior to being debited from the aquifer access licence allocation account.

The relevant clauses in the Plans are clause 34 (clause 39 Lower Murray).

Milestones for the term of the Plans

- On adequate collection of monitoring of use information, (and ongoing thereafter) – State Water establishes and maintain individual water accounts for access licences.
- Ongoing (as required, on adequate collection of monitoring of use information) – State Water advises the Office of any over allocation of water for further investigation and compliance action.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(b) to (f)
Lower Macquarie	11(b) & (c)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(b) & (c)
Lower Lachlan	11(b) & (c)
Upper and Lower Namoi	11(a) to (g)

10.2 Management of local impacts

The Plans sets rules to ensure the groundwater source is managed sustainably at a local scale. The rules are designed to:

- minimise extraction interference between neighbouring bores – by placing distance limits between new or replacement bores and existing bores
- protect water levels – by placing restrictions on pumping when falling water levels are likely to cause adverse impact
- protect water quality – by placing restrictions on pumping when water quality has declined and by distance limits between new bores and a contamination source
- protect groundwater dependent ecosystems - by placing distance limits between new or replacement bores and a high priority GDE.

The distance limits specified in each Plan will be included in the Department's assessment procedures for applications made for new or replacement bores.

In the Lower Murray in order to protect water quality, the Plan requires a baseline of electrical conductivity to be established, against which changes in the salinity of groundwater will be measured. When these changes exceed thresholds specified in the Plan, local management actions are triggered.

When pumping restrictions are required this will be done by way of a Ministerial order which will specify the extraction rates to apply in the area declared as a local impact area.

The process for declaring a local impact area, defining water quality triggers and adjusting access from specific works will be developed by the Department.

The relevant clauses in the Plans are clause 36 – 40 (clauses 41-43 Lower Murray).**Milestones for the term of the Plans**

- Ongoing (where required) – The Office uses appropriate tool to assess impacts of proposed new pumping levels on existing extraction.
- Ongoing – The Office establishes key monitoring bores in respect to:
 - a. water levels and impacts on groundwater dependent ecosystems
 - b. water quality.
- Ongoing – The Office undertakes monitoring of key monitoring bores to determine if local impact management required in respect to:
 - a. water levels and impacts on groundwater dependent ecosystems
 - b. water quality.
- June 2009 – The Office develops communications/notification protocols to inform licence holders of watertable trends and likelihood of extraction restrictions being triggered.
- Ongoing (where required) – The Office communicates watertable trends to licence holders.
- June 2009 – The Office assesses need for definition of:
 - a. water level exceedance levels for key monitoring bores per groundwater source
 - b. water quality parameters for key monitoring bores per groundwater source.
- If required – the Office defines:
 - a. water level exceedance levels for key monitoring bores
 - b. water quality parameters for key monitoring bores.
- Ongoing – The Office establishes communication protocol for regular update of identified contamination sources between DECCW and local councils.
- By year six of the plan - The Office establishes salinity baseline and electrical conductivity baseline for Lower Lachlan and Lower Macquarie.
- December 2009 – The Office establishes salinity baseline and Sodium Adsorption Ratio for each production bore for Lower Murray.
- If required - The Office reports to the Minister on any further priority GDEs or Aboriginal cultural heritage requirements and any amendment to buffer zones.
- If required - The Minister adds priority GDEs and Aboriginal cultural heritage requirements to the relevant plan schedule:
 - a. After July 2010 in the Lower Gwydir, Lower Lachlan, and the Upper and Lower Namoi
 - b. After July 2011 in the Lower Murrumbidgee

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

11. Access licence dealing rules

Access licence dealings in these groundwater sources will be managed in accordance with the provisions of the Act, the Plan, and the Access Licence Dealing Principles Order which are available on the Office's Internet site (www.water.nsw.gov.au) or the NSW Government Legislation Internet site (www.legislation.nsw.gov.au). The Plans set out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

The following dealings are permitted within these groundwater sources:

- Transfer of access licence (change of ownership).
- Term transfer of entitlement (leasing licence).
- Subdivision and consolidation of access licences.
- Assignment of rights under of access licence (permanent transfer of entitlement).
- Assignment of water allocations between access licences (temporary transfer of water allocation).
- Access licence nomination of water supply works (change of works used to extract water).

In addition an aquifer access licence may be moved to another water source (Amendment of share component of access licence) in:

- the Lower Macquarie provided total share components of all access licences in the groundwater source in which the access licence is issued remains below the extraction limit for that groundwater source and access licences may not be moved from Zone 1, 2, or 6 to Zone 3, 4 or 5
- the Lower Murrumbidgee provided total share components of all access licences in the groundwater source in which the access licence is issued remains below the extraction limit for that groundwater source
- the Upper Namoi provided that the licence is moved from a Zone in the Upper Namoi to Zone 10 in the Upper Namoi the total share components of all access licences in Zone 10 remains below 58% of the recharge for Zone 10 until the 30 December 2007 and below 70% of the recharge for in Zone 10 thereafter.

There can be several steps involved in access licence dealings (depending on the type of dealing). These include:

- assessment of the impact and approval of new water use and water supply works approval if it is proposed to extract water from a different location and or use water on an area not previously authorised for irrigated
- authorisation for new aquifer access licence, water use approval and, where applicable, a water supply works approval
- transfer ownership of the access licence with Land and Property Information (LPI) that will register the transfer
- activation of access licences at a specific location.

It should be noted that a water supply works approval will be required and a water use approval may be necessary before water can be taken under the access licence.

All dealings will be assessed in accordance with the Office's Integrated Assessment Process where applicable. This includes consideration of the Act, the Plans, and the Access Licence Dealing Principles Order where applicable.

The relevant clauses in the Plans are clause 34 (clause 39 Lower Murray).

Milestones for the term of the Plans

- On collection of adequate monitoring of use data and development of a water accounting system
 - The Office commences access licence dealing rules specified in the Plan and the Minister's access licence dealing principles.
- On-going – The Office monitors dealings to ensure that the extraction limit of any water source is not exceeded as a result of a dealing.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

12. Mandatory conditions

12.1 Conditions on access licences and approvals

Mandatory conditions for access licences and water supply works approvals are specified in provisions of the Plans. All relevant mandatory conditions are included on all new and replacement access licences and water supply works approvals under the Act.

The relevant clauses in the Plans are clauses 52-53 (clauses 56-57 Lower Murray).

Milestones for the term of the Plans

- Ongoing – The Office periodically audits compliance with mandatory conditions.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

12.2 Monitoring of water extraction

The Plan specifies that all water extraction under access licences must be monitored. The Office has developed and is implementing a Water Use Monitoring Program (WUM) to review and implement processes to monitor water extraction. The project involves ground-truthing (pump site evaluation) and prioritisation for metering based on entitlement and usage.

The Office will periodically audit and undertake compliance assessments of access licences and associated water supply work approvals in the water source to ensure extractions are being recorded accurately.

The relevant clauses in the Plans are clause 53 (clause 57 Lower Murray).

Milestones for the term of the Plans

- Ongoing (June annually) – Upon commencement of monitoring of water use, the Office collects extraction and other on-site information from access licence holders and updates relevant database.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

12.3 Compliance

Access licence and approval holders must comply with their conditions. Failure to comply with conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plans

- Ongoing – The Office undertake periodic compliance activities in plan areas to ensure compliance with plan rules.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

13. Monitoring and reporting

13.1 Water level and water quality monitoring

Water level monitoring is a fundamental component of the Plans. It is required to ensure the groundwater sources are managed within their extraction limit and to assess unacceptable impacts. Ongoing water quality monitoring will ensure the groundwater sources are managed within its beneficial use category over the term of the Plans. Water quality monitoring may relate to observing the overall condition of this groundwater source and/or to specific events/sites (ie. as a result of contamination events).

The relevant clauses in the Plans are clause 53 (clause 57 Lower Murray).

Milestones for the term of the Plans

- If required – The Office selects water quality monitoring sites.
- Ongoing – The Office collects water level and water quality data from key monitoring sites and archives into Departmental databases.
- If required – The Office establishes baseline for detecting change in water quality across the groundwater source.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses:

Lower Gwydir	11(a) to (h)
Lower Macquarie	11(a) to (e)
Lower Murrumbidgee	11(a) to (f)
Lower Murray	11(a) to (f)
Lower Lachlan	11(a) to (d)
Upper and Lower Namoi	11(a) to (g)

13.2 Performance indicators

Performance indicators will be used to assess the effectiveness of the Plans in achieving their objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for analysis and reporting of changes in the indicators the usefulness of some indicators may be influenced by factors outside the Plans (eg world commodity prices).

The relevant clauses in the Plans are clause 13 (all), clause 54, (clause 58 Lower Murray)

Milestones for the term of the Plans

- Ongoing – The Office collects, compiles and stores relevant information where available.
- By year five of the plans - The Office completes documentation of method for measurement of performance indicators and select sites, where required.
- Ongoing, – The Office continues to undertake performance monitoring.
- Jan 2014, – The Office provides report to the Minister and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plans.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.3 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plans. The results of the review will be included in the Office's annual report.

This original IPs were amended in August 2008 as a result of the review conducted in that year.

The relevant clauses in the Plans are clause 54, (clause 58 Lower Murray).

Milestones for the term of the Plans

- September (annually) – The Office conducts a review of Implementation Program and achievements of relevant milestones (s51 review).
- August (annually) – The Office includes preliminary results of IP review in annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Audit of the Plan provisions

The Act requires that an audit of the Plans be undertaken at intervals of not more than five years to ensure the provisions provided in the Plans are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

The relevant clauses in the Plans are clause 54, (clause 58 Lower Murray).

Milestones for the term of the Plans

- By June 2012 (or 2013 for the Lower Lachlan) and by March 2017 (or 2018 for the Lower Lachlan)
– Audit panel appointed by the Minister to undertake the S44 review
- By December 2012 (or 2013 for the Lower Lachlan) and March 2017 (or 2018 for the Lower Lachlan)
– Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.5 Review of the Plans

The Act requires that the Plans be reviewed prior to any decision to extend its term or to make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission and 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.

The results of monitoring of performance indicators included in the Plan (cl. 13), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plans, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

The relevant clauses in the Plans are: clause 54, (clause 58 Lower Murray).

Milestones for the term of the Plans

- July 2012 to June 2017 Natural Resources Commission (NRC) requested to review the Plan as part of its CAP Audit and report back to the Minister.

This milestone is aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendment

The Plans allow for a number of amendments which, if necessary, can be made during the life of the Plans.

In all plans, excluding the Lower Murray, the Minister may amend this Plan in relation to the volumes of recharge, environmental water and the long term extraction limit. The milestones for these provisions are included in Sections 3, 4 and 9 of this IP.

In addition the Minister may also amend:

- the high priority groundwater dependent ecosystems identified in Schedule 4 of this Plan based on further studies of such systems
- this Plan to specify the purposes for which planned environmental water is to be used and to provide for the recovery of planned environmental water.

No amendment provisions are included in the Lower Murray.

The relevant clauses in the Plans are clauses 55-56

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the Hunter Regulated River Water Source

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

Publication No. 09_255d

1. Introduction

The *Water Management Act 2000* (**the Act**) is the key piece of legislation in NSW for the management of water in NSW. The overarching objective of the Act is the sustainable and integrated management of the State's water for the benefit of both present and future generations. Water sharing plans are the key tool under the Act for balancing the competing needs of the environment and water users. It establishes rules for sharing water between the environmental needs of the river or aquifer and water users, and also between different types of water users such as town supply, rural domestic supply, stock watering, industry and irrigation.

Water sharing plans have effect for a 10-year period. This provides security and certainty for both the environment and water users. The Hunter Regulated River water sharing plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. This allows the community to understand the steps the NSW Office of Water (**the Office**) is undertaking to ensure that the provisions of the WSP are being implemented and that the objectives of the plan are realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IPs recognise that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the water sharing plan for the Hunter Regulated River Water Source 2003 (the plan) was reviewed for the first time in December 2008 and has been updated to set out the activities required to implement the plan for the remainder of the plan term (i.e. until June 2014). Milestones which have been met since the commencement of the IP have been deleted, others have been modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Hunter Regulated River Water Source is within the Hunter Water Management Area. The water source includes the Hunter River, from the upper reaches of Glenbawn Dam to 1,400 m upstream of the Oakhampton Bridge near Maitland, Glennies Creek and a number of backwater portions of tributaries of these two rivers, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The model has been used to examine 104 years of daily data representing the years from 1892 to 1995.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Hunter Regulated River Water Source will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the Water Sharing Plan are 9 to 13 and Appendix 4.

3. Environmental water provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clause in the Water Sharing Plan is 14, 31 to 34

3.1.2 Minimum daily flows

The Plan also establishes rules to ensure that a minimum level of flows are maintained in the Hunter River at Liddell (just upstream of the Glennies Creek junction) and Greta (near the end of the regulated system). The Plan sets out a series of seasonal target flows at both these locations. These flows are protected from extraction. (Note that the supplementary water access licence management rules of the Plan require that not more than 50 percent of the total daily flows into the river reach are to be taken all categories of licence during a supplementary water event - see Section 6.3.)

Relevant clause in the Water Sharing Plan is 15.**Milestones for the term of the Plan**

- September 2009 – The Office developed compliance criteria with State Water for minimum daily flow targets.
- December 2009 – The Office to review State Water operating protocols for the management of the flow targets.
- September (annually, or more frequently for exception reports) – State Water reports to the Office on delivery of minimum daily flow targets.
- October (annually) – The Office audit State Water delivery of provisions and develop strategies for non-compliance where required.
- January 2010 – The Office to develop register of environmental water.
- Ongoing - The Office maintain environmental water register & update with details of end of system flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a), (h), (i), (s) and (t).

3.1.3 Environmental contingency allowance

The Plan establishes water reserves (or environmental contingency allowances or ECA) of 20,000 megalitres in both Glenbawn and Glennies Creek Dams.

The releases of water from the environmental contingency allowance account are to be made in accordance with procedures established by the Minister. Releases are to be used to assist in management of critical environmental events, such as algal blooms and chemical spills, and to provide flows at critical times for purposes such as fish migration or stony bed scouring

To monitor compliance with the Plan an account to record the volumes of water credited to the ECA and released from it for each event is to be established. The decisions made in relation to ECA releases will also be recorded and used to inform the next release program.

In early 2007, the former Department of Environment and Climate Change (DECC) was nominated as the State's environmental water manager. (In mid 2009, this Department became the Department of Environment, Climate Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, namely the ECAs.

Although not required by the Plan, DECCW intends to produce an annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of ECAs and any Adaptive Environmental Water licences.

To monitor compliance with the Plan an account to record the volumes of water credited to the ECA accounts and released from it for each event will be established by the Office. Records of releases made and account balance changes will be recorded by State Water Corporation and reported to the Office.

Relevant clause in the Water Sharing Plan is 15.**Milestones for the term of the Plan**

- July (annually) – DECCW develops an annual Watering Plan for each subsequent water year.
- December 2009 – The Office to establish a water account for the management of the ECA.
- December 2009 – DECCW establishes a decision register for the management of the ECA
- August (annually) – The Office reviews implementation of the annual Watering Plan for the previous year.
- September (annually) – State Water reports to the Office on changes in ECA allowance water accounts.
- October (annually) – The Office audits water account and decision register to ensure correct accounting and compliance with the ECA Release Program.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of ECA releases.
- July 2013 or as required – DECCW reports on the ecological outcomes achieved as a result of the use of ECA water.

NB. Reporting requirements will be similar for those to be included in Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(g), (h), (i), (s) and (t).

3.1.4 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), though the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans, must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager in accordance with the Use Plan. This may be the individual licence holder, DECCW, a CMA or other group.

There are no access licences committed to an environmental purpose in the water source on 30 June 2008.

The relevant clause in the Plan is 17.**Milestones for the term of the Plan**

- July 2009 (ongoing) – The Office establishes and maintains a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews a draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviewing AEW nominations and attach AEW condition to licences, if approved.
- July (annually) - DECCW (or the AEW manager) reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- July 2013 or as required - DECCW (or Environmental Water Manager) reports on the ecological outcomes achieved as a result of the use of AEW water.

NB: Reporting requirements are to be included in the relevant Use Plans

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(e), (f), (h),(i),(k)(s) and (t).

4. Water for basic landholder rights

The Act requires that sharing of water in a water source must protect basic landholder rights. In this water source, the water extracted by the exercise of basic rights are insignificant when compared with the Plan's extraction limit. Consequently, the allowance for basic landholder rights are included in the allowance used in the water assessment process to provide for operational requirements.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Department.

There are no milestones relating to these provisions in this IP.

Relevant clauses in the Plan are 18 to 20.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 21.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in the share component of access licences are also included in a Departmental register (web reference www.water.nsw.gov.au).

Each year the Office will report on changes to the total of access licence share components and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 22 to 29.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(l) to (r).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made;
2. the application is for an access licence with a zero share component; or
3. the person has acquired the right to apply for the licence under section 65 of the WMA

Clause 30 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 30.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit of 217,000 ML/year. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit set by this Plan is sufficient to allow water extractions to grow by 30 per cent above their 2003/04 level, and full use of all access licences referred to in Part 6 of the Plan.

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.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.70). Each year the the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. the Office will document the procedures that it will follow for this assessment and response process.

Relevant clauses in the Plan are 22 to 29.

Milestones for the term of the Plan

- December 2009 – The Office to finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- July (as required) – The Office adjusts longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assessing the long-term average annual extractions in the water sources, including the growth in extraction by local water utilities.
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required - The Office advises licence holders of actions required to manage extraction to plan limit.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account.

AWDs will be recorded on the Office's website (www.water.nsw.gov.au).

Relevant clause in the Plan is 35.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of AWDs for all categories of access licences.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

8.2.1 Water for domestic and stock access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Department will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Glenbawn and Glennies Creek Dams.

Relevant clause in the Plan is 36.

Milestones for the term of the Plan

- July (annually, and as further required) – The Office makes AWDs for domestic and stock and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

8.2.2 Water for local and major water utility access licences

Water under local and major water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Department will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for local and major water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Glenbawn and Glennies Creek Dams.

Relevant clause in the Plan is 37 and 38.

Milestones for the term of the Plan

- July (annually, and as further required)– The Office make AWDs for local and major water utility access licences and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

8.2.3 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account all relevant matters including:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- provision of essential reserves to meet operational requirements when supplying the above.

The remaining water is first shared amongst high security access licences and then general security licences via the AWD.

AWDs will be made following water assessments which are generally undertaken within three working days of the start of each the water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Glenbawn and Glennies Creek Dams.

Relevant clauses in the Plan is 39.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes AWDs for regulated river access licences (general and high security) and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

8.2.4 Water for supplementary water access licences

AWDs for supplementary water access licences will generally be made within the first three working days of the start of each water year.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clauses in the Plan is 40.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes Supplementary Water Available Water Determination and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

9. Rules for managing access licences

9.1 Water Access licences

At the commencement of the Plan, licences issued under the *Water Act 1912* were replaced by access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000* (WMA.). There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 41.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan. The plan also contains rules for management of the Barnard Reserve account used to account for water delivered to and ordered from the Glenbawn Dam by Macquarie Generation.

The water allocation account tracks the water credited and withdrawn or debited for each access licence, through AWD's or water trades (known as dealings under the WMA). After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. the Office also adds to the account water that has been obtained through water trades. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by the Office.

The relevant clauses in the Water Sharing Plan are 42 to 47.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

9.3 Access licences – extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components may take place during the term of the plan and will generally only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders and taking into account environmental factors. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- Glenbawn Dam – 7,500 ML/day
- Glennies Creek Dam – 5,000 ML/day

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 48 to 49, 53 and 62.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Ongoing (as required) – The Office determining sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitoring against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) – State Water reporting to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviewing compliance report and take management action where required.
- Ongoing (as required) – The Office issuing new extraction components.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(l) to (r).

9.4 Access to uncontrolled flows

The Plan provides rules for the taking of water without debit to regulated river (general security) access licences in the water source where:

- the sum of AWDs for general security access licences is less than 1 ML of share components and flows are **sufficient** to permit water to be taken under supplementary water access licences
- the sum of AWDs for general security access licences is less than 0.75 ML of share components, flows are **insufficient** to permit water to be taken under supplementary water access licences and flows are in excess of those necessary to satisfy all environmental water provisions and water required to supply basic landholder rights and higher priority access licences.

These rules allow the taking of uncontrolled flows without debit to water accounts, under specified conditions.

Extractions in each river reach are to be managed to ensure that the total volume of water extracted.

Relevant clauses in the Plan are 39(9) & (10), and 50.

Milestones for the term of the Plan

- When required, State Water announces access to uncontrolled flows.
- September (annually) – State Water reports to the Office on diversions of uncontrolled flows for each reach.
- October (annually) – The Office audits State Water's compliance with rules for access to uncontrolled flows.
- October (annually) – The Office reports on access to uncontrolled flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

9.5 Taking of water under supplementary water access licences

The Plan sets out the timing and rate/unit share to be applied and the factors which must be taken into account when determining whether water can be taken under supplementary water access licences. It also sets out seasonal limits on the proportion of total daily water flow volume which may be extracted when supplementary water events are announced.

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Department. Such announcements will specify the period during which extraction may occur and the percentage of each supplementary water access licence water allocation account limit that can be extracted.

AWD announcements will be monitored and reviewed by State Water so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

Relevant clause in the Plan is 51.**Milestones for the term of the Plan**

- When required, State Water announces access to water by supplementary access licence holders.
- September (annually) – State Water reports to the Office on announcements of supplementary water, including period, reach and the proportion of available flows extracted for each announcement.
- October (annually) – The Office audits State Water’s compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

10. Access licence dealings

Access licence dealings are permitted in this water source in accordance with the access licence dealing rules in clauses 52 to 58 of the Plan, and the Minister’s access licence dealing principles which are available on the Office’s Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan’s access licence dealing rules. In the event of any inconsistency between the Plan’s rules and the Minister’s dealing principles, the Minister’s dealing principles prevail.

Relevant clauses in the Water Sharing Plan are 52 to 58.

Milestones for the term of the Plan

- Ongoing – The Office processes applications for licence transfers as required.
- Ongoing (as required) – State Water processes applications for allocation assignments.
- December 2009 – The Office to develop policy for trading of supplementary water access licence share components and allocations between supplementary access licences.
- December 2009 – The Office to develop policy for the trading of extraction components.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clauses in the Plan are 59 to 60.

Milestones for the term of the Plan

- December 2009 – The Office to establish procedures for collecting of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office to implement strategy for collecting data on infrastructure changes and irrigation practices.
- September (annually) – The Office reviews water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP was given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include:

- provision for the Minister to nominate procedures for establishing the maximum water delivery or channel capacity, where necessary, for determining extractions, managing water releases or providing water under access licences. (At the commencement of the Plan maximum flows were estimated as 7,500 ML/day from Glenbawn Dam and 5,000 ML/day from Glennies Creek Dam)
- provision for rules regarding rates of change to releases from water storages
- requirement that the operation of Glenbawn and Glennies Creek Dam during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure
- water storage airspace operation rules.

Where relevant, protocols to give effect to these rules have been included in State Water's water delivery management system.

The Plan Relevant clauses in the Plan are 61 to 65.

Milestones for the term of the Plan

- December 2009 – The Office to establish rules regarding rates of change to releases from water storages.
- September (annually, and as required) – State Water reports on the operation of Glenbawn and Glennies Creek Dams during times of flood and spilling.
- October (annually, as required) – The Office audits and reports on compliance with the protocols developed for the management of Dams during times of flood and spilling.
- September (annually) – State Water reports to the Office on compliance with the airspace operation provisions for the previous year.
- October (annually) – The Office audits and reports on State Water's compliance with the airspace operation provisions for the previous year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) to (t).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 13 and 66 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and store relevant information where available.
- Annually - The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office to complete documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office to analyse data and report on Performance Indicators.
- March 2014 – The Office to provide report to Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Office's annual report.

This IP was amended in December 2008 as a result of the review conducted in that year.

The Relevant clause in the Plan is 66.

Milestones for the term of the Plan

- September (annually) – The Office reviews IP achievements of relevant milestones.
- October (annually) – The Office includes outcomes of IP review in its annual report.
- As required - The Office modify the IP, where necessary, to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than five years to ensure the provisions provided in the Plan are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

The Relevant clause in the Plan is 66.

Milestones for the term of the Plan

- June 2009 – Minister for Water appoints panel to audit the implementation of the Plan.
- December 2009 – Audit Panel to complete audit and submit report to the Minister.
- By March 2014 – Minister for Water to appoint panel to audit the implementation of the Plan.
- By June 2014 – Audit Panel to complete audit and submit report to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that the Plan be reviewed prior to any decision to extend its duration or make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission and 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.

The results of monitoring of performance indicators included in the Plan (cl. 13), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review.

the Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If the Minister decides not to extend the Plan and to make a new plan, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clauses in the Water Sharing Plan 66.

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission requested to review the Plan and report to the Minister.
- June 2014 – Minister extends Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 67.

14.2 Other amendments of the Plan

14.2.1 Changes to the Barnard Reserve Account

The plan also provides for an increase in the limit of the Barnard Reserve account providing:

- this would 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
- 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.

There are no milestones relating to this provision in this IP.

Relevant clauses in the Plan are 47(2) and 68.

14.2.2 Increase in management zone 1 limit for dealings

The initial limit of 81,000 ML/year or unit shares for dealings in zone 1 may be increased by the Minister provided:

- an assessment of the possible impacts on the environment and the allocation of water to access licences has been carried out
- consultation with access licence holders and the Minister for the Environment has been undertaken
- 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.

There are no milestones relating to this provision in this IP.

Relevant clauses in the Plan are 53(2) and 69.

14.3 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The Minister may also amend the Plan to specify the purposes for which planned environmental water committed under section 8A of the Act will be used.

Relevant clause in the Plan is 70.

14.4 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 71.

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water
	2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9. Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.1 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the Gwydir Regulated River Water Source

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

1. Introduction

The *Water Management Act 2000* (**the Act**) is the key piece of legislation in NSW for the management of water in NSW. The overarching objective of the Act is the sustainable and integrated management of the State's water for the benefit of both present and future generations. Water sharing plans are the key tool under the Act for balancing the competing needs of the environment and water users. It establishes rules for sharing water between the environmental needs of the river or aquifer and water users, and also between different types of water users such as town supply, rural domestic supply, stock watering, industry and irrigation.

Water sharing plans have effect for a 10-year period. This provides security and certainty for both the environment and water users. The Gwydir Regulated River water sharing plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure the objectives of the Plan will be achieved. This allows the community to understand the steps the NSW Office of Water (**the Office**) is undertaking to ensure that the provisions of the WSP are being implemented and that the objectives of the plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IPs recognise that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the water sharing plan for the Gwydir Regulated Rivers Water Sources 2002(4?) (the plan) was reviewed for the first time in December 2008 and has been updated to set out the activities required to implement the plan for the remainder of the plan term (ie. until June 2014). Milestones which have been met since the commencement of the IP have been deleted, others have been modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Gwydir Regulated River Water Source is within the Gwydir Water Management Area. The water source includes all rivers from Copeton Dam downstream to the junction of the Gwydir River and its effluent rivers with the Barwon River, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The model has been used to examine 111 years of daily data representing the years from 1890 to 2000.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Gwydir Regulated River Water Source will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the plan are 8 to 12 and Appendix 4.

3. Environmental water provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned environmental water

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14(a) & (b), 29 to 33.

3.1.2 Minimum daily flows to Gwydir wetlands

The Plan also establishes rules to ensure that a portion of natural tributary inflows reach the Gwydir wetlands. Flows passed through to the wetlands at least equal the lesser of the sum of inflows from the Horton River, Myall Creek, Halls Creek and any spill or pre-release from Copeton Dam, or 500 megalitres per day. These flows are protected from extraction. (Note that the supplementary water access licence management rules of the Plan require that not more than 50 percent of the flows above 500 ML/day are to be taken under supplementary water access licences during a supplementary water

event – see Section 6.3.) (PC note: this only applies to flows from U/S. Flows directly into effluent creeks are shared 50/50 above any operational flow in that system)

Relevant clauses in the Water Sharing Plan are 14(c) to (f).

Milestones for the term of the Plan

- September 2009 – The Office developed compliance criteria with State Water for minimum daily flow targets.
- December 2009 – The Office to review State Water operating protocols for the management of the flow targets.
- September (annually, or more frequently for exception reports) – State Water reporting to the Office on delivery of minimum daily flow targets.
- October (annually) – The Office audits State Water delivery of provisions and develop strategies for non-compliance where required.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d) and (h).

3.1.3 Environmental contingency allowance

The Plan establishes an environmental contingency allowance (ECA) which has a maximum limit of 90,000 ML at any point in time in the Gwydir Regulated River water source.

The plan sets out the rules for how this account is credited with water and maintained, and the objectives for releases made from this account. These rules are identified in the plan as Planned Environmental Water.

To monitor compliance with the Plan an account to record the volumes of water credited to the ECA accounts and released from it for each event will be established by the Office. Records of releases made and account balance changes will be recorded by State Water Corporation and reported to the Office.

The Plan requires the establishment of:

- an ECA Release Program for each water year
- an ECA Operations Advisory Committee to advise on that program.

In early 2007, the former Department of Environment and Climate Change (DECC) was nominated as the State's environmental water manager. (In mid 2009, this Department became the Department of Environment, Climate Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, namely the ECA and the management/support of the ECA Operations Advisory Committee.

Decisions made in relation to ECA releases will be recorded by DECCW and used to inform the next release program. Although not required by the Plan, DECCW intends to produce an annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of ECAs and any Adaptive Environmental Water licences.

The relevant clause in the Plan is 15.

Milestones for the term of the Plan

- July (annually) – DECCW develop an annual Watering Plan for each subsequent water year.
- December 2009 – The Office establish a water account for the management of the ECA. I thought this was done in 2004.
- December 2009 – DECCW establish a decision register for the management of the ECA.
- August (annually) – The Office review implementation of the annual Watering Plan for the previous year.
- September (annually) – State Water report to the Office on changes in ECA allowance water accounts.
- October (annually) – The Office audit water account and decision register to ensure correct accounting and compliance with the ECA Release Program.
- January 2010 (and ongoing) – The Office update Environmental Water register with details of ECA releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d) and (h).

3.1.4 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), through the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as AEW Use Plans, must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager in accordance with the Use Plan. This may be the individual licence holder, DECCW, a CMA or other group.

Since the commencement of the Plan, DECCW has purchased a number of access licences in the Gwydir Regulated River Water source under the RiverBank program. These licences are linked to the RiverBank Water Use Plan for the Gwydir Water Management Area (2008), approved by the Minister for Water.

The relevant clause in the Plan is 16.

Milestones for the term of the Plan

- December 2009 (ongoing) – The Office to establish and maintain a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved by Minister for Water.
- July (annually) DECCW (or the AEW manager) – Reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- July 2013 or as required DECCW (or Environmental Water Manager) – Reports on the ecological outcomes achieved as a result of the use of AEW water.

NB: Reporting requirements are to be included in the relevant Use Plans

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d) and (h).

4. Water for basic landholder rights

The Act requires that sharing of water in a water source must protect basic landholder rights. In this water source, the water extracted by the exercise of basic rights is comparatively small when compared with the Plan's limit on extraction. Consequently, water to meet these needs is included in State Water's operational protocols for delivery of water ordered by licence holders and via a series of replenishment flows provided for in clause 59 of the Plan.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office. Section 12 of this IP includes milestones relating to the delivery of replenishment flows. There are no other milestones in this IP relating to water for basic landholder rights.

Relevant clauses in the Plan are 17 to 19 and 59.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a Departmental register (web reference www.water.nsw.gov.au).

Each year the Office will report on changes to the total of access licence share components and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 27.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(c), (e) and (g).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provides that an application for such the licence can be made;
2. the application is for an access licence with a zero share component; or (this does not apply in the Gwydir. Do we still leave this in as an Act reference?)
3. the person has acquired the right to apply for the licence under section 65 of the WMA

Clause 28 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application.

There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 28.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of the Plan and the water management rules defined in the Plan
- under the Murray-Darling Basin Ministerial Council Cap baseline conditions.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.67).

Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM model approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

The Plan provides for the establishment of a Compliance Assessment Advisory Committee (CAAC), by December 2004 to assist the Office on formulating any management actions required to return long-term extractions to the long-term extraction limit. This Committee was established in 2004 for a five year period, however, has never met as drought conditions since the commencement of the Plan have meant that water extraction has been very low.

Assessment of LTAEL takes into account three years of extraction. This means that the earliest that the CAAC would be re-appointed is December 2010, provided drought conditions ease.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment/response process.

Relevant clauses in the Plan are 29 to 33 and 67.

Milestones for the term of the Plan

- December 2009 – The Office finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- Dec 2010 or as required Minister for Water to appoint CAAC for the remainder of the plan.
- July (as required) – The Office to adjust longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office to assess the long-term average annual extractions in the water sources (including the growth in extraction by local water utilities), with advice from CAAC if established.
- March (annually) – The Office to report the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required, the Office to advise licence holders of actions required to manage extraction to plan limit.

WSP objective that will be achieved by the delivery of these milestones are set out in clause 10(g).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account.

AWDs are recorded on the Office's web site (www.water.nsw.gov.au).

Relevant clause in the Plan is 34.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of Available Water Determinations for all categories of licences.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (h).

8.2.1 Water for domestic and stock and local water utility access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock and local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Copeton Dam.

Relevant clauses in the Plan are 35 and 36.

Milestones for the term of the Plan

- July (annually, and as further required) – The Office makes AWDs for domestic and stock, major and local utilities and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (h).

8.2.2 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account all relevant matters including:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- provision of essential reserves to meet operational requirements when supplying the above.

Based on this assessment, the remaining water is first shared amongst high security access licences and then general security licences via the AWD.

AWDs will be made following water assessments which will generally be undertaken within three working days of the start of each month and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there has been a significant increase in the water stored in Copeton Dam.

Relevant clauses in the Plan are 37 and 38.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes Available Water Determination for regulated river access licences (general and high security) and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (i).

8.2.3 Water for supplementary water access licences

AWDs for supplementary water access licences will generally be made within the first three working days of the start of each water year. AWDs will take into account the results of the assessment of the long term extraction from the previous water year.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clause in the Water Sharing Plan is 39.

Milestones for the term of the Plan

- July (annually) - The Office make Available Water Determination for Supplementary Water access licences and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (i).

9. Rules for managing access licences

9.1 Water Access licences

At the commencement of the Plan, licences issued under the *Water Act 1912* were replaced by access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*. There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 40.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and withdrawn or debited for each access licence, through AWD's or water trades (known as dealings under the WMA). After each AWD approved by the Office, SWC credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. SWC also adds to the account water that has been obtained through water trades. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by SWC. (Note, this is part of an MoU between (then DWE) and SWC signed in June 2009).

The relevant clauses in the Water Sharing Plan are 41 to 45.

Milestones for the term of the Plan

- *Ongoing.* State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (g).

9.3 Access licences – extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components will only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Numerical specification of extraction components may take place during the term of the Plan and will generally only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders and taking into account environmental factors, clause 60 of the Plan and relevant targets in the State Water Management Outcome Plan (particularly T4). (Do we still reference SWMOP given that it has lapsed?)

The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- Carole/Gil Gil – 2,200 ML/day
- Mehi River – 5,800 ML/day
- Moomin Creek – 2,200 ML/day
- Gwydir River d/s Tyreel – 1,100 ML/day.

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 46 to 47 and 60.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Refer to Gwydir sections.
- Ongoing (as required) – The Office determines additional sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) – State Water reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required
- Ongoing (as required) – The Office issues new extraction components.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

9.4 Taking of water under supplementary water access licences

The Plan sets out the timing and rate/unit share to be applied and the factors which must be taken into account (including the requirements of the Interim Unregulated Flow Management Plan for the North West) when determining whether water can be taken under supplementary water access licences.

No more than 50 per cent of the supplementary water event volume will be permitted to be extracted under supplementary water access licences. The Plan sets out how the the supplementary water event volume is calculated

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Office. Such announcements will specify the period during which extraction may occur and the percentage of each supplementary water access licence water allocation account limit that can be extracted.

Supplementary access announcements will be monitored and reviewed by State Water so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

Relevant clause in the Plan is 48.

Milestones for the term of the Plan

- Following approval by the Office, State Water announces access to water by supplementary access licence holders.
- September (annually) State Water reports to the Office on announcements of supplementary water, including period and reach for each announcement, the proportion of available flows extracted.
- October (annually) – The Office audits State Water’s compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.
- December 2009 – The Office to establish decision protocols for the management of supplementary access which meet the requirements of the Interim Unregulated Flow Management Plan for the North West.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

10. Access licence dealings

Access licence dealings are permitted in this water source in accordance with the access licence dealing rules in clauses 49 to 55 of the Plan, and the Minister’s access licence dealing principles which are available on the Office’s Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan’s access licence dealing rules. In the event of any inconsistency between the Plan’s rules and the Minister’s dealing principles, the Minister’s dealing principles prevail.

Relevant clauses in the Water Sharing Plan are 49 to 55.

Milestones for the term of the Plan

- Ongoing (as required) – The Office processes applications for licence transfers.
- Ongoing (as required) – State Water processes applications for allocation assignments.
- December 2009 – The Office to develop policy for trading of supplementary water access licence share components and allocations between supplementary access licences.
- December 2009 – The Office to develop policy for the trading of extraction components.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clauses in the Plan are 56 and 57.

Milestones for the term of the Plan

- December 2009 – The Office to establish a strategy for collection of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office to implement strategy for collecting data on infrastructure changes and irrigation practices.
- September (annually) – The Office to review water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include:

- provision of replenishment flows to nominated creeks and watercourses, if required, to meet domestic and stock demand
- provision for the Minister to nominate procedures for establishing the maximum water delivery or channel capacity, where necessary, for determining extractions, managing water releases or providing water under access licences. Maximum flows were estimated at the commencement of the Plan for the creeks (included in cl.60)
- provision for rules regarding rates of change to releases from water storages
- provision for water orders to be grouped and released periodically when the total remaining volume of water in access licence allocation accounts is low
- requirement that the operation of Copeton Dam during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure.

State Water will maintain decision registers to account for replenishment flows provided to the nominated watercourses.

Where relevant, protocols to give effect to these rules have been included in State Water's water delivery management

Relevant clauses in the Plan are 58 to 63.

Milestones for the term of the Plan

- December 2009 – The Office to finalise protocols for the provision of replenishment flows.
- September (annually and as required) – State Water reports to the Office on the management of the specified replenishments flows.
- October (annually) – The Office audits State Water's compliance with replenishment flows provisions
- December 2009 – The Office to establish rules regarding rates of change to releases from water storages.
- September (annually, and as required) – State Water reports to the Office on the operation of dams during times of flood and spilling.
- October (as required) – The Office audits State Water's compliance with protocols for the management of dams during times of flood and spilling.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(a) to (h).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (e.g. world commodity prices).

Relevant clauses in the Plan are 12 and 64 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office to complete documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office to analyse data and report on Performance Indicators.
- March 2014 – The Office to provide report to the Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Office's annual report.

This IP was amended in December 2008 as a result of the review conducted in that year.

The Relevant clause in the Plan is 64.

Milestones for the term of the Plan

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- October (annually) – The Office includes results of implementation review in its annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister for Water. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan 12 and 66.

Milestones for the term of the Plan

- June 2009 – Minister for Water appoint panel to audit the implementation of the plan.
- December 2009 – Audit Panel to complete audit and submit report to the Minister.
- By March 2014 Minister for Water to appoint panel to audit implementation of the Plan.
- By June 2014 – Review Panel to complete audit and submit report to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that Minister consider a review, conducted by the Natural Resources Commission, when deciding whether to extend its term or to make a new plan (s. 43A). This 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review.

the Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years.

If the Minister decides not to extend the Plan and to make a new plan, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clauses in the Water Sharing Plan 64.

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission requests to review the Plan and report back to the Minister.
- June 2014 – Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 65.

14.2 Other amendments of the Plan

The plan also provides for the amendment of the supplementary water access rules upon the alteration of the Interim Unregulated Flow Management Plan for the North West. There are no milestones relating to this provision in this IP.

Relevant clauses in the Plan are 48(10) and 66.

14.3 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

Relevant clause in the Plan is 67.

14.4 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 68.

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
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Implementation Program for the Water Sharing Plan for the Lachlan Regulated River Water Source

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Office	NSW Office of Water
the Minister	The Minister for Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

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1. Introduction

The *Water Management Act 2000* (**the Act**) is the key piece of legislation in NSW for the management of water in NSW. The overarching objective of the Act is the sustainable and integrated management of the State's water for the benefit of both present and future generations. Water sharing plans are the key tool under the Act for balancing the competing needs of the environment and water users. It establishes rules for sharing water between the environmental needs of the river or aquifer and water users, and also between different types of water users such as town supply, rural domestic supply, stock watering, industry and irrigation.

Water sharing plans have effect for a 10-year period. This provides security and certainty for both the environment and water users. The Lachlan Regulated River Water Sharing Plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. This allows the community to understand the steps the NSW Office of Water (**the Office**) is undertaking to ensure that the provisions of the WSP are being implemented and that the objectives of the plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IPs recognise that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the water sharing plan for the Lachlan Regulated River Water Source 2003 (the plan) was reviewed for the first time in December 2008 and has been updated to set out the activities required to implement the plan for the remainder of the plan term (ie. until June 2014). Milestones which have been met since the commencement of the IP have been deleted, others have been modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Lachlan Regulated River Water Source is within the Lachlan Water Management Area. The water source includes all rivers from the upper limit of Wyangala Dam water storage downstream to the junction of the Lachlan with the Murrumbidgee River, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The two main areas of interest are the impact of management options on flows and extraction. The model has been used to examine 109 years of daily data representing the years from 1892 to 2001.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Lachlan Regulated River Water Source will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the plan are 8 to 12 and Appendix 4.

3. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clause in the Water Sharing Plan is 13.

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14, 30 to 32.

3.1.2 Translucent releases from Wyangala Dam

The Plan also establishes rules for the management of translucent releases from Wyangala Dam, up to a maximum of 350,000 megalitres as measured at Lake Brewster during the period 1 June to 30 November. The target flows for these releases vary between 3,500 ML/day and 8,000 ML/day measured at Lake Brewster Weir, depending on the volume of water in Wyangala Dam. Delivery of translucent releases is conditional on both the inflows to Wyangala Dam and on the flows past Lake

Brewster Weir. These rules also prohibit the extraction of some tributary inflows or the diversion of flows into Lakes Brewster or Cargelligo from 1 June to 30 November. They are aimed at improving flows in the lower Lachlan and reintroducing a more natural flow pattern below Wyangala Dam.

Relevant clause in the Water Sharing Plan is 15(1)

Milestones for the term of the Plan

- July 2009 – The Office reviewed State Water operating protocols for the management of transparency releases.
- September (annually, or more frequently for exception reports) – State Water reports to the Office on delivery of transparency provisions.
- October (annually) – The Office audits State Water delivery of provisions and develop strategies for non-compliance where required.
- January 2010 (and ongoing) – The Office to update environmental water register with details of transparency releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

3.1.3 Environmental contingency allowance

The Plan establishes environmental contingency allowances (ECAs), to be held in Wyangala Dam (WECA) and Lake Brewster (LBECA), with a maximum of 10,000 megalitres in each allowance. It also establishes a water quality allowance (WQECA) of 20,000 megalitres per year.

The plan sets out the rules for how these accounts are credited with water and maintained, and the objectives for releases made from these accounts. These rules are identified in the plan as Planned Environmental Water.

To monitor compliance with the Plan an account to record the volumes of water credited to the ECA and released from it for each event was established in 2004. The decisions made in relation to ECA releases will also be recorded and used to inform the next release program.

In early 2007, the former Department of Environment and Climate Change (DECC) was nominated as the State's environmental water manager. (In mid 2009, this Department became the Department of Environment, Climate Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, namely the WECA and LBECA. The Office will continue to advise the Minister for Water on the operation of the WQECA.

Although not required by the Plan, DECCW intends to produce an annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of ECAs and any Adaptive Environmental Water licences.

Relevant clause in the Water Sharing Plan is 15(1).**Milestones for the term of the Plan**

- July (annually) – DECCW develops an annual Watering Plan (including ECA release programs) for each water year.
- December 2009 – DECCW to develop a decision register for the management of the WECA and LBECA.
- December 2009 – The Office to develop a decision register for the management of the WQECA.
- As required – The Office develops a release strategy for the WQECA and manage releases accordingly.
- August (annually) – The Office reviews the use of the WECA and LBECA for the previous water year.
- September (annually) – State Water reports to the Office on changes in ECA water accounts.
- October (annually) – The Office audits water account and decision register to ensure correct accounting and compliance with the ECA Release Plan.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of ECA releases.
- July 2013 or as required – The Office to report on the ecological outcomes achieved as a result of the use of ECA water. (NB. Reporting requirements will be similar for those to be included in Use Plans)

The relevant clause in the Plan is 15 (2) and (3).**Milestones for the term of the Plan**

- July (annually) – DECCW develops an annual Watering Plan (including ECA release programs) for each water year.
- December 2009 – DECCW to develop a decision register for the management of the WECA and LBECA.
- December 2009 – The Office to develop a decision register for the management of the WQECA.
- As required – The Office develops a release strategy for the WQECA and manage releases accordingly.
- August (annually) – The Office reviews the use of the WECA and LBECA for the previous water year.
- September (annually) – State Water reports to the Office on changes in ECA water accounts.
- October (annually) – The Office audits water account and decision register to ensure correct accounting and compliance with the ECA Release Plan.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of ECA releases.
- July 2013 or as required – The Office to report on the ecological outcomes achieved as a result of the use of ECA water. (NB. Reporting requirements will be similar for those to be included in Use Plans)

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

3.1.4 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), though the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans, must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager in accordance with the Use Plan. This may be the individual licence holder, DECCW, a CMA or other group.

Since the commencement of the Plan, DECCW has purchased a number of access licences in the Lachlan Regulated River Water source under the RiverBank and Wetland Recovery Programs. These licences are linked to the RiverBank Water Use Plan for the Lachlan Water Management Area No. 1 (2008), approved by the Minister for Water.

The relevant clause in the Plan is 16.

Milestones for the term of the Plan

- January 2010 (ongoing) – The Office to establish and maintain a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews a draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved.
- July (annually) DECCW (or the AEW Manager) – Reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- July 2013 or as required - DECCW (or Environmental Water Manager) reports on the ecological outcomes achieved as a result of the use of AEW water. NB: Reporting requirements are to be included in the relevant Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

4. Water for basic landholder rights

The Act requires that basic landholder rights be protected before water extractions under access licences are permitted. In this water source, the water extracted by the exercise of basic rights is insignificant when compared with the Plan's extraction limit. Consequently, water to meet these needs is included in State Water's operational protocols and is delivered on top of water ordered by licence holders and in some unregulated effluent creeks via annual replenishment flows.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office. Section 12 of this IP includes milestones relating to the delivery of replenishment flows. There are no other milestones in this IP relating to water for basic landholder rights.

Relevant clauses in the Plan are 17 to 19 and 60.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a the Office register (web reference www.water.nsw.gov.au). Each year the Office will report on changes to the total of access licence share components and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 28.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(b).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made;
2. the application is for an access licence with a zero share component; or
3. the person has acquired the right to apply for the licence under section 65 of the WMA

Clause 29 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 29.

8. Limits to the availability of water

Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of the Plan and the water management rules defined in the Plan, or
- under the Murray-Darling Basin Ministerial Council Cap baseline conditions.

At the commencement of the Plan, the maximum volume that may be taken under a regulated river (general security) access licence in the Lachlan Regulated River Water Source is 0.75 ML/share in 2004/05 and 1 ML/share in any year after that.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.71). Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

The Plan provides for the establishment of a Compliance Assessment Advisory Committee (CAAC) to assist the Office on formulating any management actions required to return long-term extractions to the long-term extraction limit. Drought conditions since the commencement of the Plan have meant that water extraction has been very low. Consequently, a Compliance Assessment Advisory Committee has not been required. Assessment of LTAEL takes into account three years of extraction. This means that the earliest a CAAC would be established is December 2010, provided drought conditions ease.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment/response process.

Relevant clauses in the Plan are 30 to 35.

Milestones for the term of the Plan

- December 2009 – The Office to finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- Dec 2010 or as required – Minister to appoint CAAC for the remainder of the Plan.
- July (as required) – The Office adjusts longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assesses the long-term average annual extractions in the water sources (including the growth in extraction by local water utilities), with advice from CAAC if established.
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required – The Office advises licence holders of actions required to manage extraction to plan limit

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account.

AWDs will be recorded on the Office's internet site (www.water.nsw.gov.au).

Relevant clause in the Plan is 36.

Milestones for the term of the Plan

- Ongoing – State Water manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office updates a register of Available Water Determinations with announcements for all categories of licence.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d),

8.2.1 Water for domestic and stock and local water utility access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock and local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Wyangala Dam.

Relevant clauses in the Plan are 37 and 38.

Milestones for the term of the Plan

- July (annually, and as further required) – The Office makes Available Water Determinations for domestic and stock, major and local utilities and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d),

8.2.2 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- allocations remaining in access licence water allocation accounts from previous available water determinations
- provision of essential reserves to meet operational requirements when supplying the above.

The remaining water is first shared amongst high security access licences and then general security licences via the AWD.

AWDs will be made following water assessments which are to be undertaken within three working days of the start of each month and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there has been a significant increase in the water stored in Wyangala Dam.

Relevant clauses in the Plan are 39 and 40.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes Available Water Determination for regulated river access licences (general and high security) and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d),

8.2.3 Water for regulated river (conveyance) access licences

AWDs for regulated river (conveyance) access licences will generally be made within the first three working days of the start of each water year and as required to provide a volume of water to licences in this category during the water year. The Plan sets out the rate/unit share to be applied at different AWDs for general security access licences

Relevant clause in the Water Sharing Plan is 41.

Milestones for the term of the Plan

- July (annually) – The Office makes Available Water Determination for Regulated River (conveyance) access licences and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

9. Rules for managing access licences

9.1 Water Access licences

Prior to the commencement of the Plan, the Department converted licences issued under the *Water Act 1912* to access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*. There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 42.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and extracted under each access licence. After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by the Office.

The relevant clauses in the Water Sharing Plan are 43 to 47.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objectives that will be achieved by the delivery of these milestones are set out in clause 10(b).

9.3 Access licences – extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components will only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- 6,600 ML/day between Wyangala Dam and Jemalong Weir (the valve capacity of Wyangala Dam)
- 2,600 ML/day between Jemalong Weir and Willandra Weir
- 390 ML/day in the Wallamundry Creek system
- 1,200 ML/day in Goobang/Bumbuggan Creeks
- 500 ML/day in Willandra Creek
- 2,400 ML/day between Willandra Weir and Merrowie Creek
- 1,500 ML/day between Merrowie Creek and Torrigany split
- 420 ML/day between Torrigany split and Booligal
- 310 ML/day downstream of Booligal.

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 48 to 49 and 62.

Milestones for the term of the Plan

- December 2009 – The Office finalises State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Ongoing (as required) – The Office determines sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) State Water reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required.
- Ongoing (as required) – The Office issues new extraction components.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b).

10. Access licence dealings

Access licence dealings will be operated in this water source in accordance with clauses 50 to 56 of the Plan, and the Minister's access licence dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Relevant clauses in the Water Sharing Plan are Clauses 49 to 55

Milestones for the term of the Plan

- Ongoing (as required) – The Office processes applications for licence transfers.
- Ongoing (as required) – State Water processes applications for allocation assignments.
- December 2009 – The Office to develop policy for the trading of extraction components.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clauses in the Plan are 57 and 58.

Milestones for the term of the Plan

- December 2009 – The Office to establish strategy for collection of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office implements a strategy for collecting data on infrastructure changes and irrigation practices
- September (annually) – The Office reviews water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect to, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

12. Water source operation

Operation is the management of infrastructure and management of access within the water source which can impact on the volume of water available for sharing amongst access licences. Operation can also impact on the delivery of water at times and in sections of the water source.

Water is to be supplied, if required, to the effluent watercourses prescribed in the Plan as follows:

- up to 12,000 megalitres per water year to that part of Willandra Creek as described in Clause 60(1)(a)
- up to 9,000 megalitres per water year to the Marrowie Creek Trust District downstream to the point described in Clause 60(1)(b)
- up to 9,000 megalitres per water year to the Torigany, Muggabah and Merrimajeel Creeks Trust District downstream to the point described in Clause 60(1)(c)
- a continuous supply of up to 12,500 megalitres in any water year to Booberoi Creek

The replenishment requirements may vary considerably from year to year due to the seasonal conditions. The volumes specified as an upper limit in the Plan are what is necessary to replenish the entire river length in dry antecedent conditions.

Protocols for the provision of these replenishment flows will be established. Accounts and decision registers will be established to account for replenishment flows provided to these watercourses.

The Plan provides that rules regarding rates of change to releases from water storages be specified and take into account relevant environmental considerations, damage to river banks, and public safety.

As well the Plan provides that if, in the opinion of the Minister, the total remaining volume of water in access licence allocation accounts has reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses, water orders may be grouped and released periodically. The circumstances under which this should be taken and the manner of management will be established. This will involve consultation with the irrigation industry representatives.

The Plan requires that the operation of Wyangala Dam during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure.

Relevant clauses in the Plan are 59 to 65.

Milestones for the term of the Plan

- December 2009 – The Office to finalise protocols for the provision of replenishment flows.
- September (annually and as required) – State Water reports to the Office on the management of the specified replenishments flows.
- October (annually) – The Office audits State Water’s compliance with replenishment flows provisions.
- December 2009 – The Office to establish rules regarding rates of change to releases from water storages.
- September (annually, and as required) – State Water reports to the Office on the operation of dams during times of flood and spilling.
- October (as required) – The Office audits State Water’s compliance with protocols for the management of dams during times of flood and spilling.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 12 and 66 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office to complete documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office to analyse data and report on Performance Indicators.
- March 2014 – The Office to provide report to the Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Office's annual report.

This IP was amended in December 2008 as a result of the review conducted in that year. Is this now Spetember 2009?

The Relevant clause in the Plan is 66.

Milestones for the term of the Plan

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- October (annually) – The Office includes results of implementation review in it's annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given affect.

The audit must be undertaken by an audit panel that has been appointed by the Minister.. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan are 12 and 66.

Milestones for the term of the Plan

- June 2009 – Audit Panel appointed by the Minister for Water.
- December 2009 – Audit completed and report submitted to the Minister.
- By March 2014 – Audit Panel appointed by the Minister for Water.
- By June 2014 – Audit completed and report submitted to the Minister

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that Minister consider a review, conducted by the Natural Resources Commission, when deciding whether to extend its term or to make a new plan (s. 43A). This 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If the Minister decides not to extend the Plan and to make a new plan, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clauses in the Water Sharing Plan 66.

Milestones for the term of the Plan

- July 2009 to June 2014 Natural Resources Commission review the Plan as part of its CAP audit and report back to the Minister.
- June 2014 Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 67.

14.2 Changes to planned environmental water rules

The Plan provides for the Minister to amend the planned environmental water rules and decrease the cumulative dam inflow trigger for the commencement of the dam translucency provisions (initially set in the WSP at 250,000 ML since the start of the calendar year). The review must be carried out in the 5th year of the WSP (ie. Before June 2009). Due to dry conditions since the commencement of the Plan and the lack of information to support this review, it will be allowed to lapse.

There are no milestones for these provisions in this IP.

Relevant clause in the plan is 68.

14.3 Amendments of regulated river (conveyance) access licence conditions

The Plan also allows for the conveyancing allowance for Jemalong Irrigation Ltd to be adjusted to reflect actual losses experienced under continuous accounting rules or converted into high and general security access licences.

Relevant clauses in the plan are 26, 41, 47(4) and 69.

Milestones for the term of the Plan

- Within 12 months of WSP recommencement – Review and adjust Jemalong Irrigation Ltd conveyancing allowance, if required.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b).

14.4 Amendment of rules relating to constraints within a water source

The WSP provides for the reduction or removal of restrictions on dealings within nominated sections of the water source with supply constraints (cl. 51(4) – 51(6)). These changes may be made any time after 1 July 2007 and must be preceded by the review set out in cl. 70(2) & (3) of the Plan. This review must be completed before the end of year 5 of the Plan (ie. 30 June 2009). As the Plan has been suspended since 1 July 2004, there is insufficient information to support this review and it will be allowed to lapse.

There are no milestones for these provisions in this IP.

Relevant clauses in the Plan are 51(4) to (6), and 70.

14.5 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The milestone for this provision is included in section 8.1 of this IP.

Relevant clause in the Plan is 71.

14.6 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 72.

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the Murrumbidgee Regulated River Water Source

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of the water sharing plan for the Murrumbidgee Regulated River Water Source (**the Plan**), which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic, stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. The Murrumbidgee Regulated River Water Sharing Plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IP allows the community to identify the strategies the NSW Office of Water (**the Office**) will adopt to ensure the provisions in the Plan are being implemented and that the objectives of the Plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the Murrumbidgee Regulated River Water Source 2003 was updated for the first time in December 2008 and now outlines the activities required to give effect to the plan for the remainder of the plan term (ie. until June 2014). Milestones which have been met since the commencement of the IP were deleted, others were modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Murrumbidgee Regulated River Water Source is within the Murrumbidgee Water Management Area. The water source includes all rivers from the upper limit of Burrinjuck Dam and Blowering Dam water storages downstream to the junction of the Murrumbidgee River and its effluent rivers with the Murray River, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The model has been used to examine 108 years of daily data representing the years from 1892 to 2000.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Murrumbidgee Regulated River Water Source will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the plan are 8 to 12.

3. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clause in the Water Sharing Plan is 13.

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14(1), 31 to 34.

3.1.2 Minimum daily flows in the Murrumbidgee River

The Plan contains rules to ensure that a minimum level of flows are maintained downstream of the Balranald Weir and are protected from extraction. The target flows are currently set in the Plan at between 200 ML/day and 300 ML/day, depending on how much water is made available to general security licence holders. These rules are aimed at ensuring that there is connectivity throughout the river system and reintroducing a more natural flow pattern and are identified in the Plan as planned environmental water.

The Plan provides for changes to the calculation of the minimum daily flow targets from 1 July 2008 aimed at reintroducing some natural variability to the flows.

Note: These changes will not be introduced until the critical water planning process (in place whilst the WSP is suspended) is no longer needed and Plan is reinstated.

Relevant clauses in the Water Sharing Plan are 14(2) to 14(4).

Milestones for the term of the Plan

- December 2009 – The Office to review State Water operating protocols for the management of the minimum daily flow targets.
- September 2009 – The Office develops compliance criteria with State Water for delivery of minimum daily flows.
- On recommencement of the WSP – The Office adopt new end of system flow targets and inform State Water.
- September (annually) – State Water reports to the Office on the delivery of minimum flow provisions.
- October (annually) – The Office audits SWC delivery of provisions and develop strategies for non-compliance where required.
- January 2010 – The Office develop a register of environmental water.
- Ongoing – The Office maintains environmental water register and update with details of end of system flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (c), (g), (i) to (k).

3.1.3 Transparency and translucency provisions

Transparent releases from Blowering Dam and Burrinjuck Dam

The Plan includes rules which require the release of up to 560 ML/day from Blowering Dam and between 300 and 615 ML/day from Burrinjuck Dam, depending on inflows into the storages. These rules, known as *dam transparency* rules, are aimed at protecting the low flows in the upper reaches of the river immediately below the two Dams. They are identified in the Plan as Planned Environmental Water.

Relevant clauses in the Water Sharing Plan are 15(1) to 15(4).

Milestones for the term of the Plan

- December 2009 – The Office reviews State Water operating protocols for the management of transparency releases.
- September (annually, or more frequently for exception reports) – State Water reports to the Office on delivery of transparency provisions.
- October (annually) – The Office audits State Water delivery of provisions and develop strategies for non-compliance where required.
- January 2010 (and ongoing) – The Office updates environmental water register with details of transparency releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (c), (g), (i) to (k).

Translucent releases from Burrinjuck Dam

The plan also includes rules which require a percentage of flows into Burrinjuck Dam between 22 April and 21 October to be released. These rules are known as *dam translucency rules* (occurring during periods of high flows). They are aimed at providing greater variability in winter flows downstream of the Dams. Flows which are released as a result of these rules are identified as planned environmental water. The percentage of flows to be released at any time is dependent on the climatic conditions in the catchment above the Dam and the Burrinjuck Dam storage levels.

Relevant clauses in the Water Sharing Plan are 15(1),15(4) to 15(7), Schedules 3 to 5.

Milestones for the term of the Plan

- December 2009 – The Office reviews State Water operating protocols for the management of translucency releases.
- September (annually, or more frequently for exception reports) – State Water reports to the Office on delivery of translucency provisions.
- October (annually) – The Office audits State Water delivery of provisions and develop strategies for non-compliance where required.
- January 2010 (and ongoing) – The Office updates environmental water register with details of translucency releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (c), (g), (i) to (k).

3.1.4 Environmental contingency allowance

The Plan establishes 3 separate environmental water allowances (also known as environmental contingency allowances) in both Burrinjuck and Blowering Dams. There are different rules for how these accounts are credited with water and maintained. Releases from all of the allowances may be made when needed for a wide range of environmental purposes, such as assisting water bird breeding, flooding of wetlands, fish passage or breeding, restoring water quality or maintaining flows in the lower reaches of the river which better reflect natural flows. These rules are identified in the plan as Planned Environmental Water note:

The Plan includes triggers and other rules for the use of water from these ECA accounts and sets out the purposes for which water from these three ECA accounts may be used.

Different carry over provisions apply to these EWA accounts:

- Up to 50,000 ML remaining in the EWA1 account at the end of each water year may be carried over to the next water year.
- Any water remaining in the EWA2 at the end of each water year that was not carried forward from the previous water year may be carried over to the following water year without limit. Water may only be carried forward once. (i.e. water remaining in the EWA2 at the end of each water year that was carried over from the previous water year may not be carried over again to the following water year).
- No water from the EWA3 account can be carried forward for use in subsequent years as the balance in this account at 1 January is transferred to the second provisional storage volume account (PSV2).

Releases from these accounts are to be made in accordance with detailed rules developed by the Minister, with the advice of the Environmental Water Allowance Reference Group, prior to each water year.

To monitor compliance with the Plan an account to record the volumes of water credited to the EWA account and released from it for each event will be established by the Office. The decisions made in relation to EWA releases will also be recorded and used to inform the next release program.

In early 2007, the former Department of Environment Conservation and Climate Change (DECC) was nominated as the State's environmental water manager. (In mid 2009, this Department became the Department of Climate, Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, namely the 3 EWAs.

Although not required by the Plan, DECCW intends to produce an Annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of EWAs and any Adaptive Environmental Water licences.

The relevant clause in the Plan is 15 (8) and (24).

Milestones for the term of the Plan

- July (annually) – DECCW develops an Annual Watering Plan (including EWA release programs) for each water year.
- December 2009 – DECCW develops a decision register for the management of the EWAs.
- August (annually) – The Office reviews the use of the EWAs for the previous water year.
- September (annually) – State Water reports to the Office on changes in EWAs water accounts.
- October (annually) – The Office audits water account and decision register to ensure correct accounting and compliance with the EWAs Release Plan.
- January 2010 (and ongoing) – The Office updates Environmental Water register with details of EWAs releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (c), (g), (i) to (k).

3.1.5 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager (in line with the Use Plan). This may be the individual licence holder, DECC, a CMA or other group.

Since the commencement of the Plan, DECCW has purchased a number of access licences in the Murrumbidgee Regulated River Water Source under the RiverBank Program. These licences are linked to the RiverBank Water Use Plan for the Murrumbidgee Water Management Area (2008), approved by the Minister for Water.

The relevant clause in the Plan is 16.

Milestones for the term of the Plan

- December 2009 (ongoing) – The Office to establish and maintain a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved.
- July (annually) – DECCW (or the AEW manager) reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (c), (g), (i) to (k).

4. Water for basic landholder rights

The Act requires that basic landholder rights be protected before water extractions under access licences are permitted. In this water source, the water extracted by the exercise of basic rights are comparatively small when compared with the Plan's extraction limit. Consequently, water to meet these needs is included in State Water's operational protocols for delivery of water ordered by licence holders and via a replenishment flow up to a volume of up to 36,500 megalitres to Forest Creek below Warriston Weir. The replenishment volume for the Forest Creek provided for in the Plan was reduced in 2004 to 26,160 megalitres, and then ceased in 2007, following the implementation of water savings measures.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office. Section 12 of this IP includes milestones relating to the delivery of replenishment flows. There are no other milestones in this IP relating to water for basic landholder rights.

Relevant clauses in the Plan are 17 to 19 and 63.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a Departmental register (web reference www.water.nsw.gov.au). Each year the Office will report on changes to the total of access licence share components and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 29.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made
2. the application is for an access licence with a zero share component
3. the person has acquired the right to apply for the licence under section 65 of the WMA.

Clause 30 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Note: An embargo was placed on the conversion of licences from one category of licence to another on 2 July 2008.

Relevant clause in the Plan is 30.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of the Plan and the water management rules defined in the Plan
- under the Murray-Darling Basin Ministerial Council Cap baseline conditions.

The maximum volume that may be taken under a regulated river (general security) access licence in the Murrumbidgee Regulated River Water Source is 1ML/share.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.75).

Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM model approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment/response process.

Relevant clauses in the Plan are 31 to 34, 75.

Milestones for the term of the Plan

- December 2009 – The Office to finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- July (as required) – The Office to adjust longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assesses the long-term average annual extractions in the water sources (including the growth in extraction by local water utilities).
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required – The Office advises licence holders of actions required to manage extraction to plan limit.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account.

AWDs will be recorded on the Office's website (<http://wma.water.nsw.gov.au>).

Relevant clause in the Plan is 35.

Milestones for the term of the Plan

- Ongoing – State Water manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office updates a register of Available Water Determinations with announcements for all categories of licence.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

8.2.1 Water for domestic and stock and local water utility access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock and local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Burrinjuck and/or Blowering Dams.

Relevant clauses in the Plan are 36 and 37.

Milestones for the term of the Plan

- July (annually, and as further required) – The Office makes available water determinations for domestic and stock, major and local utilities and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of this milestones are set out in clauses 10(f) and (h).

8.2.2 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account all relevant matters, including:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- allocations remaining in access licence water allocation accounts from previous available water determinations
- provision of essential reserves to meet operational requirements when supplying the above.

The remaining water is first shared amongst high security access licences and then general security licences via the AWD. Assessment of AWD for general security licences must also take into account the requirements for Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences.

AWDs will be made following water assessments which are generally undertaken within three working days of the start of each month and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Burrinjuck and/or Blowering Dams.

Relevant clauses in the Plan are 38 and 39.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes Available Water Determination for regulated river access licences (general and high security) and communicates determination to licence holders.

WSP objective that will be achieved by the delivery of this milestones are set out in clause 10(h).

8.2.3 Water for regulated river (conveyance) access licences

AWDs for regulated river Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences will generally be made within the first three working days of the start of each water year and as required to provide a volume of water to licences in this category during the water year. The Plan sets out the timing and rate/unit share to be applied at different AWDs for general security access licences.

Relevant clauses in the Water Sharing Plan are 40 and 41.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes available Water Determination for Regulated River Murrumbidgee Irrigation (conveyance) and Coleambally Irrigation (conveyance) access licences and communicates determination to licence holders.

WSP objective that will be achieved by the delivery of this milestone is set out in clause 10(h).

8.2.4 Water for supplementary water access licences

AWDs for supplementary water access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Burrinjuck and/or Blowering Dams. AWDs will take into account the results of the assessment of the long term extraction from the previous water year.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clause in the Water Sharing Plan is 42.

Milestones for the term of the Plan

- July (annually) – The Office makes available Water Determination for Supplementary Water access licences and communicates determination to licence holders.

WSP objective that will be achieved by the delivery of this milestones is set out in clause 10(h).

9. Rules for managing access licences

9.1 Water Access licences

Prior to the commencement of the Plan, the Office converted licences issued under the *Water Act 1912* to access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*. There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 43.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and extracted under each access licence. After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water

exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by the Office.

The relevant clauses in the Water Sharing Plan are 39(6), 44 to 48.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objective that will be achieved by the delivery of this milestone is set out in clause 10(h).

9.3 Access licences – extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components will only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- 9,000 ML/day in the Tumut River at Oddys Bridge
- 9,300 ML/day in the Tumut River at Tumut
- 32,000 ML/day in the Murrumbidgee River at Gundagai
- 1,400 ML/day in Yanco Creek at the Offtake.

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 49 to 51, 60 and 65.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Ongoing (as required) – The Office determines sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- July (annually) – State Water reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required.
- Ongoing (as required) – The Office issues new extraction components.

WSP objective that will be achieved by the delivery of these milestones is set out in clause 10(h).

9.4 Access to uncontrolled flows

The Plan includes rules for the taking of uncontrolled flows in the Murrumbidgee water source where the sum of AWDs for general security access licences is less than 0.85 ML of share components and flows are sufficient to permit water to be taken under supplementary water access licences.

These rules allow the taking of uncontrolled flows without debit to water accounts, under specified conditions (set out in clause 39(6)).

Milestones for collecting data on infrastructure changes (including installed pump capacity) and irrigation practices are included in section 11 of this Implementation Program.

Relevant clauses in the Plan are 39(6) and 51.

Milestones for the term of the Plan

- When required – State Water announces access to uncontrolled flows.
- September (annually) – State Water reports to the Office on diversions of uncontrolled flows for each reach.
- October (annually) – The Office audits State Water's compliance with rules for access to uncontrolled flows.
- October (annually) – The Office reports on access to uncontrolled flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

9.5 Extraction of water under supplementary access licences

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Office. Such announcements will specify the period during which extraction may occur and may specify the percentage of each supplementary water access licence share component that can be extracted.

These announcements will be monitored and reviewed so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

Relevant clauses in the Plan are 39(6) and 51.

Milestones for the term of the Plan

- When required – State Water announces access to water by supplementary access licence holders.
- September (annually) – State Water reports to the Office on announcements of supplementary water, including period, reach and the proportion of available flows extracted for each announcement.
- October (annually) – The Office audits State Water's compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.

WSP objectives that will be achieved by the delivery of this milestones are set out in clauses 10(a) to (k).

10. Access licence dealings

Access licence dealings are permitted in this water source in accordance with the access licence dealing rules in clauses 52 to 58 of the Plan, and the Minister's access licence dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Relevant clauses in the Water Sharing Plan are: 52 to 58.

Milestones for the term of the Plan

- Ongoing (as required) – The Office processes applications for licence transfers.
- Ongoing (as required) – State Water processes applications for share assignments.
- December 2009 – The Office to develop policy for the trading of extraction components.
- December 2009 – The Office to develop policy for trading of supplementary water access licence share components and allocations between supplementary access licences.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of this milestones are set out in clauses 10(a) to (k).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clauses in the Plan are 59 and 60.

Milestones for the term of the Plan

- December 2009 – The Office to establish strategy for collection of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office to implement strategy for collecting data on infrastructure changes and irrigation practices.
- September (annually) – The Office reviews water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of this milestones are set out in clauses 10(a) to (k).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of this milestones are set out in clauses 10(a) to (k).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include

- establishment of two provisional storage accounts (PSV1 and PSV2) for the purposes of increasing the size and frequency of spill events and to increase water availability in the following season and sets out the accounting rules for the management of these accounts.
- Provision for up to 36,500 megalitres to be delivered to Forest Creek below Warriston Weir in each water year., if required as replenishment flows. As a result of water savings, the operational targets for replenishment flows were reduced to 26,160 ML/year in 2004, and replenishment flows then ceased in 2007. The Plan also provides for minimum daily flow of 50 megalitres per day to be maintained in Billabong Creek at Darlot throughout the water year. This requirement remains in place.
- Provision for the Minister to nominate procedures for establishing the maximum water delivery or channel capacity, where necessary, for determining extractions, managing water releases or providing water under access licences. (Milestones relating to these provisions are included in section 9.3 of this IP).
- Provision for rules regarding rates of change to releases from water storages,
- provision for water orders may be grouped and released periodically when the total remaining volume of water in access licence allocation accounts is low,
- requires that the operation of Burrinjuck Dam during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure and leave the storage full at the completion of the flood event subject to airspace operation rules. Airspace operation rules have been developed the Burrinjuck Dam. Blowering Dam is operated in accordance with the provisions of the Blowering Airspace Deed.
- sets out the circumstances and limits to any water which may diverted to the Lowbidgee Flood Control and Irrigation District at the offtake regulators located within the Maude and Redbank Weir pools.

Where relevant, protocols to give effect to these rules have been included in State Water's water delivery management system.

Relevant clauses in the Plan are 50, 61 to 69.**Milestones for the term of the Plan**

- September (annually) – State water provides information to the Office on the operation of the provisional storage accounts.
- October (annually) – The Office revieww information on operation of provisional storage accounts.
- December 2009 – The Office to establish rules regarding rates of change to releases from water storages.
- September (annually, as required) – State Water reports to the Office on bulk water transfers between the two storages.
- September (annually, and as required) – State Water reports to the Office on the operation of dams during times of flood and spilling.
- October (as required) – The Office audits State Water's compliance with protocols for the management of dams during times of flood and spilling.
- September (annually) – State water reports to the Office on compliance with the airspace operation provisions for the previous year.
- October (annually) – The Office audits and reports on State Water's compliance with the airspace operation provisions for the previous year.
- December 2009 – The Office to finalise protocols for managing access to flows by the Lowbidgee Flood Control and Irrigation District.
- September (annually) – State water reports to the Office on access to flows by the Lowbidgee Flood Control & Irrigation District for the previous year.
- October (annually) – The Office audits and State Water's report on access to flows by the Lowbidgee Flood Control & Irrigation District and include in annual report on implementation.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k)

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 12 and 70 and Appendix 4.

Milestones for the term of the Plan

- Ongoing. The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office to complete documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office analyses data and report on Performance Indicators.
- March 2014 – The Office provides a report to Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in department's annual report.

This IP was amended in December 2008 as a result of the review conducted in that year.

The Relevant clause in the Plan is 70.

Milestones for the term of the Plan

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- October (annually) – The Office includes results of implementation review in it's annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given affect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan 12 and 70.

Milestones for the term of the Plan

- June 2009 – Audit Panel appointed by the Minister for Water.
- December 2009 – Audit completed and report submitted to the Minister.
- By March 2014 – Audit Panel appointed by the Minister for Water.
- By June 2014 – Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that the Plan be reviewed prior to any decision to extend its term or to make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission and 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clauses in the Water Sharing Plan 70.

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission review the Plan as part of its CAP audit and report back to the Minister.
- June 2014 Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 71.

14.2 Review of environmental water and provisional storage volumes

The Plan provides for a review of planned environmental water rules (cl. 15) and the calculation of the provisional storage volumes (cl 62). This review was to be conducted prior to 1 July 2005.

Consequently the provision has now lapsed. The review may be conducted prior to the end of the 10 year term of the current WSP in 2014. There are no milestones relating to this provision in this IP.

Relevant clauses in the Plan are 14, 62 and 72.

14.3 Review of access rules for supplementary water and Lowbidgee Flood Control and Irrigation District

The Plan provides for a review of the rules for permitting access to flows:

- by supplementary water access licences (cl.51) following a review of the environmental impact of access by this category of licence
- and by the Lowbidgee Flood Control and Irrigation District (cl.69) following gazettal of a water management plan including the Lowbidgee Flood Control and Irrigation District and associated areas within three years of the commencement of this Murrumbidgee WSP.

Development of a water sharing plan for the Lowbidgee Flood Control and Irrigation District has commenced and is due for completion in December 2009. Changes to the rules in the Murrumbidgee WSP required to give effect to the Lowbidgee water management plan will be made by this date.

Relevant clauses in the Plan are 51, 69 and 73.

Milestones for the term of the Plan

- December 2009 – Gazette a water management plan including the Lowbidgee Flood Control and Irrigation District and other related areas.
- December 2009 – Finalise any changes to the rules in the Plan to give effect to the Lowbidgee water management plan within the constraint provided in clause 73(5)
- March 2010 – Review of supplementary water access completed and licence holders informed of amendments.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

14.4 Other amendments

The plan provides for changes to:

- the available water determinations (AWD) for Murrumbidgee Irrigation (conveyance) and Coleambly Irrigation (conveyance)
- the maximum carryover percentage for regulated river (general security) access licences and for Murrumbidgee Irrigation (conveyance) and Coleambally Irrigation (conveyance) to be changed
- when water may be extracted and the total amount that may be extracted without debit to the water allocation account.

In December 2005, the available water determination (AWD) rules for Murrumbidgee irrigation (conveyance) licences were changed to better reflect the actual conveyance requirements. No changes have been made to the AWDs for Coleambally Irrigation (conveyance) access licences.

The carryover limit for general security licences was increased from 15 per cent to 30 per cent for the end of the 2008/09 water year. No change was made to maximum carry over percentages for the other categories of licence. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 74.

14.5 Changes to planned environmental water rules

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The milestone for this provision is included in section 8.1 of this IP.

Relevant clause in the Plan is 75.

14.6 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 76.

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Sources

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	The NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

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1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of the water sharing plan for the Macquarie and Cudgegong Regulated Rivers Water Sources (**the Plan**), which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic, stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. The Macquarie and Cudgegong Regulated Rivers Water Sources Water Sharing Plan (WSP) 2003 is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IP allows the community to identify the strategies the NSW Office of Water (**the Office**) will adopt to ensure the provisions of the WSP are being implemented and that the objectives of the plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan. Circumstances that may result in an amendment to the Plan are described in the IP.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

The IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan. This IP was updated for the first time in December 2008 and now outlines the activities required to give effect to the plan for the remainder of the plan term (ie. Five and a half years to 2014). Milestones which have been met since the commencement of the IP were deleted, others were modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Macquarie and Cudgegong Regulated Rivers Water Source is within the Central West Water Management Area. The water source includes all rivers from the upper limit of Windamere Dam water storage downstream to the junction of the Macquarie River and its effluent rivers with the Barwon River, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The model has been used to examine 111 years of daily data representing the years from 1890 to 2001.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Macquarie and Cudgegong Regulated River Water Source will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the plan are 8 to 12.

3. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clause in the Water Sharing Plan is 13.

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14(a) & (b), 29 to 33.

3.1.2 Minimum daily flows in the Cudgegong River

The Plan also establishes rules for the release of up to 10,000 ML per year from Windamere Dam to attain, in combination with any downstream tributary inflows, flows between 150 and 1,500 megalitres per day (ML/day) at Rocky Water Hole, provided that the storage level in Windamere Dam is greater than 110,000 ML. These flows are protected from extraction until they have entered the Burrendong Dam water storage. They are aimed at ensuring that there is connectivity throughout the river system and reintroducing a more natural flow pattern in the upper reaches below Windamere Dam and are identified in the Plan as planned environmental water.

Relevant clauses in the Water Sharing Plan are 15(1) to (9)**Milestones for the term of the Plan**

- September 2009 – The Office develops compliance criteria with State Water for minimum daily flow targets
- December 2009 – The Office to review State Water’s operating protocols for the management of the flow targets
- December 2009 – State Water installs additional gauge for management of minimum daily flow rules in the Cudgegong River.
- September (annually, or more frequently for exception reports) – State Water report to the Office on delivery of minimum daily flows.
- October (annually) – The Office audits State Water delivery of provisions and develop strategies for non-compliance where required.
- January 2010 – The Office to develop register of environmental water.
- Ongoing – The Office maintains environmental water register and update with details of minimum daily flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

3.1.3 Environmental contingency allowance

The Plan establishes an environmental water allowance of 160,000 ML (all general security) available for the regulated sections of the Macquarie River and the Macquarie Marshes). The allowance is divided into two sub-allowances: sub-allowance 1 (initially set at 3/5 of the volume) will be managed translucently, and sub-allowance 2 (initially set at 2/5 of the volume) managed actively with advice from the Environmental Flow Reference Group (EFRG).

The Plan includes triggers and other rules for the use of water from sub-allowance 1 (translucent). It also sets out the purposes for which water from sub-allowance 2 may be used. The Minister may alter the relative distribution of water between the 2 sub-allowances, change the period during which releases from sub-allowance 1 (translucent) may be made, alter the triggers and flow thresholds for these releases and suspend or temporarily curtail releases from the sub-allowance 1 (translucent) account.

To monitor compliance with the Plan an account to record the volumes of water credited to the Environmental Water Account (EWA) and released from it for each event was established in 2004. The decisions made in relation to EWA releases will also be recorded and used to inform the next release program.

In early 2007, the former Department of Environment and Climate Change (DECC) was nominated as the State’s environmental water manager. (In mid 2009, this Department became the Department of Environment, Climate Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, including EWAs both sub-allowance 1 and 2 and the management and support of the Environmental Flow Reference Group.

Although not required by the Plan, DECCW intends to produce an annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of ECAs and any Adaptive Environmental Water licences.

The relevant clause in the Plan is 15 (10) to (34).

Milestones for the term of the Plan

- July (annually) – DECCW develop an annual Watering Plan (including an ECA release program) for each subsequent water year.
- December 2009 – DECCW (or the Office?) to develop a decision register for the management of the EWA (sub-allowance 2).
- August (annually) – The Office reviews the use of the EWA for the previous water year.
- September (annually) – State Water reports to the Office on changes in EWA.
- October (annually) – The Office audits water account and decision register to ensure correct accounting and compliance with the EWA Release Plan.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of EWA releases.
- July 2013 or as required – DECCW to report on the ecological outcomes achieved as a result of the use of EWA.

NB. Reporting requirements will be similar for those to be included in Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

3.1.4 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), though the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager (in line with the Use Plan). This may be the individual licence holder, DECC, a CMA or other group.

Since the commencement of the Plan, DECCW has purchased a number of access licences in the Macquarie and Cudgegong Regulated Rivers Water source under the RiverBank and Wetland Recovery Programs. These licences are linked to the RiverBank Water Use Plan for the Macquarie River No. 1 (2008), approved by the Minister for Water.

The relevant clause in the Plan is 16.

Milestones for the term of the Plan

- December 2009 (ongoing) – The Office to establish and maintain a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved
- July (annually) - DECCW (or the AEW manager) reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- July 2013 or as required - DECCW (or Environmental Water Manager) reports on the ecological outcomes achieved as a result of the use of AEW water.

NB. Reporting requirements are to be included in Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a), (c) and (d).

4. Water for basic landholder rights

The Act requires that basic landholder rights be protected before water extractions under access licences are permitted. In this water source, the water extracted by the exercise of basic rights is comparatively small when compared with the Plan's extraction limit. Consequently, water to meet these needs is included in State Water's operational protocols and is delivered on top of water ordered by licence holders and in some unregulated effluent creeks via annual replenishment flows.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office. There are no milestones relating to these provisions in this IP.

Relevant clauses in the Plan are 17 to 19, and 59.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a the Office register (web reference www.water.nsw.gov.au).

Each year the Office will report on changes to the total of access licence share components and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 27.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and report on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (c).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made:

- the application is for an access licence with a zero share component
- the person has acquired the right to apply for the licence under section 65 of the WMA.

Clause 28 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 28.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages, and water use development that existed in 1999/2000, the share components existing at the commencement of the Plan and the water management rules defined in the Plan
- under the Murray-Darling Basin Ministerial Council Cap baseline conditions.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.67).

Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

The Plan provides for the establishment of a Compliance Assessment Advisory Committee (CAAC) to assist the Office on formulating any management actions required to return long-term extractions to the long-term extraction limit. Drought conditions since the commencement of the Plan have meant that water extraction has been very low. Consequently, a Compliance Assessment Advisory Committee has not been required. Assessment of LTAEL takes into account three years of extraction. This means that the earliest a CAAC would be established is December 2010, provided drought conditions ease.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment and response process.

Relevant clauses in the Plan are 29 to 33.

Milestones for the term of the Plan

- December 2009 – The Office finalises and publishes the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- Dec 2010 or as required – Minister to appoint CAAC for the remainder of the plan.
- July (as required) – The Office adjusts longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assesses the long-term average annual extractions in the water sources (including the growth in extraction by local water utilities), with advice from CAAC if established.
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required – The Office advises licence holders of actions required to manage extraction to plan limit.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account.

AWDs will be recorded on the Office's central register for future reference (www.water.nsw.gov.au).

Relevant clause in the Plan is 34.

Milestones for the term of the Plan

- Ongoing – State Water manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office updates register of Available Water Determinations with announcements for all categories of licence
- October (annually) – The Office reviews and report on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

8.2.1 Water for domestic and stock and local water utility access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock and local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Windamere and/or Burrendong Dams.

Relevant clauses in the Plan are 35 and 36.

Milestones for the term of the Plan

- July (annually, and as further required). – The Office makes AWDs for domestic and stock, major and local utilities and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(b) and (c).

8.2.2 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account all relevant matters, including:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- provision of essential reserves to meet operational requirements when supplying the above.

The remaining water is first shared amongst high security access licences and then general security licences via the AWD.

AWDs will be made following water assessments which will generally be undertaken within three working days of the start of each month and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan whenever there has been a significant increase in the water stored in Windamere and/or Burrendong Dams.

Relevant clauses in the Plan are 37 and 38.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes AWDs for regulated river access licences (general and high security) and communicates determination to licence holders.

WSP objective that will be achieved by the delivery of this milestone are set out in clauses 10(b) and (c).

8.2.3 Water for supplementary water access licences

AWDs for supplementary water access licences will generally be made within the first three working days of the start of each water year and will take into account the results of the assessment of the long term extraction from the previous water year.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clause in the Water Sharing Plan is 39.

Milestones for the term of the Plan

- July (annually) – The Office makes AWD for Supplementary Water access licences and communicates determination to licence holders.

WSP objective that will be achieved by the delivery of this milestone are set out in clauses 10(b) and (c).

9. Rules for managing access licences

9.1 Water Access licences

Prior to the commencement of the Plan, the Office converted licences issued under the *Water Act 1912* to access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*. There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 40.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and extracted under each access licence. After each AWD, SWC credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. SWC also adds to the account water exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by SWC.

The relevant clauses in the Water Sharing Plan are 41 to 45.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(b) and (c).

9.3 Access licences - extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components will only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 46 to 48 and 60.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Ongoing (as required) – The Office determines sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) – State Water reviews and reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required.
- Ongoing (as required) – The Office issue new extraction components.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (c).

9.4 Taking of water under supplementary water access licences

The Plan sets out the timing and rate/unit share to be applied and the factors which must be taken into account when determining whether water can be taken under supplementary water access licences.

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Office. Such announcements will specify the river specific reach, the period during which extraction may occur and the percentage of each supplementary water access licence water allocation account limit that can be extracted.

These Supplementary access announcements will be monitored and reviewed by State Water so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

The plan allowed for the minimum flow requirement for extraction of water under supplementary water access licence to be modified in the fifth year of the Plan if it can be demonstrated that there has been no progress on improving the ability to provide flows in excess of 5,000 ML/day at Warren. Following changes to the Water Management Act, however, the requirement for WSPs to be reviewed in year 5 was revoked. Consequently, this provision has now lapsed

Relevant clause in the Plan is 48.

Milestones for the term of the Plan

- September (annually) – State Water reports to the Office on announcements of supplementary water, including period and reach for each announcement, the proportion of available flows extracted.
- October (annually) – The Office audits State Water's compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

10. Access licence dealings

Access licence dealings will be operated in this water source in accordance with clauses 49 to 55 of the Plan, and the Minister's access license dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Relevant clauses in the Water Sharing Plan are: 49 to 55.

Milestones for the term of the Plan

- Ongoing (as required) – The Office processes applications for licence transfers.
- Ongoing (as required) State Water process applications for allocation assignments.
- December 2009 – The Office to develop policy for trading of supplementary water access licence share components and allocations between supplementary access licences. As fro Gwydir, I thought this was in place.
- December 2009 – The Office to develop policy for the trading of extraction components.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time. Information on water extraction is collected by State Water and used to update the water accounts for all categories of access licence holders (see section 9.2 of this IP).

The relevant clauses in the Plan are 56 and 57.

Milestones for the term of the Plan

- Ongoing – State water collects water extraction data.
- December 2009 – The Office to establish strategy for collection of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office to implement strategy for collecting data on infrastructure changes and irrigation practices.
- September (annually) – The Office reviews water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews its State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(a) to (d).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include:

- provision of replenishment flows to nominated creeks and watercourses, if required, to meet domestic and stock demand
- provision for the Minister to nominate procedures for establishing the maximum water delivery or channel capacity, where necessary, for determining extractions, managing water releases or providing water under access licences. Maximum flows were estimated at the commencement of the Plan for the creeks (included in cl.60)
- provision for rules regarding rates of change to releases from water storages,
- bulk water transfers between Windamere and Burrendong Dams
- requirement that the operation of Windamere and Burrendong Dams during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure
- rules for the airspace operation of Burrendong Dam.

State Water will maintain decision registers to account for replenishment flows provided to the nominated watercourses.

Where relevant, protocols to give effect to these rules have been included in State Water's water delivery management

Relevant clauses in the Plan are 58 to 64.

Milestones for the term of the Plan

- December 2009 – The Office to finalise protocols for the provision of replenishment flows.
- September (annually and as required) – State Water reports to the Office on the management of the specified replenishment flows.
- October (annually) – The Office audits State Water's compliance with replenishment flows provisions.
- December 2009 – The Office to establish rules regarding rates of change to releases from water storages.
- September (annually, as required) – State Water reports to the Office on bulk water transfers between the two storages.

- October (annually, as required) – The Office audits and reports on compliance with the protocols developed for the bulk transfer of water.
- September (annually, and as required) – State Water reports to the Office on the operation of dams during times of flood and spilling.
- October (as required) – The Office audits State Water’s compliance with protocols for the management of dams during times of flood and spilling.
- September (annually) – State water reports to the Office on compliance with the airspace operation provisions for the previous year.
- October (annually) – The Office audits and reports on State Water’s compliance with the airspace operation provisions for the previous year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (d).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 12 and 65 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office completes documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office analyses data and reports on Performance Indicators.
- March 2014 – The Office provides report to Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Offices annual report.

This IP was amended in December 2008 as a result of the review conducted in that year.

The Relevant clause in the Plan is 65.

Milestones for the term of the Plan

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- October (annually) – The Office includes results of implementation review in its annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan 65.
Milestones for the term of the Plan

- June 2009 – Audit Panel appointed by the Minister for Water.
- December 2009 – Audit completed and report submitted to the Minister.
- By March 2014 – Audit Panel appointed by the Minister for Water.
- By June 2014 – Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that Minister consider a review, conducted by the Natural Resources Commission, when deciding whether to extend its term or to make a new plan (s. 43A). This 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clauses in the Water Sharing Plans 12 and 65.

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission requested to review the Plan as part of its CAP audit and report back to the Minister.
- June 2014 – Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 66.

14.2 Changes to planned environmental water rules

The Plan provides for the Minister to amend the planned environmental water rules as follows:

- Increase the 150 ML/day trigger for the release of the minimum daily flows in the Cudgegong Regulated River up to a maximum of 1,500 ML/day.
- Decrease the 1,500 ML/day target for flows in the Cudgegong River at Rocky Water Hole down to a minimum of 150 ML/day.
- Alter the distribution of shares of the EWA sub-allowance accounts, annually, provided each sub-allowance receives a minimum two fifths share.
- Alter the shares of the EWA sub-allowance accounts beyond the limits initially set in the plan for years 6 to 10 of the Plan's operation.
- Restrict the release of water from EWA sub-allowance 1 (translucent) to a nominated period.
- Alter the release triggers and maximum flow targets for release of EWA sub-allowance 1 (translucent) within the bounds set by the Plan.

There are no milestones for these provisions in this IP.

Relevant clause in the plan is 67.

14.3 Other amendments of the Plan

The plan also provides for the amendment of the minimum flow requirements for extraction of water under supplementary water access licences. Following changes to the Water Management Act in 2004, specifically the replacement of year 5 review of the Plan with an audit of implementation, this provision lapsed.

There are no milestones for these provisions in this IP.

Relevant clauses in the Plan are 48(7) and 68.

14.4 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The Minister may also amend the Plan to specify the purposes for which planned environmental water committed under section 8A of the Act will be used. The milestone for this provision is included in section 8.1 of this IP.

Relevant clause in the Plan is 69.

14.5 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 70

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the NSW Murray and Lower Darling Regulated Rivers Water Sources

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

1. Introduction

The *Water Management Act 2000* (**the Act**) is the key piece of legislation in NSW for the management of water in NSW. The overarching objective of the Act is the sustainable and integrated management of the State's water for the benefit of both present and future generations. Water sharing plans are the key tool under the Act for balancing the competing needs of the environment and water users. It establishes rules for sharing water between the environmental needs of the river or aquifer and water users, and also between different types of water users such as town supply, rural domestic supply, stock watering, industry and irrigation.

Water sharing plans have effect for a 10-year period. This provides security and certainty for both the environment and water users. The NSW Murray and Lower Darling Regulated Rivers Water Sharing Plan (WSP) is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. This allows the community to understand the steps the NSW Office of Water (**the Office**) is undertaking to ensure that the provisions of the WSP are being implemented and that the objectives of the plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IPs recognise that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the water sharing plan for the NSW Murray and Lower Darling Regulated Rivers Water Sources 2003 (the plan) was reviewed for the first time in December 2008 and has been updated to set out the activities required to implement the plan for the remainder of the plan term (ie. until June 2014). Milestones which have been met since the commencement of the IP have been deleted, others have been modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The NSW Murray and Lower Darling Regulated Rivers Water Sources are within the Murray Water Management Area.

The NSW Murray Water Source includes the Murray River from the upper limit of Hume Dam water storage downstream to the South Australian border, the Edward and Wakool Rivers and a variety of smaller rivers or sections of rivers that receive water from the Murray River.

The Lower Darling Water Source includes the Darling River from the upper limit of the Lake Wetherall water storage to the upstream limit of the Wentworth Weir pool water storage. It also includes the Menindee Lakes and Tandou Creek.

1 | NSW Government, 2009

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as IQQM (Integrated Quantity and Quality Model). The model simulates the behaviour of flows, extractions through private and public infrastructure throughout the water source to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules.

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under the development levels specified in the Plan and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the NSW Murray and Lower Darling Regulated Rivers Water Sources will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

Relevant clauses in the plan are 8 to 12 and Appendix 4.

3. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans must establish specific environmental water rules.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The implementation of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clause in the Water Sharing Plan is 13.

3.1.1 Limit to extraction

The Plan establishes rules for planned environmental water that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14, 15, 31 to 33.

3.1.2 Environmental contingency allowances

Clause 15 of the Plan establishes 3 separate environmental water allowances (also known as environmental contingency allowances) in the NSW Murray Water Source:

- Barmah-Millewa Environmental Water Allowance which has a maximum volume of 350,000 megalitres at any point in time
- Barmah-Millewa Overdraw, which has a maximum volume of 50,000 megalitres per water year available for release
- Murray Additional Environmental Allowance (AEA) which has a maximum volume equivalent to 15 per cent of the share component of regulated river (high security) access licences.

The Plan also establishes an environmental water allowance in the Lower Darling Water Source known as the Lower Darling Environmental Contingency Allowance (ECA), which has a maximum volume of 30,000 megalitres and is aimed at controlling blue green algal levels in this water source.

There are different rules for how these accounts are credited with water and maintained. The Plan also sets out the triggers for releases from these accounts. These rules are identified in the plan as Planned Environmental Water.

Most of these Allowances are rule based, and do not provide for the discretion in setting the objectives and strategies for releases from these accounts usually associated with such provisions in other plans. Only the Murray AEA provides for releases to be made for any purpose consistent with the objectives set out in the WSP (cl. 10).

In early 2007, the former Department of Environment Conservation and Climate Change (DECC) was nominated as the State's environmental water manager. (In mid 2009, this Department became the Department of Climate, Change and Water). Following these changes DECCW is now responsible for advising the Minister for the Environment on any discretionary elements of planned environmental water provisions in the WSPs, namely the Murray AEA. The Office will continue to manage and advise the Minister for Water on the operation of the Barmah-Millewa EWA and Overdraw and the Lower Darling ECA.

Although not required by the Plan, DECCW intends to produce an Annual Watering Plan for each regulated water source in which they have a decision making role. This Watering Plan will cover use of Environmental Water Allowances and any licences nominated as Adaptive Environmental Water.

To monitor compliance with the Plan an account to record the volumes of water credited to the EWA accounts and released from it for each event will be established by the Office. Records of releases made and account balance changes will be recorded by State Water Corporation and reported to the Office.

The relevant clause in the Plan is 15.

Milestones for the term of the Plan

- July (annually). DECCW develops an Annual Watering Plan (including EWA release programs) for each water year.
- July (annually) DECCW provides copy of the Annual Watering Plan to State Water.
- July 2009 DECCW develops a decision register for the management of the EWAs.
- August (annually) the Office review the use of the EWAs for the previous water year.
- September (annually) State Water reports to the Office on changes in EWAs water accounts.
- October (annually) the Office audits water account and decision register to ensure correct accounting and compliance with the EWA rules and watering strategy for the Murray AEA.
- January 2010 (and ongoing) the Office updates Environmental Water register with details of EWAs releases.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (i).

3.1.3 Adaptive environmental water

Before an access licence is committed as Adaptive Environmental Water (AEW), though the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager in accordance with the Use Plan. This may be the individual licence holder, DECCW, a CMA or other group.

The Plan identifies 2 licences (combined entitlement of 32,027 ML) as AEW licences. These licences were generated by water saving projects.

The relevant clause in the Plan is 16.

Milestones for the term of the Plan

- July 2009 (ongoing) – The Office establishes and maintains a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved
- July (annually) – DECCW (or the AEW manager) reports to the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of AEW releases.
- July 2013 or as required – DECCW reports on the ecological outcomes achieved as a result of the use of AEW.

NB. Reporting requirements will be similar for those to be included in Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (i).

4. Water for basic landholder rights

The Act requires that sharing of water in a water source must protect basic landholder rights. In this water source, the water extracted by the exercise of basic rights is comparatively small when compared with the Plan's limit on extraction. Consequently, water to meet these needs is included in State Water's operational protocols for delivery of water ordered by licence holders.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office. Section 12 of this IP includes milestones relating to the delivery of replenishment flows and section 14 includes milestones relating to changes in WSP requirements for replenishment flows. There are no other milestones in this IP relating to water for basic landholder rights.

Relevant clauses in the Plan are 17 to 19 and 60 and 68.

5. Bulk access regime

The rules in the Plan for the extraction of water under access licences in each water source is known as the bulk access regime. This regime includes rules relating to the granting of access licences and rules in relation to making water available to licence holders. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade or conversions from one licence category to another.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in the share component of access licences are also included in a Departmental register (web reference www.water.nsw.gov.au).

Each year the Office will report on changes to the total of access licence share component volume and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 28.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences share component, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objective that will be achieved by the delivery of this milestone is set out in clause 10(k).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made
2. the application is for an access licence with a zero share component
3. the person has acquired the right to apply for the licence under section 65 of the WMA.

Clause 29 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 29.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed as exceeding the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit for the NSW Murray water source has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages, share components and water use development that existed in 2000/2001, and the water management rules defined in the Plan minus 17,800 ML
- under the development and management conditions used to define Cap in Schedule F of the Murray-Darling Basin Agreement minus 17,800 ML.

Note. The 17,800 ML subtracted in the above calculation is the estimated long-term extraction associated with the 100 GL of supplementary water share component purchased under the Living Murray Program and retired from the bulk access regime. However, the purchased supplementary water access licence share component will continue to attract water allocations in accordance with the available water determinations made to all supplementary water access licences. The taking of water allocations under this licence will not be accounted for against the long-term extraction limit.

The long-term extraction limit for the Lower Darling water source has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages, share components and water use development that existed in 2000/2001 and the share components of the access licences issued as part of the arrangements that replaced the replenishment flow to the Great Anabranch and the water management rules defined in the Plan
- under the development and management conditions used to define Cap in Schedule F of the Murray-Darling Basin Agreement .

Note: A piped water system is currently being constructed to replace the need for the replenishment flow to the Great Anabranch. As soon as possible after completion of the pipeline, the Minister will issue one or more new licences to the Water Administration Ministerial Corporation for the water savings resulting from the pipeline project. The Corporation will commit these licences as adaptive environmental water.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.69).

Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM model approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

A report detailing any action required will be released by the Office in March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment and response process.

Relevant clauses in the Plan are 30 to 33.

Milestones for the term of the Plan

- December 2009 – The Office to finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- July (as required) – The Office adjusts longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assesses the long-term average annual extractions in the water sources (including the growth in extraction by local water utilities).
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required – The Office advises licence holders of actions required to manage extraction to plan limit.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence's water allocation account.

AWDs are recorded in a register that is located on the Office's website (www.water.nsw.gov.au).

Relevant clause in the Plan is 34.

Milestones for the term of the Plan

- Ongoing – State Water manages a register of access licences, including changes in access licence entitlements.
- Ongoing – The Office updates a register of Available Water Determinations.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

8.2.1 Water for domestic and stock and local water utility access licences

Water under domestic and stock and local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components for these categories of licences will generally be made in all years except during a period of extreme drought. Under these circumstances the Office will, where possible, consult with holders of these access licences prior to adopting strategies to conserve water.

AWDs for domestic and stock and local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there has been a significant increase in the water available for New South Wales use. .

Relevant clauses in the Plan are 35 and 36.

Milestones for the term of the Plan

- July (annually, and as further required). – The Office makes Available water determinations for domestic and stock, major and local utilities and communicate determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

8.2.2 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account all relevant matters including:

- water assessments undertaken following advice from the Murray-Darling Basin Commission of the water available for use by New South Wales
- water to meet the requirements of the environmental water provisions, domestic and stock and native title rights, domestic and stock and local water utility access licences
- allocations remaining in access licence water allocation accounts from previous available water determinations
- provision of essential reserves to meet operational requirements when supplying the above.

Based on this assessment the available water to these licences is first shared amongst regulated river (high security) access licences and then conveyance access licences and then regulated river (general security) access licences .

AWDs will be made following water assessments which are to be undertaken following advice from the Murray-Darling Basin Commission of the water available for use by New South Wales. AWDs will be announced at the commencement of the water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there has been a significant increase in the water available for New South Wales use.

Relevant clauses in the Plan are 37 and 39.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes Available Water Determination for regulated river access licences (general and high security) and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(a) to (k).

8.2.3 Water for regulated river (conveyance) access licences

AWDs for regulated river (conveyance) access licences in the NSW Murray water source will only be made when 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.

Relevant clauses in the Water Sharing Plan are 38.

Milestones for the term of the Plan

- July (annually and as required) – The Office makes available Water Determination for Regulated River (conveyance) access licences and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(a) to (k).

8.2.4 Water for supplementary water access licences

AWDs for supplementary water access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there has been a significant increase in the water available for New South Wales use.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clause in the Water Sharing Plan is 40.

Milestones for the term of the Plan

- July (annually) – The Office makes Available Water Determination for Supplementary Water access licences and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(a) to (k).

9. Rules for managing access licences

9.1 Water Access licences

At the commencement of the Plan, licences issued under the *Water Act 1912* were replaced by access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000* (WMA). There are no milestones relating to these activities in this IP.

Relevant clause in the Plan is 41.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water sources and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and withdrawn or debited for each access licence, through AWD's or water trades (known as dealings under the WMA). After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water that has been obtained through water trades. Water extracted or moved to another account via a dealing is debited against the seller's water allocation account by the Office.

The relevant clauses in the Water Sharing Plan are 42 to 46.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objective that will be achieved by the delivery of this milestone is 10(k).

9.3 Access licences – extraction component

The extraction component on the access licence will specify the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components may take place during the term of the plan and will generally only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders and taking into account environmental factors. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- Hume Dam and Lake Mulwala of 25,000 ML/day
- Tocumwal Choke of 10,600 ML/day
- Barmah Choke of 8,500 ML/day
- Edward River offtake of 1,600 ML/day
- Gulpa Creek of 350 ML/day
- Pooncarie of 20,000 ML/day.

In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:

- the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
- after satisfying this requirement, the remaining supply capability will be distributed among regulated river (conveyance) access licences and regulated river (general security) access licences in proportion to the share component of each access licence and the available water determination relationship specified in clause 38(3).

Relevant clauses in the Plan are 38(3), 47 to 49, 57 and 61.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- Ongoing (as required) – The Office determines sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) – State Water reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required.
- Ongoing (as required) – The Office issues new extraction components.

WSP objective that will be achieved by the delivery of these milestones is set out in clause 10(k).

9.4 Access to uncontrolled flows

The Plan provides rules for the taking of water without debit to regulated river (general security) access licences in the water source where the sum of AWDs for general security access licences is less than or equal to 0.6 ML per unit share of share components and access to supplementary water is permitted. These rules allow the taking of uncontrolled flows without debit to water accounts, under specified conditions.

Relevant clauses in the Plan are 39(10).

Milestones for the term of the Plan

- When required – State Water announce access to uncontrolled flows.
- September (annually) – State Water reports to the Office on diversions of uncontrolled flows for each reach.
- October (annually) – The Office audits State Water's compliance with rules for access to uncontrolled flows.
- October (annually) – The Office reports on access to uncontrolled flows.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

9.5 Extraction of water under supplementary access licences

The Plan sets out the timing and rate/unit share to be applied and the factors which must be taken into account when determining whether water can be taken under supplementary water access licences.

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Minister. Such announcements will specify the period during which extraction may occur and may specify the percentage of each supplementary water access licence share component that can be extracted.

These announcements will be monitored and reviewed so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

Relevant clause in the Plan is 49.

Milestones for the term of the Plan

- When required – State Water announces access to water by supplementary access licence holders.
- September (annually) – State Water reports to the Office on announcements of supplementary water, including period, reach and the proportion of available flows extracted for each announcement.
- October (annually) – The Office audits State Water's compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

10. Access licence dealings

Access licence dealings are permitted in this water source in accordance with the access licence dealing rules in clauses 50 to 56 of the Plan, and the Minister's access licence dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au). The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Relevant clauses in the Water Sharing Plan are 50 to 56.

Milestones for the term of the Plan

- Ongoing (as required). – The Office processes applications for licence transfers.
- Ongoing (as required) – State Water processes applications for share assignments.
- December 2009 – The Office to develop policy for the trading of extraction components.
- December 2009 – The Office develops State-wide policy on establishing conversion factors for dealings.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clauses in the Plan are 59 and 60.

Milestones for the term of the Plan

- July 2009 – The Office establishes a strategy for collection of data on irrigation practices and infrastructure changes.
- July 2009 (ongoing) – The Office implements a strategy for collecting data on infrastructure changes and irrigation practices.
- September (annually) – The Office reviews water extraction information for the previous water year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP was given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and periodically reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include provision for replenishment flows (now replaced by a pipeline system), maximum channel operating capacities and the operation of the infrastructure by State Water during floods. Appendix 5 of the plan outlines general operational arrangements which applied to these water sources under the Murray Darling Basin Agreement at the time of Plan gazettal.

Where relevant protocols to give effect to these rules have been included in State Water's water delivery management system.

Relevant clauses in the Plan are 59 to 63 and Appendix 5.

Milestones for the term of the Plan

- September (annually, and as required) – State Water reports to the Office on the operation of dams during times of flood and spilling.
- October (as required) – The Office audits State Water's compliance with protocols for the management of dams during times of flood and spilling.
- September (annually) State water reports to the Office on compliance with the airspace operation provisions for the previous year.
- October (annually) – The Office audits and reports on State Water's compliance with the airspace operation provisions for the previous year.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (k).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators are used to determine the performance of the Plan against its objectives. Appendix 4 to the WSP matches the indicators to the plan's objectives and details how these indicators are to be measured. The timing of the collection of information for each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on this information. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 12 and 64 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office completes documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014. – The Office analyses data and report on Performance Indicators.
- March 2014 – The Office provides a report to Minister for Water and NRC (if required) detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Office's annual report.

This IP was reviewed and updated in December 2008 as a result of the review conducted in 2008.

The Relevant clause in the Plan is 64.

Milestones for the term of the Plan

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- October (annually) – The Office includes results of implementation review in it's annual report.
- As required – The Office modifies the IP, where necessary, to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given affect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan 12 and 6.

Milestones for the term of the Plan

- June 2009 – Audit Panel appointed by the Minister for Water
- December 2009 – Audit completed and report submitted to the Minister
- By March 2014 – Audit Panel appointed by the Minister for Water
- By June 2014 – Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that the Plan be reviewed prior to any decision to extend its duration or make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission and 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years.

If the Minister decides not to extend the Plan and to make a new plan, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clause in the Water Sharing Plan 64.

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission requested to review the Plan and report back to the Minister.
- June 2014 – The Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

14.1 Changes to water sources

The Plan allows a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the plan is 65.

14.2 Barmah-Millewa Allowance and Barmah-Millewa Overdraw

The Plan provides that the Minister may, at any time, 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). To make such an amendment clause 66 sets out a number of requirements which include, that the Minister must be of the opinion that the change is not contrary to the environmental objectives of the Plan and that the Minister has consulted with the Minister for the Environment.

There are no milestones for these provisions in this IP.

Relevant clause in the plan is 66.

14.3 Amendments of regulated river (conveyance) access licence available determination rules

The Plan also allows for available water determinations for regulated river conveyance licences allowance for Murray Irrigation Ltd to be adjusted to reflect actual losses 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.

Relevant clauses in the plan are 38(3) and 67.

Milestones for the term of the Plan

- As required – The Office reviews and adjusts rules for AWD for regulated river (conveyance) access licences.

WSP objective that will be achieved by the delivery of this milestone is set out in clause 10(k).

14.4 Replacement of replenishment flow rules

The WSP provides for changes in to the replenishment flows required to the Great Anabranch following the completion of a piped water system which will replace the need for these flows. An access licences was created and issued to the Water Administration Ministerial Corporation for the water savings under this project in May 2009. This licence will be nominated as Adaptive Environmental Water once an AEW Use Plan is approved by the Minister..

Relevant clauses in the Plan are 60(4) and 68.

Milestones for the term of the Plan

- As required – The Office amends WSP rules for replenishment flows to the Great Anabranch.

WSP objectives that will be achieved by the delivery of this milestone are set out in clauses 10(a) to (j).

14.5 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The milestone for this provision is included in section 8.1 of this IP.

Relevant clause in the Plan is 69.

14.6 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As estimates for floodplain harvesting were considered in the development of the Plan, the Act requires that any amendment made to the Plan under this provision must not affect the outcomes of the long-term extraction limit specified in the Plan. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 70

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plan for the Upper and Lower Namoi Regulated Rivers Water Sources

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

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1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of the water sharing plan for the Upper Namoi and Lower Namoi Regulated River Water Sources (**the Plan**), which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic, stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. The Upper and Lower Namoi Regulated River Water Sharing Plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IP allows the community to identify the strategies the NSW Office of Water (**the Office**) will adopt to ensure that the objectives of the Plan will be achieved. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

Each IP is reviewed annually and updated as necessary to reflect the activities and associated timeframes which are required to give effect to the Plan.

The IP for the water sharing plan for the Upper and Lower Namoi Regulated River Water Sources 2003 was updated for the first time in December 2008 and now outlines the activities required to give effect to the plan for the remainder of the plan term (ie. until June 2014). Milestones which have been met since the commencement of the IP were deleted, others were modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Description of water source

The Upper Namoi and Lower Namoi Regulated River Water Sources are within the Namoi Water Management Area. The water sources include all rivers from the upper limit of Keepit Dam and Split Rock Dam water storages downstream to the junction of the Namoi River and its effluent rivers with the Barwon River, which at the commencement of the Plan, have been declared by the Minister to be regulated rivers.

1.2 Basis for sharing water

The water sharing provisions of this Plan have been developed using a computer model known as the Integrated Quantity and Quality Model (**IQQM**). The model simulates the behaviour of flows, extractions and private and public infrastructure throughout the water sources to produce daily data on these parameters. The primary purpose of the model is to enable comparison of the outcomes of applying different extraction access management rules. The model has been used to examine 110 years of daily data representing the years from 1891 to 2000.

1 | NSW Government, 2009

The model was used to calculate the long-term extraction under Murray Darling Basin Ministerial Council Cap baseline conditions and the long-term extraction limit under current development levels and the adopted extraction management provisions of the Plan. The most up-to-date model will be used each year to assess the long-term extraction under the development conditions current at the time. This model will also be used to develop the rules to ensure that extraction does not exceed the long-term extraction limit.

1.3 Time-frames

Implementation of the Plan for the Upper Namoi and Lower Namoi Regulated Rivers Water Sources will be undertaken based on the tasks and time frames over the life of the Plan. The IP details the milestones for the remaining five and a half years of the Plan.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

3. Environmental Water Provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

3.1 Planned Environmental Water

3.1.1 Limit to extraction

The Plan establishes a planned environmental water rule that protects water in excess of the Plan extraction limit being extracted. Section 8 of this IP details how this is to be achieved.

Relevant clauses in the Water Sharing Plan are 14, 30 to 33.

3.1.2 Minimum daily flow

The Plan also establishes minimum daily flow in the Namoi River at Walgett in June, July and August. The required flow is equivalent to 75% of the 95th percentile daily flow for each month. At the commencement of the Plan, these targets were estimated to be 21, 24 and 17 ML/day respectively.

The relevant clause in the Plan is 15.**Milestones for the term of the Plan**

- September 2009 – The Office developed a compliance criteria with State Water for minimum daily flow targets.
- December 2009 – The Office to review State Water operating protocols for the management of the flow targets.
- September (annually, or more frequently for exception reports) – State Water reports to the Office on delivery of minimum daily flow targets.
- October (annually) – The Office to audit State Water delivery of provisions and develop strategies for non-compliance where required.
- October (annually) – The Office to review allowance in the Essential Supplies Account (initially 5 GL) for releases from storage to meet minimum daily flow targets.
- January 2010 – The Office to develop register of environmental water.
- Ongoing – The Office to maintain environmental water register.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) and (f).

3.2 Adaptive environmental water (AEW)

Before an access licence is committed as Adaptive Environmental Water (AEW), though the imposition of an AEW condition, the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager in accordance with the Use Plan. This may be the individual licence holder, DECCW, a CMA or other group.

There are no access licences committed to an environmental purpose in the water source on 30 June 2008.

The relevant clause in the Plan is 16.**Milestones for the term of the Plan**

- December 2009 The Office establishes a register for access licences committed to an environmental purpose, including the conditions of the committal.
- Ongoing – The Office reviews a draft AEW Use Plan and Minister for Water reject/approve AEW Use Plan as appropriate.
- Ongoing – The Office reviews AEW nominations and attach AEW condition to licences if approved.
- July (annually) – DECCW (or the AEW manager) report sto the Office on the performance of each access licence in relation to its conditions of committal.
- October (annually) – The Office reviews use of AEW access licences.
- January 2010 (and ongoing) – The Office to update Environmental Water register with details of AEW releases.
- July 2013 or as required – DECCW to report on the ecological outcomes achieved as a result of the use of AEW.

NB. Reporting requirements will be similar for those to be included in Use Plans.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) and (f).

4. Water for basic landholder rights

The Act requires that basic landholder rights be protected before water extractions under access licences are permitted. In this water source, the water extracted by the exercise of basic rights is comparatively small when compared with the Plan's extraction limit. Consequently, water to meet these needs is included in State Water's operational protocols as essential requirements and delivered on top of water ordered by licence holders and via replenishment flows of up to 14,000 ML/year to Pian Creek downstream of Dundee Weir if required.

Water will generally be available for domestic and stock basic rights. During extreme droughts, continuous supply to parts of the water source may not be available as flows may be released into regulated river reaches on an intermittent basis to conserve water. The frequency and duration of these releases will be subject to consultation between the community and the Office.

Section 12 of this IP includes milestones relating to the delivery of replenishment flows. There are no other milestones in this IP relating to water for basic landholder rights.

Relevant clauses in the Plan are 17 to 19 and 60.

5. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 7 of this IP details milestones relating to the granting of access licences. Section 8 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 9 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause in the Plan is 20.

6. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a the Office register (web reference www.water.nsw.gov.au).

Each year the Office will report on changes to the total of access licence share component volume and new access licences issued under the Plan's provisions.

Relevant clauses in the Plan are 21 to 27.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – The Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

7. Rules for granting access licences

Section 61 of the WMA provides that applications for new access licences can only be made where:

1. the application is for a specific purpose access licence and the Regulations or a WSP provide that an application for such the licence can be made
2. the application is for an access licence with a zero share component; or as for Gwydir, zero share licenses don't apply to Namoi,. Should this stay as an Act reference or be deleted
3. the person has acquired the right to apply for the licence under section 65 of the WMA.

Clause 28 of the WSP sets out what specific purpose access licences can be applied for under the Plan. All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 28.

8. Limits to the availability of water

8.1 Long-term extraction limit

The Plan does not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plan. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

The long-term extraction limit has been set as the lesser of the average annual volume of extraction that would occur:

- with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of the Plan and the water management rules defined in the Plan
- under the Murray-Darling Basin Ministerial Council Cap baseline conditions.

At the commencement of the Plan, the maximum volume that may be taken under a regulated river (general security) access licence in the Upper Namoi Water Source is 1 ML/share.

At the commencement of the Plan, the maximum volume that may be taken under a regulated river (general security) access licence in the Lower Namoi Water Source

- during any water year, shall be a maximum of 125 per cent of the share component of the access licence, plus the volume of water allocations assigned to the access licence
- during any three consecutive water years, shall be a maximum of 300 per cent of the share component of the access licence, plus the volume of water allocations assigned to the access licence during the three water years.

The Plan provides for this limit to be adjusted where cancelled licences are nominated by the Minister as recovered planned environmental water (cl.69).

Each year the Office will undertake an assessment of the long-term extraction limit and the current long-term average annual extraction, using the IQQM approved by the Office for this purpose. In the assessment year the Office will complete the assessment and make public its report on the outcomes.

A report detailing any management actions to return long-term extractions to the long-term extraction limit by March each year, for implementation the next water year. The Office will document the procedures that it will follow for this assessment/response process.

Relevant clauses in the Plan are 29 to 33, 69.

Milestones for the term of the Plan

- December 2009 – The Office to finalise and publish the procedures to be used to assess current long term average annual extraction against the limits established in the Plan.
- July (as required) – The Office adjusts longer term average extraction limit for the water sources to account for recovered planned environmental water.
- July to March (annually) – The Office assesses the long-term average annual extractions in the water sources, including the growth in extraction by local water utilities.
- March (annually) – The Office reports the results of assessment of compliance with long term average annual extraction limit and proposed management actions.
- As required – The Office advises licence holders of actions required to manage extraction to plan limit.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

8.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account. The AWDs will be announced (via Ministerial order) as a percentage of the share component of the access licence and will apply to all access licences in the water sources.

AWDs will be recorded on the Office's internet site (www.water.nsw.gov.au).

Relevant clause in the Plan is 34.

Milestones for the term of the Plan

- Ongoing – The Office manages a register of AWDs for all categories of access licences.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

8.2.1 Water for domestic and stock access licences

Water under domestic and stock access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for domestic and stock access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Split Rock and Keepit Dams.

Relevant clause in the Plan is 35.**Milestones for the term of the Plan**

- July (annually, and as further required) – The Office makes AWDs for domestic and stock and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (c).

8.2.2 Water for local water utility access licences

Water under local water utility access licences is made available before water for regulated river (high security) and regulated river (general security) access licences.

An AWD of 100 per cent of access licence share components will be made in all years except during a year of extreme drought. Under these circumstances the Office will consult with holders of these access licences prior to adopting a strategy to conserve water.

AWDs for local water utility access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Split Rock and Keepit Dams.

Relevant clause in the Plan is 36.**Milestones for the term of the Plan**

- July (annually, and as further required) – The Office makes AWDs for local water utility access licences and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (d).

8.2.3 Water for regulated river (high security) and regulated river (general security) access licences

Before water is made available for regulated river access licences, the Office will take into account:

- water to meet the requirements of the environmental water provisions, basic landholder rights, domestic and stock and local water utility access licences as detailed in the Plan
- water remaining in access licence water allocation accounts
- provision of essential reserves to meet operational requirements when supplying the above.

The remaining water is first shared amongst high security access licences and then general security licences via the AWD.

AWDs for regulated river (high security) and (general security) access licences will generally be made within the first three working days of the start of each water year and at regular intervals after this where initial AWDs were less than the maximum allowed by the plan when there is a significant increase in the water stored in Split Rock and Keepit Dams.

Relevant clauses in the Plan are 37 and 38.**Milestones for the term of the Plan**

- July (annually and as required) – The Office makes AWDs for regulated river (high security) and (general security) access licences and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (d).

8.2.4 Water for supplementary water access licences

AWDs for supplementary water access licences will be made within the first three working days of the start of each water year.

The maximum AWD for supplementary water access licences is 1 ML/unit share or a lower amount introduced as a measure to reduce long term average annual extraction to the Plan limit.

Water extraction under supplementary water access licences is only permitted in accordance with announcements made by the Minister.

Relevant clause in the Water Sharing Plan is 39.

Milestones for the term of the Plan

- July (annually) – The Office makes Supplementary water AWD and communicates determination to licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (d).

9. Rules for managing access licences

9.1 Water Access licences

Prior to the commencement of the Plan, the Office converted licences issued under the *Water Act 1912* to access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*. There are no milestones relating to these activities in this IP.

Relevant clause in the Water Sharing Plan is 40.

9.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in the water source and is managed in accordance with the rules specified in the Plan.

The water allocation account tracks the water credited and extracted under each access licence. After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the water allocation account by the Office.

The relevant clauses in the Water Sharing Plan are 41 to 45.

Milestones for the term of the Plan

- Ongoing – State Water maintains water accounts in line with the accounting provisions of the Plan.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (e).

9.3 Access licences – extraction component

The extraction component on the access licence specifies the section of the water source from which water may be extracted. The extraction component may also be numerically specified and expressed as a share of supply capability or a volume per unit of time.

Where extraction components of access licences are not specified numerically as a share of supply capability or a volume per unit of time then priority of extraction between access licence categories shall be as set out in the Plan.

Numerical specification of extraction components will only be undertaken for access licences in sections of the water source where there are existing problems in supplying water orders. The sections of the water source where these constraints may currently occur have been identified in the Plan and an initial estimate of the operating supply capacity made.

Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- 2,000 ML/day (80 per cent being 1,600 ML/day) in Pian Creek channel downstream from Gunidgera Offtake.
- 1,250 ML/day at Gunidgera offtake, which regulates flows into Pian Creek.
- In distributing the agreed capacity amongst licence holders the priorities will be as set out in the Plan:
 - the specified rate in the extraction component of each domestic and stock, local water utility, and regulated river (high security) access licences will be sufficient to satisfy the maximum daily water needs
 - after satisfying this requirement, the remaining supply capability will be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.

Relevant clauses in the Plan are 46 to 48 and 61.

Milestones for the term of the Plan

- December 2009 – The Office to finalise State-wide policy on extraction components, including the process for determining triggers and other criteria that will determine when and how extraction shares are to be issued for sections of a water source.
- December 2010 – The Office to amend the extraction components of access licences in Gunidgera Creek and Pian Creek downstream of the Gunidgera Creek Offtake in accordance with the Plan.
- Ongoing (as required) – The Office determines additional sections of the water source where the supply capacity is exceeded or may be exceeded in the near future, and determine maximum operating capacity.
- Ongoing (as required) – State Water monitors against the triggers/criteria and establish extraction components of access licences when specified conditions are met.
- September (annually) – State Water reports to the Office on compliance on exceedance of the maximum operating supply capacity.
- October (annually) – The Office reviews compliance report and take management action where required.
- Ongoing (as required) – The Office issues new extraction components.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) to (d).

9.4 Taking uncontrolled flows in the Upper Namoi Water Source

The Plan includes rules for the taking of uncontrolled flows in the Upper Namoi where the sum of AWDs for general security access licences is less than 60% of share components. These rules allow the taking of uncontrolled flows without debit to water accounts, under specified conditions. Some of the flow conditions may be varied by the Minister if the installed pump capacity along the water source increases by 20% or more. Milestones for collecting data on infrastructure changes (including installed pump capacity) and irrigation practices are included in section 11 of this Implementation Program.

Relevant clauses in the Plan are 38(8) and 48

Milestones for the term of the Plan

- September (annually) – State Water reports to the Office on diversions of uncontrolled flows for each reach.
- October (annually) – The Office audits State Water’s compliance with rules for access to uncontrolled flows.
- October (annually) – The Office reports on access to uncontrolled flows.
- As required – Minister for Water amends plan to change rules for access to uncontrolled flows by general security access licence holders (in accordance with cl. 38(8)).
- As required – State Water reports on increase in installed pump capacity in upper Namoi River and Mainilla River reaches.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(b) and (e).

9.5 Taking of water under supplementary water access licences

The Plan sets out the timing and rate/unit share to be applied and the factors which must be taken into account when determining whether water can be taken under supplementary water access licences in the Lower Namoi Regulated River Water Source.

Extraction under supplementary water access licences will only be permitted in accordance with announcements made by the Minister. Such announcements will specify the period during which extraction may occur and the percentage of each supplementary water access licence share component that can be extracted.

These announcements will be monitored and reviewed by State Water so as to, as far as possible, evenly share access opportunity amongst all supplementary water access licences.

The relevant clause in the Water Sharing Plan is 49.

Milestones for the term of the Plan

- September (annually) – State Water reports to the Office on announcements of supplementary water, including period, reach and the proportion of available flows extracted for each announcement.
- October (annually) – The Office audits State Water’s compliance with rules for access by supplementary water licence holders.
- October (annually) – The Office reports on extraction by supplementary water access licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

10. Access licence dealings

Access licence dealings will be operated in this water source in accordance with clauses 50 to 56 of the Plan, and the Minister's access license dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au).

The Plan sets out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Relevant clauses in the Water Sharing Plan are 50 to 56.

Milestones for the term of the Plan

- Ongoing (as required) – The Office processes applications for dealings.
- Ongoing (as required) – State Water processes applications for allocation assignments.
- December 2009 – The Office to develop state-wide policy for trading of supplementary water access licence share components and allocations between supplementary access licences. See comments on Gwydir.
- December 2009 – The Office to develop State-wide policy for the trading of extraction components.
- July 2010 – The Office to develop State-wide policy on establishing conversion factors for dealings.
- Ongoing – The Office develops conversion factors for dealings between licence categories.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

11. Mandatory conditions

11.1 Mandatory conditions

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The plan provides for changes in the rules for access to uncontrolled flows by general security licence holders in the Upper Namoi Regulated River water source if installed pump capacity increases by more than 20 per cent (see section 9.4 of this Implementation Program). The strategy for data collection for infrastructure changes will need to include changes in installed pump capacity to give effect to this provision.

The relevant clauses in the Plan are 57 and 58.

Milestones for the term of the Plan

- December 2009 – Establish procedures for collecting of data on infrastructure changes and irrigation practices.
- January 2010 (ongoing) – The Office implements a strategy for collecting data on infrastructure changes and irrigation practices
- September (annually) – The Office reviews water extraction information for the previous water year

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

11.2 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plan

- Ongoing – The Office implements and reviews the State-wide Compliance Policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

12. Water source operation

The Plan's system operation rules which are designed to ensure the delivery of water within the water source, include provision for:

- Replenishment flows to Pian Creek downstream of Dundee Weir, if required, to meet domestic and stock demand.
- The Minister to nominate procedures for establishing the maximum water delivery or channel capacity, where necessary, for determining extractions, managing water releases or providing water under access licences. Maximum flows were estimated at the commencement of the Plan for the creeks (included in cl.61).
- Rules regarding rates of change to releases from water storages.
- Bulk water transfers between Split Rock and Keepit Dams.
- Water orders may be grouped and released periodically when the total remaining volume of water in access licence allocation accounts is low.
- Requires that the operation of Keepit Dam during times of flood and spilling be undertaken in a manner that maintains the safety of dam infrastructure.

State Water will maintain decision registers to account for replenishment flows provided to the nominated watercourses.

Where relevant, protocols to give effect to these rules have been included in State Water's water delivery management

Relevant clauses in the Plan are 59 to 65.

Milestones for the term of the Plan

- June (annually, and as required) – State Water records and reports to the Office on the management of the specified replenishments flows.
- December 2009 – The Office to finalise protocols for the provision of replenishment flows.
- As required – The Office conducts studies on mitigation of downstream impacts arising from the operation of State Water regulated river.
- December 2009 – The Office establishes rules regarding rates of change to releases from water storages.

- September (annually, as required) – State Water reports to the Office on compliance with the protocols developed for the bulk transfers of water from Split Rock Dam to Keepit Dam.
- October (annually, as required) – The Office audits and reports on compliance with the protocols developed for the bulk transfers of water.
- September (annually) – State water reports to the Office on compliance with the airspace operation provisions for the previous year.
- October (annually) – The Office audits and reports on State Water's compliance with the airspace operation provisions for the previous year.
- September (annually, and as required) – State Water reports on the operation of Keepit Dam during times of flood and spilling.
- October (annually, as required) – The Office audits and reports on compliance with the protocols developed for the management of Keepit Dam during times of flood and spilling.

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 10(a) to (f).

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

Relevant clauses in the Plan are 12 and 66 and Appendix 4.

Milestones for the term of the Plan

- Ongoing – The Office collects, compiles and stores relevant information where available.
- Annually – The Office reviews adequacy of gauging network used to support operation and monitoring of the WSP.
- December 2010 – The Office to complete documentation of method for measurement of performance indicators and select sites, where required.
- June 2013 to March 2014 – The Office to analyse data and report on Performance Indicators.
- March 2014 – The Office to provide report to Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plan. The results of the review will be included in the Office's annual report.

This IP was amended in December 2008 as a result of the review conducted in that year.

The Relevant clause in the Plan is 66.

Milestones for the term of the Plan

- September (annually) – The Office reviews current IP and make changes where necessary.
- October (annually) – The Office includes outcomes of IP review in it's annual report.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act requires that an audit of the Plan be undertaken at intervals of not more than five years to ensure the provisions provided in the Plan are being given affect.

The audit must be undertaken by an audit panel that has been appointed by the Minister for Water. The audit panel will undertake the audit in accordance with the Minister's requirements.

Relevant clauses in the Water Sharing Plan 12 and 66.

Milestones for the term of the Plan

- July 2009 – Minister appoints panel to audit implementation the Plan.
- December 2009 – Audit Panel report sto Minister.
- By March 2014 – Minister appoints audit panel to audit the implementation of the plan.
- By June 2014 – Audit Panel report sto Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plan

The Act requires that Minister consider a review, conducted by the Natural Resources Commission, when deciding whether to extend its term or to make a new plan (s. 43A). This 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.

The results of monitoring of performance indicators included in the Plan (cl. 12), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

Relevant clause in the Water Sharing Plan is 66

Milestones for the term of the Plan

- July 2009 to June 2014 – Natural Resources Commission requested to review the Plan and report back to the Minister.
- June 2014 – Minister extends Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

The Plan allows for a number of amendments which, if necessary can be made during the life of the Plan.

14.1 Changes to the water sources

The Plan provides for a river or section of river to be included within or removed from the definition of the water source. There are no milestones relating to this provision in this IP.

Relevant clause in the Plan is 67.

14.2 Other amendments of the Plan

Other amendments provided for in the plan include:

- changes in the storage volumes of Split Rock Dam used in determining the AWD for general security access licences in the Upper Namoi regulated river water source (clause 38)
- changes to the flow exceedance required for the announcement of access to uncontrolled flows by access licence holders (general security) in the Upper Namoi regulated river water source (clauses 48 and 38 (8))
- changes to the determination of water available for extraction by Supplementary Water Access licence holders in the Lower Namoi regulated river water source should the Interim Unregulated Flow Management Plan for the North West be altered, or replaced by new management arrangements.

There are no milestones relating to these provisions in this IP.

Relevant clauses in the Plan are 38(8), 48 and 49(7).

14.3 Amendment relating to planned environmental water

The Plan provides for the Minister to amend the Plan to provide for the recovery of planned environmental water. The recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act.

The Minister may also amend the Plan to specify the purposes for which planned environmental water committed under section 8A of the Act will be used. The milestones for this provision is included in section 8.1 of this IP.

Relevant clause in the Plan is 69.

14.4 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments. As floodplain harvesting extractions was considered during the Development of the Plan, these amendments must not affect the outcomes of the long-term extraction limit specified in the Plan.

There are no milestones relating to these provisions in this IP.

Relevant clause in the Plan is 70.

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for Water Sharing Plans for Unregulated River Water Sources

- Adelong Creek
- Apsley River
- Castlereagh River above Binnaway
- Coopers Creek
- Commissioners Waters
- Dorrigo Plateau Surface and Dorrigo Basalt Groundwater
- Jiliby Jiliby Creek
- Kangaroo River
- Karuah River
- Mandagery Creek
- Ourimbah Creek
- Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek
- Rocky Creek, Cobbadah, Upper Horton and Lower Horton
- Tarcutta Creek
- Tenterfield Creek
- Toorumbbee Creek
- Upper Billabong
- Upper Brunswick
- Wandella Creek
- Wybong Creek.

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	<i>Water Management Act 2000</i>
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Office	NSW Office of Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

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1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of water sharing plans (**the Plans**), which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic, stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. Each Plan is supported by an Implementation Program (**IP**) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IP allows the community to identify the strategies the NSW Office of Water (**the Office**) will adopt to ensure the objectives of the Plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

This IP consolidates the individual IPs prepared for each plan area. This IP was updated for the first time in June 2008 and now outlines the activities required to give effect to the plans for the remainder of the plans term (i.e. six years to 2014). Milestones which have been met since the commencement of the IPs were deleted, others were modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. Note that unless specified, a milestone refers to all unregulated plans covered by this IP. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP. Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies responsibilities relevant to water sharing.

1.1 Water sources

The IP refers to the following water sources:

- Adelong Creek
- Apsley River
- Castlereagh River above Binnaway
- Coopers Creek
- Commissioners Waters
- Dorrigo Plateau Surface and Dorrigo Basalt Groundwater
- Jiliby Jiliby Creek
- Kangaroo River
- Karuah River
- Mandagery Creek
- Ourimbah Creek
- Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek
- Rocky Creek, Cobbadah, Upper Horton and Lower Horton
- Tarcutta Creek

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- Tenterfield Creek
- Toorumbee Creek
- Upper Billabong
- Upper Brunswick
- Wandella Creek
- Wybong Creek

1.2 Time-frames

Implementation of the provisions of the Plans will be undertaken based on the tasks and time frames over the life of the Plan. This IP details the milestones for the remaining five and a half years of the Plans.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

3. Basis for sharing water

3.1 Establishment and maintenance of river flow gauging stations

In those water sources where flow classes are established, river flow gauging stations are operated (and established where necessary) to provide accurate and reliable real time river flow information. Appendix A contains information on the primary and secondary control points and flow reference points for each water source.

In water sources where additional gauges or measurement points are to be installed during the life of the plan these are detailed in the milestones below.

In those water sources where no flow classes are established a river flow monitoring network is not necessary. To protect environmental health water in pools, all licences will have a mandatory condition establishing a visible flow cease to pump.

Many of the original IP milestones that relate to establishment of gauging stations have been met and as such this IP establishes revised milestones that relate to the ongoing management issues and maintenance of the network.

The relevant clause is located in Part 3 of the Plans (flow reference point).

Milestones for the term of the Plans

- June 2009 – The Office arranges access with SCA to real time data from Kangaroo Gauge in order to run the CtP provision of the plan (Kangaroo River WSP).
- December 2009 – The Office to review the need for, and if required, install and commence ratings and calibration of staff gauges / gauging stations at the top of each management zone for the Castlereagh above Binnaway and Mandagery Creek WSPs.
- December 2009 – The Office to assess adequacy of visible flow key sites in Wybong Creek WSP and if required, install and commission additional river flow gauging stations.
- December 2009 – The Office to investigate the need for, and if required, install local visible flow locations (Phillips, Mooki, Quirindi, Warrah Phillips Ck WSP).
- December 2009 – The Office to establish protocols for CtP in Dumaresque Creek Management Zone (Commissioners Waters WSP).
- December 2009 – The Office to review the need and establish if required an EoS flow reference site in the Castlereagh WSP area.
- December 2009 – The Office to implement a system to receive, audit and store river related data.
- December 2009 – The Office to assess primary control site suitability of gauging station 418015 and if required, develop a timetable for relocation to the EoS. (Rocky, Cobbadah, Lower Horton, Upper Horton WSP).
- March 2010 – The Office to notify licence holders of visible flow locations (Phillips, Mooki, Quirindi, Warrah Phillips Ck WSP).
- 2009-2014 (on implementation of daily flow sharing), the Office to monitor and report on staff gauge performance in delivering flow class information. (Castlereagh and Mandagery WSPs).
- Annually – Manual gauge readers report gauge readings to the Office regularly (Wandella WSP).
- Ongoing – The Office determines need, and if required, install and commission additional staff gauges or river flow gauging stations.
- Ongoing – The Office reports on maintenance and adequacy of existing gauges and staff gauges at primary and secondary control points (All plans except Toorumbie Creek).
- Ongoing – The Office continues to undertake low flow gaugings and refine ratings / calibrations as required (All plans except Toorumbie Creek).
- Ongoing – The Office undertakes correlations between primary and secondary controls and flow reference point (s) as required. (All plans except Toorumbie Creek).
- (As required refers to a frequency based on usage data becoming available or when there is a major change in the system (ie: extraction between the gauge and flow reference point).
- June 2009–2014 (if required) Minister vary recharge estimates (TTS and KMM groundwater sources).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) to (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbie Creek	N/A

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Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

3.2 Determination of flow classifications

Flow classes specified in the Plans refer to the estimated flows at the flow reference point or the actual flows at the primary or secondary controls or estimates as established at staff gauge locations. The actual details of the measurement sites are specified in the individual WSPs for the water source or management zones, with an overview of these represented in Appendix A. The correlations of the flow classes with the primary controls are referenced in Appendix B for some plans.

Flow classes are stated in the Plans, and flow class management will be introduced, as soon as practical, in accordance with the Daily Extraction Management Plan (DEMP) developed by the Office. To date cease to pump rules for the very low flow class have been introduced in line with plan provisions however additional flow classes are yet to commence as they require monitoring of use data which is not available in most plan areas, and the development of an announcement system.

The Office has also undertaken a risk assessment of all 20 plans consistent with the Macro-planning approach and prioritised implementation activities where those plan areas with high community dependence or ecological risk are given priority for implementation activities and therefore a higher level of management. The roll out of daily flow sharing will be consistent with the prioritisation outcomes of the risk assessment approach.

The Office will communicate these flow classes to access licence holders (see section 3.4).

A number of Plans provide for amendment of low flow levels as verified by field studies. See Section 11 of this IP.

The relevant clause is located in Part 3 of the Plans (flow classes).

Milestones for the term of the Plans

- December 2009 (and ongoing) –The Office to implement CtPs in all management zones (Tarcutta Creek WSP).
- December 2009 – The Office to develop a protocol for the introduction of daily flow sharing.
- Upon the collection of adequate usage data in a plan area, the Office develop a Daily Extraction Management Plan (DEMP) detailing a staged approach to flow class management. (All plans except Toorumbie Creek).
- On the establishment of daily flow sharing, the Office undertake initial flow class correlations between the flow reference point (s) and the gauging stations and then ongoing as required (this should include the secondary controls as contingency). (All plans except Toorumbie Creek).

NB: As required should be undertaken as usage data becomes available or when there is a major change in the system ie: extraction between the gauge and flow reference point.

- On commencement of the first year of daily flow sharing, the Office review annually flow management arrangements in Rocky Ck, Cobbadah and Upper Horton management zone (Rocky, Cobbadah, Lower & Upper Horton WSP).
- As a result of studies verifying the CtP (if required) the Office submit report to the Minister for amendment of pool control levels/ visible flow conditions. (Wybong Creek WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) to (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbee Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

Note: These provisions do not apply in the Toorumbee Creek water source as the plan only provides for limited access licences and water use will continue to be very low in this water source.

3.3 Contingency determination

In the event of infrastructure failure (either by loss of communication with the river flow gauging station or failure of the recording device or river flow measurement device itself) the Office must determine the flow classes, and any corresponding triggers, using an alternative method. The Office may follow any of a number of options that are outlined in the Plans and the Regional Contingency Response Plan based on these options.

The Office will communicate these classes or triggers to access licence holders and make this information available on its internet site (www.water.nsw.gov.au).

The relevant clause is located in Part 10, Division 3 of the Plans (infrastructure failure).

Milestones for the term of the Plans

- December 2009 – The Office to develop a network of triggers for protecting water pools (Wandella Creek and Kangaroo River WSPs).
- December 2009 – The Office to develop a contingency response plan for CtP operation in the event of gauge failure.
- March 2010 – The Office to publish the contingency response plans for CtP operation on the the Office Water Registers Site and notify license holders.
- March 2010 – The Office to notify licence holders of the trigger levels to protect water pools (Wandella Creek and Kangaroo River WSPs).
- June 2010 – The Office to develop correlations rules for CtP and flow classes between the primary, secondary controls and FRP to be used in the Contingency Response Plan in the event of gauge failure.
- On the commencement of daily flow sharing – The Office develops a contingency response plan for flow class operation in the event of gauge failure.
- On the commencement of daily flow sharing – The Office publishes the contingency response plans for flow class operation on the the Office internet site and notify licence holders.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) to (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

3.4 Communication of flow classes

The Office will collect daily flow information that will be used in conjunction with flow class ranges and the state of the river, that is, if it is rising or falling, to determine the daily flow classes.

Flow classes will be defined once each day and the flow class will be communicated to access licence holders to enable them to pump in accordance with the rules set out in the Plan. The announced flow class will operate for the 24-hour period following announcement. The Office will provide a means by which the daily flow class will be disseminated to access licence and works approval holders to enable them to operate in accordance with their individual daily extraction limits as set out in the Plans. Under the Plans, it is the responsibility of the holder of the water supply works approval to ascertain the flow class at any time before commencing to take water under an access licence.

The Office will introduce a State-wide communication system incorporating phone, fax and Internet access. In the interim many water sharing plan areas have arrangements to allow licence holders to access information with respect to the cease to pump – this may include a phone number or web site information such as the Hunter Integrated Telemetry System (HITS) or the Water information website that provide real time access to flow information. However not all primary control sites in the plan areas are linked by Telemetry as yet.

To date cease to pump rules for the very low flow class have been introduced in line with plan provisions, however, additional flow classes are yet to commence as they require monitoring of use data which is not available in most plan areas, and the development of an announcement system.

The Office has also undertaken a risk assessment of all 20 plans consistent with the Macro-planning approach and prioritised implementation activities where those plan areas with high community dependence or ecological risk are given priority for implementation activities and therefore a higher level of management. The roll out of daily flow sharing will be consistent with this prioritisation outcomes of the risk assessment approach, however as a minimum the Office needs to ensure that cease to pump announcements are accessible.

Milestones for the term of the Plans

- December 2010 – The Office to develop a statewide announcement system incorporating phone, fax, and internet access completed for CtP.
- On the establishment of daily flow sharing – The Office develops State-wide announcement system incorporating phone, fax, internet access completed for daily flow class announcements.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

4. Environmental water provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and that water sharing plans establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water. The delivery of the environmental water provisions requires daily monitoring of flows.

4.1 Planned Environmental Water

Planned environmental water is protected through the provisions applying to daily extraction limits and basic landholder rights as specified in the Plans.

The relevant clause is located in Part 4 of the Plans (Planned environmental water).

- After the first year of adequate collection of monitoring of use data, and annually thereafter when share components equal the LTAEL – The Minister will ensure assessment of the impact of allowing additional extraction of groundwater includes GDEs associated with this groundwater source, linkages between groundwater and surface water, Aboriginal values, the potential economic benefit from additional water user and alternative sources of additional water (Dorrigo WSP).
- After the first year of the commencement of daily flow sharing and metering, and annually thereafter – The Office reviews total share components against LTAEL (Dorrigo WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(a) and (e) of the Dorrigo Plateau Surface and Dorrigo Basal Groundwater WSP.

4.2 Adaptive environmental water (AEW)

There are no access licences committed to an environmental purpose in these water sources on 30 June 2008.

When an access licence is committed as AEW, an appropriate water allocation account will be established. The terms of the commitment will be documented in an AEW Use Plan and appropriate conditions applied to the access licence.

5. Water for basic landholder rights

The Act requires that basic landholder rights be protected before water extractions under access licences are permitted. Under the WMA, landholders exercising basic landholder rights do not require an access licence. Water users accessing water via the basic landholder rights are not subject to the flow sharing provisions identified in the Plans for access licence holders.

5.1 Growth in Basic Landholder Rights

The Act requires basic landholder rights to be protected before all licensed entitlements. Growth in basic landholder rights, excluding harvestable rights, will be assessed during the first 5 years of the Plans in high priority areas (eg Local government areas where there is a likelihood of riparian subdivision and development). This is to ensure that basic landholder rights are not being compromised by existing licensed extraction. Assurances are also required that growth in basic landholder rights is not compromising environmental health water.

Where the results of the periodic assessment of the basic landholder rights estimate shows that an increase is necessary, provisions of the Plan relating to total daily extraction limits (**TDELS**) and individual daily extraction limits (**IDELs**) will be adjusted to accommodate the increase in accordance with provisions in the Plans.

The relevant clause is located in Part 5 of the Plans (basic landholder rights).

Milestones for the term of the Plans

- December 2010 – The Office to review BLR in high priority growth areas.
- December 2009 – The Office to review and report on effectiveness of voluntary rostering arrangements during very low flows (Kangaroo River and Wandella Creek WPSs).
- Before commencement of daily flow sharing – The Office assesses increase in lots with river access, reports increase above predicted rates and adjusts TDELS and IDELS where necessary.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)(a) to (c)	Ourimbah Creek	11(a), (b), (h), (j) & (m)
Apsley River	11(b), (e) & (h)	Phillips Creek, et al.	11(a), (b), (c) & (f)
Castlereagh River above Binnaway	11(a), (b), (f) & (g)	Rocky Creek, et al.	11(a) to (d), (f), & (i)
Coopers Creek	11(a), (b) & (d)	Tarcutta Creek	11(1), (2)(a) to (c), (m) & (o)
Commissioners Waters	11(b), (d) to (f), (i) & (j)	Tenterfield Creek	11(a) to (d), (e) & (h)
Dorrigo Plateau	11(d) & (e)	Toorumbie Creek	11(d) to (f)
Jilliby Jilliby Creek	11(a), (b), (h), (j) & (l)	Upper Billabong	11(a), (g) to (l)

Kangaroo River	11(a), (b) & (j)	Upper Brunswick	11(a), (b), (d) & (g)
Karuah River	11(a), (b), (i), (h), (l) & (o)	Wandella Creek	11(a), (b), (i) & (j)
Mandagery Creek	11(b), (c), (j), (o) & (q)	Wybong Creek	11(a), (b), (i), (k), (m) & (n)

5.2 Water Shortages

The Minister can issue an Order under the Act to restrict the exercise of basic landholder rights so as to protect the environment, for reasons of public health, or to preserve existing basic landholder rights.

The Office will notify holders of domestic and stock rights of such directions.

Milestones for the term of the Plans

- December 2009 – The Office develops process for communication of measures to protect the environment or domestic and stock rights developed.
- December 2009 – The Office develops criteria for water shortage restrictions and confirm agreement with Peak Alone Wandella Catchment Association regarding a regime of voluntary restrictions on BLR access during very low flows (Wandella Creek WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	11(a) to (f)
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

6. Bulk access regime

The rules in the Plan for granting access licences and making water available to licence holders is known as the bulk access regime. Section 8 of this IP details milestones relating to the granting of access licences. Section 9 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 10 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clause is located in Part 6 of the Plans (Bulk access regime).

7. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property NSW (which also manages the Lands Title Register), web reference www.lpi-online.lpi.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in a Departmental register (web reference <http://wma.dnr.nsw.gov.au/wma/index.jsp>). Each year the Office will report on changes to the total of access licence share component volume and new access licences issued under the Plan's provisions.

The relevant clause is located in Part 7 of the Plans (Requirements for water under access licences, estimate of water requirements).

8. Rules for granting access licences

New access licences may only be issued where exemptions provide for this in the Plan. The Plan recognises that applications may be sought for the following types of access licences within the water sources:

All

Licences as specified in the Water Management Act (General) Regulations 2004

In addition:

- All plans except Wybong and Wandella – stock access licences.
- Dorrigo, Kangaroo, Karuah, Apsley, Commissioners, Upper Brunswick, Coppers, Wandella, Adelong and Tarcutta WSPs – research access licences (up to a total of 10ML/yr) (except Wandella which is up to a total of 4ML/yr and Adelong and Tarcutta which is specified per flow class).
- Dorrigo, Coopers and Upper Brunswick WSPs – Aboriginal commercial access licences up to a total of 10ML/yr.

All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application.

The relevant clause is located in Part 8 of the Plans (Rules for granting access licences).

Milestones for the term of the Plans

- December 2009 – The Office to develop of a Controlled Allocations Policy.
- July 2009 to June 2014 (where relevant) – The Office determines whether additional access licences can be granted in line with controlled allocation policy.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1)(b) & (2)(h), (j) & (l)	Ourimbah Creek	11(i), (k) & (l)
Apsley River	11(e)	Phillips Creek, et al.	11(b), (d) & (e)
Castlereagh River above Binnaway	11(h), (j) & (k)	Rocky Creek, et al.	11(b), (e) & (g)
Coopers Creek	11(a)	Tarcutta Creek	11(1)(b) & (2)(h), (j) & (l)
Commissioners Waters	11(e)	Tenterfield Creek	11(b) to (d) & (f)
Dorrigo Plateau	11(e)	Toorumbbee Creek	11(a), (d) & (e)
Jilliby Jilliby Creek	11(i) to (k)	Upper Billabong	11(f) & (g)
Kangaroo River	11(f) & (h)	Upper Brunswick	11(a) & (e)
Karuah River	11(i) & (j)	Wandella Creek	11(c)
Mandagery Creek	11(k), (m) & (n)	Wybong Creek	11(l)

9. Limits to the availability of water

9.1 Long-term extraction limit

The long-term average extraction limit is the total volume of water available for extraction within the Extraction Management Unit (EMU). The Plans do not permit long-term average annual extractions to exceed the long-term extraction limit. This is to prevent water extractions from increasing and thereby diminish the environmental outcomes of the Plans. If long-term average annual extractions have been assessed to exceed the long-term extraction limit then water made available under access licences will be reduced.

In a number of plan areas the LATEL will not be set until such time as water sharing plans are completed for all water sources within the EMU. In these areas, until this occurs the AWDs for unregulated access licences will be distributed as two megalitres per unit share (ML/unit share) in year 1 of the Plan and one ML/unit share thereafter.

The relevant clause is located in Part 9, Division 1 of the Plans (LTAEL, Variation of the LTAEL).

Milestones for the term of the Plans

- Following commencement of three years of monitoring of use and annually thereafter – The Office reports on the average annual extractions over the previous 3 years against LTAEL.
- After the first year of adequate collection of monitoring of use data, and annually thereafter – The Office reviews cumulative share components relative to the LTAEL. When share components equal the LTAEL in the water source, the Office undertake an assessment to determine whether the LTAEL can be increased (Dorrigo).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	11(a) to (f)
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

9.2 Available water determinations

Available Water Determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account. The AWDs will be announced (via Ministerial order) as a percentage of the share component of the access licence and will apply to all access licences in the water sources.

AWDs will be recorded on the Office's internet site (www.water.nsw.gov.au).

The relevant clause is located in Part 9, Division 2 of the Plans (Available water determination).

Milestones for the term of the Plans

- Ongoing – The Office makes annual AWD announcement and updates the AWD register.
- Following commencement of three years of monitoring of use, and annually thereafter (if necessary) – The Office announces reduced AWDs for unregulated river or aquifer access license to maintain the plan LTAEL.
- On completion of BLR review, if review indicates increase in BLR – The Office amends AWD for the water source (Dorrigo only).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	11(a) to (f)
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

10. Rules for managing access licences

10.1 Water Access licences

Prior to the commencement of the Plan, the Office converted licences issued under the *Water Act 1912* to access licences (share and extraction components) and approvals (works and use) under the *Water Management Act 2000*.

Milestones for the term of the Plans

- Ongoing – The Office is resolving the outstanding WAL applications in the plan area (all plans apart from Toorumbee).
- Ongoing – The Office is resolving the outstanding entitlement rights under the Water Amnesty and Work Approval (all plans apart from Toorumbee).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1)(b)	Ourimbah Creek	11(i), (k) & (l)
Apsley River	11(e) & (h)	Phillips Creek, et al.	11(b) & (d)
Castlereagh River above Binnaway	11(h) & (j)	Rocky Creek, et al.	11(b)
Coopers Creek	11(a) & (b)	Tarcutta Creek	11(1)(b) & (2)(j)
Commissioners Waters	11(e) & (j)	Tenterfield Creek	11(b) to (d) & (h)
Dorrigo Plateau	11(e)	Toorumbee Creek	N/A
Jilliby Jilliby Creek	11(i) to (k)	Upper Billabong	11(f), (g) & (j)
Kangaroo River	11(f)	Upper Brunswick	11(a), (b) & (e)
Karuah River	11(i) & (j)	Wandella Creek	11(c) & (d)
Mandagery Creek	11(k) & (m)	Wybong Creek	11(l)

10.2 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in these water sources, however, these will not be managed in accordance with the rules specified in the Plans until such time as measurement of use is introduced for unregulated water sources.

The water allocation account tracks the water credited and extracted under each access licence. After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the water allocation account by the Office.

In accordance with the provisions of the Plans, when measurement of use commences, the Office will monitor the accounts of unregulated river access licences to ensure that, in any one water accounting year water taken from this water source will not exceed the volume in the water allocation account, and that the volume taken over any three year period does not exceed the three year total accrued water allocation. These rules do not prejudice the credit or re credit of water to an account via water access licence dealings. This means that the first accounting against the three year accrued water

allocations will not be possible until year 3 of the implementation of water allocation accounting and after the commencement of extraction monitoring.

Water extraction in excess of the volume in the water allocation account of an access licence by the works nominated on that access licence, may result in suspension of the works approval.

The relevant clause is located in Part 10, Division 1 of the Plans (annual accounting for water extraction, three year accounting for water extraction).

Milestones for the term of the Plans

- December 2009 – The Office to develop a project plan for water allocation account system.
- On adequate collection of monitoring of use information – The Office establishes a Water Allocations Accounts System.
- On adequate collection of monitoring of use information and annually thereafter (following the introduction of TDEL and IDEL), The Office audits the accounts of unregulated river access licences to ensure that, in any one water accounting year no more than twice the accrued water allocation for that year is extracted, and that the volume taken over any three year period does not exceed the three year total accrued water allocation.
- On collection of adequate monitoring of use data, and annually thereafter – The Office audits the accounts of aquifer access licence holders to ensure that no more than 100% of the share component is extracted (Dorrigo).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbie Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

10.3 Sharing flows on a Daily Basis

Individual Daily Extraction Limits (IDELs)

Where IDELs are established by the Plans, an individual access licence must not exceed its IDEL unless it is part of a group formed in accordance with the Plan provisions and the groups details are recorded with the Office.

IDELs will be distributed to access licence holders when water source indicators, as outlined in the Regional DEMP, dictate their necessity.

Initial Assignment to Access Licences

The Plans define the method for calculating the IDEL in each flow class for an individual access licence holder. IDELs for each flow class are proportionally distributed to individual access licence holders based on the percentage of the individual licence's share component to the total of share components on all access licences.

All access licences associated with water supply works approvals in rivers will be assigned IDELs in applicable flow classes. The Plans also identify access to very low flows for holders of access licences who require continued access as per the relevant Schedule of the Plan. In accordance with some plan provisions, access to the very low flows is specified for set timeframe, other plans allow access during the term of the plan.

The relevant clause is located in Part 10, Division 3 of the Plans (daily extraction limits for individual access licence holders).

Milestones for the term of the Plans

- December 2008 to June 2009 – The Office to review local water utility daily extraction entitlement (All plans apart from Coopers Ck, Toorumbee, Upper Brunswick & Wybong).
- December 2013 to June 2014 – The Office to review local water utility daily extraction entitlement (All plans apart from Coopers Ck, Toorumbee, Upper Brunswick & Wybong).
- When daily extractions exceed 25ML/d – The Office establishes IDEL for access licences in B & C classes (Karuah River WSP).
- After July 2009 – The Office notifies Schedule 6 licence holder that access to very low flows will no longer be available due to environmental impacts determined as part of pool pumping study (s75). (Tenterfield WSP).*

or

- Jan 2012 – The Office notifies Schedule 6 licence holders that access to very low flows will no longer be available from June 2012. (Tenterfield WSP).*

*Note: Re the above two milestones a pool pumping study is required to ascertain the environmental impact of accessing the very low flows. This may form part of a CtP field verification with amendments to access conditions after year five if environmental harm has been observed, otherwise access below the very low flows is allowed up until the end of year eight of the planholders to ensure that no more than 100% of the share component is extracted (Dorrigo).

- June 2010 – The Office to determine if adjustments are needed to IDELs for unregulated river access licences (Phillips, Mooki, Quirindi, Warrah WSP).
- June 2011 – The Office to determine the methodology for possible distribution of unassigned C class TDEL to licence holders listed in schedule 6 (Tenterfield WSP).
- January 2012 – The Office to notify access licence holders with IDELs in the very low flow class that access must cease by June 2012 (Castlereagh & Kangaroo River WSPs).
- June 2012 – Very low flow IDEL access ceases (Castlereagh, Kangaroo River, Tenterfield WSPs)
- June 2009 and June 2014 – The Office reviewing local water utility daily extraction limits (Adelong, Apsley, Commissioners, Dorrigo, Jiliby, Kangaroo, Karuah, Ourimbah, Phillips, Mooki, Quirindi, Warrah, Tarcutta, Tenterfield, Wandella).
- June 2009 and June 2014 – The Office determining if adjustments are needed to IDELs for unregulated river access licences (Dorrigo WSP).
- By June 2014 – The Office to assess whether concessional access to the very low flows is required, taking into consideration the CtP field verification study findings and amend or delete schedule 4, 6 or 7 if required.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

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Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

Access to the very low flows in Zone 2 (Commissioners Waters WSP only).

While Armidale water treatment plant continues to discharge flushing effluent into Dumaresq Creek, access licences on Schedule 5 are allowed to extract water below the 1ML/day level and are instead subject to a local visible flow condition at a location specified on the licence.

This access is nullified by a dealing.

The relevant clause is located in Part 3 of the plan.**Milestones for the term of the Plans**

- December 2009 – The Office informs Armidale Council of the need to notify it when water treatment plant discharge ceases into Dumaresque Ck (Commissioners Waters WSP).
- Ongoing – Upon notification by Armidale Council that water treatment plant discharge into Dumaresque Creek has ceased – The Office notifies schedule 5 licence holders that they are subject to the very low flow protection provisions of the plan (Commissioners Waters WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in clauses 11(b), (d), (f) and (i) of the Commissioners Waters WSP.

Amendment of total daily extraction limits (TDELs)

Unregulated river and aquifer access licence TDELs and IDELs may be amended during the term of the Plan if there is growth in the assessed extraction of water under basic landholder rights.

Where there is an increase in stock and domestic or native title rights requirements, then a pro-rata reduction of the IDEL of all other access licences, except domestic and stock, will occur. Subsequently the IDEL for each licence in these categories will be adjusted proportionally so that the TDEL for each flow class is not exceeded. This reduction will be done at intervals of no greater than 5 years.

Group management

Managed water sharing groups will be operated in accordance with the Plan provisions. Management of groups will incorporate issues such as group membership, operation of the group (including communication), and the basis and mechanisms for rostering and reporting on water extraction by the group.

At the assignment of IDELs, all access licences in the water source will be part of a single group manager. The Office will maintain a database of all group managers in the respective water source.

At any time an individual can apply to leave a group. In this case, the combined IDELs of the group will be varied and the individual will be required to comply with the extraction components of the licence.

Relevant clause in the Plan is 52.

Milestones for the term of the Plans

- Upon assignment of IDELs – The Office to establish Group Management arrangements.
- Six months after assignment of IDELs – The Office to develop guidelines for Group Management (all plans except for Toorumbee WSP).
- One year after assignment of IDELs – Licence holders develop operational rules for group management access licence holders and submitted to the Office (all plans except for Toorumbee WSP).

Note: Group Management will be operational until IDELs are assigned, metering and processes for communication of flow classes being in place. The establishment of the group manager is the precursor to rostering.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1)(b)	Ourimbah Creek	11(i), (k) & (l)
Apsley River	11(e) & (h)	Phillips Creek, et al.	11(b) & (d)
Castlereagh River above Binnaway	11(h) & (j)	Rocky Creek, et al.	11(b)
Coopers Creek	11(a) & (b)	Tarcutta Creek	11(1)(b) & (2)(j)
Commissioners Waters	11(e) & (j)	Tenterfield Creek	11(b) to (d) & (h)
Dorrigo Plateau	11(e)	Toorumbee Creek	N/A
Jilliby Jilliby Creek	11(i) to (k)	Upper Billabong	11(f), (g) & (j)
Kangaroo River	11(f)	Upper Brunswick	11(a), (b) & (e)
Karuah River	11(i) & (j)	Wandella Creek	11(c) & (d)
Mandagery Creek	11(k) & (m)	Wybong Creek	11(l)

Local Impacts

The Dorrigo and Wybong plans emphasise the importance of local management tools to ensure the groundwater components of the water sources are managed sustainably at a local scale. Local management includes reducing interference between extractors, ensuring water levels return to pre-pumping or stable conditions, and maintaining water quality consistent with the designated beneficial use. The specified level at which a management response will be activated provides licence holders with security of access. An appropriate management response ensures the access rights of licence holders are not undermined during the term of the Plans. Areas within these water sources that have unacceptable impacts will be declared a local impact area.

The Plans identifies that amendments to the available water may be necessary in local impact areas. The assessment of local impact areas may form a component of the studies on recharge.

The relevant clause is located in Part 10, Division 4 of the Plans (Management of local impacts).

Milestones for the term of the Plans

- Ongoing (if required) – The Office reports to the Minister on any further priority GDEs (Dorrigo WSP).
- June 2009 (If required) – The Minister adds further GDEs to schedule 8, subject to studies on groundwater dependency (Dorrigo WSP).
- June 2010 – The Office to identify key monitoring bores for local impact management with respect to water levels (Wybong Creek WSP).
- June 2010 – The Office to identify key monitoring bores, parameters and criteria for local impact management with respect to water quality (salinity) (Wybong Creek WSP).
- June 2010 – The Office to define water level exceedence levels for key monitoring bores (Wybong Creek WSP).
- Ongoing – The Office to review implications for the plan and seek approval for any required adjustment to AWDs in local impact area (Wybong Creek WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Dorrigo	11(a)
Wybong	11(f)

11. Access licence dealings

Access licence dealings will be operated in these water sources in accordance with Plan provisions, and the Minister's access licence dealing principles which are available on the Office's Internet site (www.water.nsw.gov.au).

Access licences can be subdivided and consolidated and transferred to another person within the water source. All or part of the rights under an access licence ie share component or allocation account water can be assigned to another access licence within the water source. The key provision is that the extraction limit is not exceeded. Some access licences may also be converted to another category of access licence, usually with a conversion factor applying.

There can be several steps involved in access licence dealings (depending on the type of dealing).

These include:

- assessment of the impact and approval of new water use and water supply works approval if it is proposed to extract water from a different location and use water on a previously dry land property
- authorisation for new unregulated access licence, water use approval and water supply works approval
- transfer ownership of the access licence with Land and Property Information (LPI) that will register the transfer
- activation of access licences at a specific location.

All dealings should be assessed in accordance with the Office's Integrated Assessment Process where applicable.

The relevant clause is located in Part 10, Division 4 of the Plans (Management of local impacts)

Milestones for the term of the Plans

- December 2009 – The Office to calculate the TDEL of the Hindmarsh Ck Exclusion Zone (Adelong Creek WSP).
- After June 2009 (following field verification of high flows, if appropriate) – The Office allows conversions of A to C class IDELs between management zones if there is remaining unassigned TDEL (Mandagery Creek WSP).
- After June 2009 (following field verification of high flows, if appropriate) – The Office allows conversions of A and B to C class IDELs in accordance with the plan (Castlereagh WSP).
- On collection of adequate monitoring of use data and development of a water accounting system,– The Office commences access licence dealing rules specified in the plan and Ministers access license dealing principles.
- Ongoing – The Office monitors dealings to ensure that the extraction limit of the groundwater source is not exceeded as a result of a dealing (Dorrigo, Wybong Creek WSPs).
- By 2014 – The Office will process conversions from A class to C class IDEL within the same management zone if there is unassigned C class TDEL (Mandagery Creek WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1)(b)	Ourimbah Creek	11(i), (k) & (l)
Apsley River	11(e) & (h)	Phillips Creek, et al.	11(b) & (e)
Castlereagh River above Binnaway	11(k)	Rocky Creek, et al.	11(b) & (e)
Coopers Creek	11(a), (b) & (e)	Tarcutta Creek	11(1)(b) & (2)(j)
Commissioners Waters	11(e) & (j)	Tenterfield Creek	11(b) & (f)
Dorrigo Plateau	11(e) & (f)	Toorumbbee Creek	11(a), (d) & (e)
Jilliby Jilliby Creek	11(i) to (k)	Upper Billabong	11(f), (g) & (j)
Kangaroo River	11(f) & (h)	Upper Brunswick	11(a), (b) & (e)
Karuah River	11(i) & (j)	Wandella Creek	11(c) & (d)
Mandagery Creek	11(k), (m) & (n)	Wybong Creek	11(l)

12. Mandatory conditions**12.1 Mandatory conditions**

The Plan provides for mandatory conditions that require holders of water supply works approvals to provide details of water extraction and infrastructure at a frequency and in a format agreed to from time to time.

The relevant clause is located in Part 12 of the Plans (Mandatory conditions).

12.2 Monitoring of water extraction

The Plan specifies that all water extraction under access licences must be monitored. The Office has developed and is implementing a Water Use Monitoring Program (WUM) to review and implement processes to monitor water extraction. The project involves ground-truthing (pump site evaluation) and prioritisation for metering based on entitlement and usage.

The Office will periodically audit and undertake compliance assessments of access licences and associated water supply work approvals in the water source to ensure extractions are being recorded accurately.

Milestones for the term of the Plans

- December 2009 – The Office to determine water monitoring device installation schedule for all access licences and nominated water supply works approvals.
- Ongoing – The Office implementing Water Use Monitoring Program in accordance with its Risk Assessment for Prioritisation of Implementation Activities.
- Ongoing – The Office audits flow reference devices and water extraction.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbie Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

12.3 Compliance

Access licence and approval holders must comply with the conditions on their access licence or approval. Failure to comply with these conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plans

- Ongoing – The Office to implement and review state compliance plan.
- July 2005 (and thereafter) – The Office periodically audits compliance with mandatory conditions.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbee Creek	N/A
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

13. Monitoring and reporting

13.1 Monitoring performance indicators

Performance indicators will be used to assess the effectiveness of the Plan in achieving its objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for the analysis of and reporting on changes in relation to the indicators. The usefulness of some indicators may be influenced by factors outside the Plan (eg. world commodity prices).

The relevant clause is located in Part 2 and Part 14 of the Plans (Performance indicators, Monitoring and reporting of performance indicators).

Milestones for the term of the Plans

- Ongoing – The Office collects, compiles and stores relevant information where available.
- June 2009 – The Office finalised methods for performance monitoring of unregulated plans.
- December 2009 – The Office to endorse performance monitoring methods used by other government agencies.
- Ongoing – The Office continues to undertake performance monitoring
- January 2014 – The Office to provide report to the Minister and the NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.2 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program is reviewed annually to determine if it is effective in implementing the Plan. The results of the review are included in the Office's annual report.

This IP was amended in 2008 as a result of the review conducted in that year.

The relevant clause is located in Part 14 of the Plans (Monitoring and reporting of performance indicators).

Milestones for the term of the Plans

- September annually – The Office conducts a review of Implementation Program and achievements of relevant milestones.
- October annually – The Office includes results of implementation review in its annual report.
- As required – The Office modifies the IP to more effectively deliver the plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.3 Audit of the Plan provisions

The Act (S44) requires that an audit of the Plan be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plan are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

The relevant clause is located in Part 14 of the Plans (Monitoring and reporting of performance indicators).

Milestones for the term of the Plans

- June 2009 – Minister for Water appoint a panel to audit the Plans.
- December 2009 – Audit completed and report submitted to the Minister.
- By March 2014 – Audit panel appointed by the Minister to audit the Plans.
- By June 2014 – Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Review of the Plans

The Act requires that the Plan be reviewed prior to any decision to extend its term or to make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission and 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.

The results of monitoring of performance indicators included in the Plan (cl. 13), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plan, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

The relevant clause is located in Part 14 of the Plans (Monitoring and reporting of performance indicators).

Milestones for the term of the Plans

- July 2009 to June 2014 – NRC is requested to review the plan and report to the Minister.
- June 2014 Minister to extend Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

Plans may allow for a number of amendments which, if necessary can be made during the life of the Plans.

A number of plans provide for amendment of provisions during the term of the Plan. Where milestones are still to be reached in terms of Plan amendment these are detailed below.

The relevant clause is located in Part 15 of the Plans (Amendment of this Plan).

Milestones for the term of the Plans

- January 2009 – The Office finalised methods for pool pumping study (Tenterfield WSP).
- June 2009 – The Office completes pool pumping study (Tenterfield WSP).
- July 2009 – The Office Issues access licence and share component to local water utility of required (Coopers Creek and Upper Brunswick WSPs).
- July 2009 – The Office amends local water utilities IDELs, if required (All plans apart from Castlereagh, Coopers Ck, Mandagery, Toorumbee, Upper Brunswick & Wybong).
- December 2009 – The Office finalises report detailing groundwater surface connectivity (Wybong Creek WSP)
- December 2009 – The Office to finalise methods for CtP field verification (low flow provisions and pool control levels) (Castlereagh, Commissioners, Dorrigo, Kangaroo, Mandagery, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Jiliby, Ourimbah, Karuah, Wybong WSPs).
- December 2009 – The Office to finalise Project Plan and schedule of CtP field verifications in accordance with the Risk Assessment Prioritisation of Implementation Activities. (Castlereagh, Commissioners, Dorrigo, Kangaroo, Mandagery, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Jiliby, Ourimbah, Karuah, Wybong WSPs).
- December 2009 – The Office to finalise methods for high flow field verification (Castlereagh, Mandagery).

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- December 2009 – The Office to finalise Project Plan and schedule of high flow field verifications in accordance with the Risk Assessment Prioritisation of Implementation Activities (Castlereagh, Mandagery).
- December 2009 – The Office to identify pools in the river and establish the initial pool control levels and key sites (Castlereagh, Kangaroo, Mandagery, Rocky, Cobbadah, Upper & Lower Horton, Tenterfield WSPs).
- April 2010 – DECCW & DII endorse CtP field verifications methods developed by the Office (Castlereagh, Commissioners, Dorrigo, Kangaroo, Mandagery, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Jiliby, Ourimbah, Karuah, Wybong WSPs)
- April 2010 – DECCW & DII to endorse high flow field verification methods developed by the Office (Castlereagh, Mandagery).
- As soon as practical, but within the term of the plan, – The Office complete the low flow field verification studies and review (pool control levels and key sites)* including socio-economic assessment (Castlereagh*, Commissioners, Dorrigo, Jiliby, Kangaroo*, Karuah, Mandagery, Ourimbah, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Wandella, Wybong WSPs).
- As soon as practical, but within the term of the plan –The Office complete the assessment of the need to restore a portion of the freshes and high flows (subject to flow availability) (Castlereagh and Mandagery WSPs).
- As soon as practical, but within the term of the plan – The Office complete the fish passage field verification study and review pool control levels and key sites (Coopers Creek WSP).
- On completion of the pool pumping study, fish passage, low flow or high flow field verification, – The Minister appoint a review committee to assess the field verification report and its recommendations (Castlereagh, Commissioners, Coopers, Dorrigo, Jiliby, Karuah, Mandagery, Ourimbah, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Wandella, Wybong, Kangaroo WSPs).
- Within three months of receiving the pool pumping study, fish passage, low flow or high flow field verification report – The review body appointed by the Minister advise the Minister on the report(s) and its recommendations (Castlereagh, Commissioners, Coopers, Dorrigo, Jiliby, Karuah, Mandagery, Ourimbah, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Wandella, Wybong, Kangaroo WSPs).
- On the recommendations of the Review Body as a result of the low flow CtP field verification (if required), – The Office revise flow thresholds for the very low flow class, (Castlereagh, Commissioners, Coopers, Dorrigo, Jiliby, Karuah, Mandagery, Ourimbah, Phillips, Mooki, Quirindi & Warrah, Rocky, Cobbadah, Upper & Lower Horton, Tarcutta, Tenterfield, Upper Billabong, Wandella, Wybong, Kangaroo WSPs).
- On the recommendations of the review body as a result of the high flow field verification (if required) – The Office revise flow thresholds and/or class allocation for high flows to protect or restore a portion of freshes or high flow.
- After year 6 of the plan and on adequate collection of monitoring of use data – The Office assign any unassigned TDEL to existing licenses upon application in accordance with the plan (50(2) (Upper Brunswick WSP).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Adelong Creek	11(1) & (2)	Ourimbah Creek	11(a) to (m)
Apsley River	11(a) to (h)	Phillips Creek, et al.	11(a) to (f)
Castlereagh River above Binnaway	11(a) to (q)	Rocky Creek, et al.	11(a) to (j)
Coopers Creek	11(a) to (g)	Tarcutta Creek	11(1) & (2)
Commissioners Waters	11(a) to (j)	Tenterfield Creek	11(a) to (i)
Dorrigo Plateau	11(a) to (h)	Toorumbbee Creek	11(a) to (f)
Jilliby Jilliby Creek	11(a) to (m)	Upper Billabong	11(a) to (l)
Kangaroo River	11(a) to (l)	Upper Brunswick	11(a) to (g)
Karuah River	11(a) to (o)	Wandella Creek	11(a) to (j)
Mandagery Creek	11(a) to (q)	Wybong Creek	11(a) to (n)

Appendix A

Table 1: Unregulated Water Sharing Plan Gauging Stations, secondary control sites and flow reference points

Water Sharing Plan	Primary Control (E/N) & FMZ	Secondary Control (E/N) & FMZ	Flow Reference Points (E/N) & FMZ
Adelong	Batlow Rd Flow Gauging Station 4100061	Staff Gauge (old Hume hwy Bridge) Tumblong	Staff Gauge (old Hume hwy) bridge Tumblong EoS??
Apsley	Apsley River gauging station 206018	Visible flow at the pump site that over rides 1Ml/day at EoS	EoS flow reference Point
Castlereagh above Binnaway	420017 Castlereagh at Hidden valley	No secondary control	Need to install staff gauges in each MZ
Commissioners	206008 Tiverton Gauge s/s of Burying Ck junction	Visible CtP Armidale town water supply flushing discharge is trigger for flows in the very low flow class in Dumaresq Ck	Flow reference point at EoS
Coopers Creek	203024 Ewing Bridge Corndale	None	EoS
Dorrigo	Bieldsdowm River near end of water source 204071	None	Flow reference points at the end of each MZ
Jilliby	Jilliby Ck u/s Wyong River Durren Lane 211010	Visible CtP in place (Wyong River at Gracemere 211009)	EoS flow reference point
Kangaroo	GS215220 (SCA) Kangaroo River at Hampden Bridge d/s of kangaroo valley village	none	EoS flow reference point
Kaurah	Karuah River @ Booral 209003 (300m d/s of rd bridge) HITS	Karuah River at the Dam (gauge)	EoS flow reference point
Mandagery	412030 Mandagery ck us of Eugowra	Staff gauges yet to be installed at the end of each MZ	EoS flow reference point
Ourimbah	211013 Ourimbah Ck us weir river gauging station	211015 Ourimbah Ck d/s Bangalow ck Visible CtP	EoS flow reference point
Phillips, Mooki, Quirindi, Warrah Creeks	Phillips & Warrah (419034) Mooki River at Caroona Mooki (419027) Mooki River @ Breeza river Quirindi (new station) Quirindi Ck at Green Acres	Local visible flow locations Local visible flow locations 419034 & 419084 Mooki River at Ruvigne river Local visible flow rules	EoS flow reference point and end of each water source

Implementation Program for Water Sharing Plans for Unregulated River Water Sources

Water Sharing Plan	Primary Control (E/N) & FMZ	Secondary Control (E/N) & FMZ	Flow Reference Points (E/N) & FMZ
Rocky, Cobbadah, Upper & Lower Horton	418015 Horton River at Rider	4180001 Horton R u/s Cobbadah ck junction 4180002 Cobbadah Ck @ Devon point 4180003 Horton River upstream of Rocky Ck junction 4180004 Rocky Ck us Horton River junction 4180006 Pallal Ck us Horton river junction (gauge boards to be installed where needed, to be used for CtPs visible flows rather than flow classes during the period of the IP)	EoS of each MZ
Tarcutta	410047 Old Borambola gauging station	Tarcutta Ck @ westbrook (gauging station) Umbango Ck Staff Gauge	EoS
Tenterfield	416003 Tenterfield Ck @ Clifton	Zone 2 – Tenterfield Ck @ NE hwy bridge rail bridge Zone 3- Tarban Ck (lowest point) Zone 4 –sunnyside ck @ Tarban Rd causeway Zone 5 – Tenterfield Ck @ EoS (gauge boards to be installed where needed) to be used for visible flow CtP rather than flow classes. Pool Extraction Heights – Zones 1,2,3,4 extraction from pools will cease 15cm below the level at which surface outflow ceases DS Level indicators required for each Pool. Zone 5 extraction from pools to cease 30cm below the level at which surface outflow ceases D/S. Level indicators required for each pool	EoS
Toorumbie	No flow monitoring network established as there are no flow classes		
Upper Billabong	410097 – Aberfeldy river flow gauging station	Local site used for the declaration of CtP and A class , for Billabong headwater management zone, is located at a pipe directly downstream of the site of extraction	EoS
Upper Brunswick	202005 – Durrumbul (wrong in the IP) Sherrys Bridge Gauge	None	EoS

Implementation Program for Water Sharing Plans for Unregulated River Water Sources

Water Sharing Plan	Primary Control (E/N) & FMZ	Secondary Control (E/N) & FMZ	Flow Reference Points (E/N) & FMZ
Wandella	Upper MZ 218010 Wandell Ck u/s Illawambra Dam V notch weir with manual read staff gauge. Middle MZ 2180011 Wandella Ck @ Motbey-Ferguson Rd Staff gauge manual read	None Concrete causeway on Wandella Rd (7km d/s from 218011)	218006 gauge Wandella Ck Gauge
Wybong	210040 Wybong Ck @Yarraman crossing (Plan turned off due to inappropriate site for gauge) (pool control sites CtP visible flow at present)	No secondary controls (don't know sites)	EoS

Note: Secondary controls will be calibrated to the primary control with their main purpose being to allow earlier assessment of dropping or rising water levels and the effectiveness of the Plan in maintaining a flow through the water source.

Appendix B

Table 2: Correlations of FRPs with Primary Control (gauging station)

Plan Area	Flow Class	Plan Flow Reference Point (ML/day)	Gauge Station (ML/day)	
Apsley			Apsley Falls (206018)	
	Very low flows	<1	<1	
	B	>1 & <11	1-9	
	C	>11	>9	
Adelong			Batlow Rd (410061)	
	Very low flows	<15	<12	
	A	15-25	12-20	
	B	25-38	20-30	
	C	>38	>30	
Commissioners Water			Tiverton (209003)	
	Very low flows	<1	<1	
	Combined A/B	1-9	1-8	
	C	>9	>8	
Coopers Creek			Ewing Bridge (203024)	
	Very Low flows yrs 1 to 5 Except July, Aug, Sept	<14 <20	<12 <17	
	Very Low flows Yrs 6 to 10 Except July, Aug, Sept	<17 <31	<15 <27	
	A Class yrs 1 to 5 Except July, Aug, Sept	14-36 20-36	12-31 17-31	
	A Class Yrs 6 to 10 Except July, Aug, Sept	17-36 31-36	15-31 27-31	
	B Class	36-115	31-100	
	C Class	>115	>100	
	Ourimbah			Ourimbah Ck (211013)
		A (falling river)	4-7	2.7-4.7*
		A (rising river)	6-7	4-4.7*
B		7-25	4.7*-16.8*	
C		25-60	16.8*-40.4*	
D		60-160	40.4*-92.3*	
E		>160	>92.3*	

* On the introduction of IDELs for each flow class the trigger flows will be increased by the sum of the IDELs below the trigger gauging station as a measure to maintain the end of system flow at the prescribed levels.

Implementation Program for Water Sharing Plans for Unregulated River Water Sources

Plan Area	Flow Class	Plan Flow Reference Point (ML/day)	Gauge Station (ML/day)
Tarcutta			Old Borambola (410047)
	Very low flows (rising river)	<16	<15
	Very low flows (falling river)	<13	<12
	A (rising river)	16-44	15-42
	A (falling river)	13-44	12-42
	B	44-93	42-88
	C	>93	>88
Upper Brunswick			Durrubul (202005)
	Very low flows	<2	<2
	B	2-9	2-8
	C	>9	>8

Table 3: Flow Correlations between the FRP and the Management Zones (Tarcutta)

Flow Reference Point	CtP Volume (ML/day)	ComtP Volume (ML/day)
End of System	13	16
Borambola	12	15
Westbrook	18	NA
Umbango	4	NA

Attachment 1: Modifications to IP

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act



Implementation Program for the Water Sharing Plans for the Coastal Aquifer groundwater sources

- Alstonville Plateau
- Stuarts Point
- Tomago Tomaree Stockton
- Kulnura Mangrove Mountain

January 2009 – June 2014

Department of
Environment, Climate Change and Water NSW



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Acronyms and abbreviations

AEW	Adaptive Environmental Water
AWD	Available Water Determination
BLR	Basic Landholder Right
CAP	Catchment Action Plans
CMA	Catchment Management Authority
DECCW	Department of Environment, Climate Change and Water
DPI	Former Department of Primary Industry now within Industry and Investment NSW
ECA	Environmental Contingency Allowance
EWA	Environmental Water Allowance
GDE	Groundwater Dependent Ecosystem
HWC	Hunter Water Corporation
IP	Implementation Program
KMM	Kulnura Mangrove Mountain groundwater source
LTAEL	Long Term Average Extraction Limit
LPI	Land and Property Information NSW
MDB Cap	Murray Darling Basin Cap
ML	Megalitre
NRC	Natural Resources Commission
PI	Performance Indicator
SWC	State Water Corporation
the Act	Water Management Act 2000
the Department	Department of Environment, Climate Change and Water
the Minister	The Minister for Water
the Program	Implementation Programs (as provided for under s51 of the Act)
TTS	Tomago Tomaree Stockton groundwater source
WMC	Water Management Committee
WSP	Water Sharing Plan

The NSW Office of Water is a separate office within the Department of Environment, Climate Change and Water. The Office manages the policy and regulatory frameworks for the State's surface water and groundwater resources to provide a secure and sustainable water supply for all users. The Office also supports water utilities in the provision of water and sewerage services throughout New South Wales.

Publication No. 09_255a

1. Introduction

The *Water Management Act 2000* (**the Act**) provides the basis for the sustainable management of the State's water sources, including the provision of water for environmental needs and for equitable sharing between users. This is expressed by means of a water sharing plan which establishes the rules that determine how water is to be shared between the environment and for other purposes, such as towns, domestic and stock, irrigation and industrial.

Water sharing plans have effect for a 10-year period, thereby providing certainty of access for environmental health and for all licensed water users during the life of the Plan. Each Plan is supported by an Implementation Program (IP) that details the milestones whose delivery will ensure that the objectives of the Plan will be achieved. The IPs for the coastal groundwater sharing plans namely Alstonville Plateau, Stuarts Point, Tomago Tomaree Stockton and Kulnura Mangrove Mountain, have been incorporated into a single IP. The IP allows the community to identify the strategies that the NSW Office of Water (the Office) will adopt to ensure the provisions of the Plan are being implemented

and that the objectives of the plan are being realised. In some instances, the provisions of the Plan will be implemented on a progressive basis, as systems and infrastructure become available. Studies undertaken as part of the IP may derive a value significantly different from that adopted at the commencement of the Plan, however any adjustments to the Plan will recognise the limitations set within the Plan.

The IP recognises that there are other agencies, organisations and community groups that will provide valuable input to helping the Office achieve its commitments.

This IP consolidates four individual IPs and was updated for the first time in December 2008 and now outlines the activities required to give effect to the plans for the remainder of their term (i.e. until June 2014). Milestones which have been met since the commencement of the IPs were deleted, others were modified to better reflect the activities which will be undertaken and to clarify accountabilities across government. Where required, new milestones have been added. The format of the IP has been changed to better align it with that of the WSP and the Office's Implementation Manual which contains the detailed processes which are used to give effect to the IP (See Attachment A). Some of the explanatory text has also been updated to reflect changes in the Act and government policies and agencies' responsibilities relevant to water sharing.

1.1 Description of the water sources

This Implementation Program refers to the:

Alstonville Plateau Basalt groundwater sources

These are located between Lismore and Ballina, approximately 700 kilometres (km) north of Sydney. The upland basalt aquifers cover an area of approximately 391 km. The groundwater sources contain shallow (2 to 50 metres [m]) and deep (50 to 150 m) water bearing rocks and are part of the North Rivers Water Management Area. The Plan applies to the groundwater contained in the following six groundwater sources:

- Alstonville Groundwater Source (Zone 1)
- Tuckean Groundwater Source (Zone 2)
- Bangalow Groundwater Source (Zone 3)
- Coopers Groundwater Source (Zone 4)
- Wyrallah Groundwater Source (Zone 5)
- Lennox Groundwater Source (Zone 6)

1 | NSW Government, 2009

Stuarts Point groundwater source

This is located about 450 km north of Sydney and about 45 km east of Kempsey, on the State's mid north coast. The groundwater source covers an area of unconsolidated sand sediments 1,480 m in area.

Tomago Tomaree Stockton groundwater sources

These are located north of Newcastle covering an area of 275 km². The catchment of the groundwater sources is dissected by Tilligerry Creek. The Plan applies to all water contained in the sand aquifers of the following three groundwater sources:

1. Tomago Groundwater Source
2. Tomaree Groundwater Source
3. Stockton Groundwater Source

Kulnura Mangrove Mountain groundwater sources

These are located north of Sydney and inland from Gosford, covering an area of 488 km² between Mount Simpson, Gosford, Spencer and Pearly Beach. The Plan applies to the groundwater contained in the Hawkesbury Sandstone within the following eight groundwater sources:

1. National Park, State Forest and Drinking Water Catchment Groundwater Source (Zone 1)
2. Wollombi Brook Groundwater Source (Zone 2)
3. Brisbane Water Groundwater Source (Zone 3)
4. Ourimbah Creek Groundwater Source (Zone 4)
5. Wyong River Groundwater Source (Zone 5)
6. Upper Mangrove Groundwater Source (Zone 6)
7. Lower Mangrove and Popran Creeks Groundwater Source (Zone 7)
8. Mooney Mooney and Mullet Creeks Groundwater Source (Zone 8)

1.2 Time-frames

Implementation of the provisions of the Plans will be undertaken based on the tasks and time frames over the life of the Plan. This IP details the milestones for the remaining five and a half years of the Plans.

2. Vision, objectives, strategies and performance indicators

The Act requires that a management plan contain a vision statement, objectives consistent with the vision statement, strategies for reaching those objectives, and performance indicators to measure the success of those strategies.

The activities associated with monitoring performance indicators are detailed in section 13 of this IP.

3. Basis for Water Sharing

3.1 Recharge Estimate

Climate and the level of natural recharge to these groundwater sources vary from year to year. Therefore, the basis for water sharing in the Plan is the estimate of the average annual recharge to each of these groundwater sources. At the start of the Plans, the average annual recharge to each groundwater source is estimated as follows:

Alstonville

Zone 1 – 11,575 ML/year

Zone 2 – 12,404 ML/year

Zone 3 – 11,667 ML/year

Zone 4 – 3,533 ML/year

Zone 5 – 3,573 ML/year

Zone 6 – 1,720 ML/year

The primary form of recharge to the groundwater sources is from rainfall. The recharge estimates were, therefore, based on a rainfall infiltration rate of eight per cent determined from research studies and numerical modelling. This recharge estimate will remain for the life of the plan.

Stuarts Point

All water source 7,032 ML/year.

The primary form of recharge to the sandbeds, which are highly permeable, is from rainfall. The recharge estimate was, therefore, based on a rainfall infiltration of 30 per cent determined from research studies and verified by numerical modelling. This recharge estimate will remain for the life of the plan.

Tomago Tomaree Stockton (TTS)

Tomago – 35,700 ML/year

Tomaree – 8,600 ML/year

Stockton – 20,000 ML/year.

These estimates were based on a rainfall recharge value derived from rainfall records and verified against water level response data from over 70 monitoring bores managed by the Hunter Water Corporation and field experiments undertaken by the University of Newcastle.

Kulnura Mangrove Mountain (KMM)

Zone 1 - unquantified

Zone 2 – 1,128 ML/year

Zone 3 – 2,616 ML/year

Zone 4 – 3,602 ML/year

Zone 5 – 3,023 ML/year

Zone 6 – 2,765 ML/year

Zone 7 – 8,231 ML/year

Zone 8 – 9,007 ML/year

These estimates for zones 2 to 8 were based on a rainfall infiltration rate of 10 per cent determined from research studies and water level behaviour after large recharge events. The recharge estimate for zone 1 was not identified because extractions will not be permitted in this groundwater source. Zone 1 covers a little under half of the aquifer area and is covered by National Parks, State Forests and is in a Drinking Water Catchment.

3.2 Revision of estimated average annual recharge

The Minister for Water may vary the annual average recharge volume based on a review of recharge figures in the Tomago Tomaree Stockton (TTS) and Kulnura Mangrove Mountain (KMM) groundwater sources.

In the TTS groundwater source during the first five years of the Plan, the recharge will be reassessed by the Office in collaboration with the University of Newcastle and Hunter Water Corporation (HWC). To assist this process a model has been established for the groundwater sources during the initial years of the plan to better predict aquifer response and yield.

In the KMM groundwater sources during the first five years of the Plan, the recharge will be reassessed by the Office based on further development of a numerical model and water level monitoring.

The relevant clauses in the Plans are – clause 16.

Milestones for the term of the Plans

- If required – The Office review Sustainable Groundwater Extraction Strategy prepared by HWC, for Tomago Tomaree Stockton (TTS) groundwater source.
- If required – The Office prepare report incorporating recharge assessment for Minister's consideration for TTS and KMM groundwater sources.
- June 2009-2014 (if required) – Minister vary recharge estimates (TTS and KMM groundwater sources).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

4. Environmental water provisions

The Act requires that the sharing of water must protect the water source and its dependent ecosystems and establish specific environmental water provisions.

The Act defines two types of environmental water: planned environmental water and adaptive environmental water.

4.1 Planned environmental water

The Act requires that water be allocated for the fundamental health of a water source and its dependent ecosystems as a first priority. The Plans therefore sets aside for environmental health purposes as follows:

Alstonville

1. The long-term storage component of each groundwater source, minus water for basic landholder rights.
2. Eighty per cent of the average annual recharge of each groundwater source.

Stuarts Point

1. The long-term storage component of the groundwater source, minus water for basic landholder rights.
2. Forty-five per cent of the average annual recharge – 3,164 ML/year.

Tomago Tomaree Stockton (TTS)

1. The long-term storage component of each groundwater source, minus water for basic landholder rights.
2. Thirty per cent of the average annual recharge as follows:
 - Tomago – 10,700 ML/year
 - Tomaree – 2,600 ML/year
 - Stockton – 6,000 ML/year.

Kulnura Mangrove Mountain (KMM)

1. The long-term storage component of each groundwater source, minus water for basic landholder rights.
2. A portion of the average annual recharge as follows:
 - 100% for Zone 1
 - 72% for Zone 2 – 807 ML/year
 - 72% for Zone 3 – 1,873 ML/year
 - 89% for Zone 4 – 3,210 ML/year
 - 72% for Zone 5 – 2,164 ML/year
 - 72% for Zone 6 – 1,979 ML/year
 - 72% for Zone 7 – 5,892 ML/year
 - 72% for Zone 8 – 6,447 ML/year

It is recognised that the information on groundwater dependent ecosystems at the start of the Plan is limited. In the first five years of the Alstonville, Tomago Tomaree Stockton and Kulnura Mangrove

Mountain Plans, the Office has commenced work on studies into the groundwater dependence of the local vegetation communities and the links between surface and groundwater sources. This work will provide information for the Minister to vary the environmental health water provision if required in these Plans.

The relevant clause in the Plans is clause 18

Milestones for the term of the Plans

- If required by the Minister for Water – The NSW Office of Water consults with DECCW to develop methodology for assessing changes in vegetation health of the Fisherman’s Bend Nature Reserve and commence the study (Stuarts Point).
- Following completion of the study – DECCW reports to the Office on the outcomes of the assessment of the health of the Fishermen’s Bend Nature Reserve (Stuarts Point).
- If required by the Minister – The Office produces report on the location of GDEs and the extent of their dependence on these water sources for the Minister’s consideration. (Alstonville Plateau).
- April 2009(if required) – The Office reports to the Minister on options for change to environmental health water for Kulnura Mangrove Mountain.
- If required – The Office reports to the Minister on options for change to environmental health water for Alstonville Plateau.
- March 2009 – The Office completed sustainable groundwater extraction study (TTS).
- After July 2009 – (if required) Minister for Water changes environmental health water provisions.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a), (c), (e) & (f)
Stuarts Point	11(a), (c) to (f) & (h)
Kulnura Mangrove Mountain (KMM)	11(a) to (c), (i)
Tomago Tomaree Stockton (TTS)	11(a) to (e), (j) & (k)

4.2 Adaptive Environmental Water (AEW)

Before an access licence is committed as Adaptive Environmental Water (AEW), the Minister is required to approve a plan for the implementation of the condition. Such plans, known as an AEW Use Plans must further the objectives of the WSP. Licences committed as AEW will be managed by an Environmental Water Manager (in line with the Use Plan). This may be the individual licence holder, DECCW, a CMA or other group.

As of January 2009 no adaptive environmental water conditions has been attached to a licence in these groundwater sources. There are no milestones relating to these provisions in this IP.

5. Basic Landholder Rights

Under the *Water Management Act*, landholders exercising basic landholder rights do not require an access licence but they do require a water supply works approval for the bore.

The Plan provides rules to minimise interference to basic landholder rights (ie. domestic, stock and native title rights) caused by licensed extractors. If a landholder's bore used to extract basic rights is affected by extraction from an access licence holder, then their bore may be deepened or replaced to ensure basic rights can continue to be provided. A State-wide policy will be developed by the Office to assist local communities in developing their specific arrangements. The Plan also allows basic rights water to be supplied by an alternative means during critical times.

The Minister can issue an Order under the Act to restrict the exercise of basic landholder rights so as to protect the environment, for reasons of public health, or to preserve existing basic landholder rights.

The relevant clause in the Plans is clause 22

Milestones for the term of the Plans

- June 2010 – The Office will develop a draft state-wide policy in relation to bore deepening to protect basic landholder rights in consultation with the community.
- On completion of draft statewide policy for bore deepening, the Office develops guidelines for the groundwater users, if required.
- June 2009 – The Office developed processes for communication of measures to protect the environment or domestic and stock rights.
- June 2009 (if required) – The Office completed review of Basic Landholder Rights estimates.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a), (g) & (i)
Stuarts Point	11(g) & (j)
Kulnura Mangrove Mountain (KMM)	11(a),(d) & (g)
Tomago Tomaree Stockton (TTS)	11(f) & (i)

6. Bulk access regime

The rules in the Plans for granting access licences and making water available to licence holders is known as the bulk access regime. Section 8 of this IP details milestones relating to the granting of access licences. Section 9 of this IP deals with milestones associated with managing to long term extraction limits and available water determinations, the mechanism for allowing access to water for each category of licence. Section 10 of this IP details milestones associated with managing access licences, including account management and extraction conditions.

The relevant clauses in the Plans are – clause 24.

7. Requirements for water under access licences

The Plan documents the share components for access licences at the commencement of the plan and recognises that these may change over the life of the plan due to the issuing of new licences, where allowed, and trade.

Details of all access licences are maintained in the Access Licence Register which is managed by Land and Property Management Authority (which also manages the Lands Title Register), web reference www.lpi-online.nsw.gov.au. Changes in access licences, including those arising from the granting of new access licences, are included in the Office's register (web reference www.water.nsw.gov.au). Each year the Office will report on changes to the total of access licence share component volume and new access licences issued under the Plan's provisions.

The relevant clause in the Plans is clause 25.

Milestones for the term of the Plans

- Ongoing – the Office manages a register of access licences, including changes in access licence entitlements.
- October (annually) – the Office reviews and reports on cumulative entitlements.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

8. Rules for granting access licences

New aquifer access licences may only be issued where exemptions provide for this in the Plan. The Plan recognises that applications may be sought for the following types of access licences within the groundwater sources:

All groundwater sources

- Specific purpose access licences specified in Clause 19 of the *Water Management Act (General) Regulations 2004*.
- Access licences with a zero share component in accordance with sections 61 (1) (b) and 63 (5) of the Act.
- Access licences that may be granted in accordance with a dealing that is permitted by the Plan.

In addition:

- **Alstonville** – aquifer (Aboriginal commercial up to a total of 10ML/year), aquifer (research up to a total of 10ML/year) access licences.
- **Stuarts Point** – aquifer (Aboriginal commercial up to a total of 10ML/year).
- **Tomago Tomaree Stockton (TTS)** – augmentation of Hunter Water Corporations supplies from Stockton groundwater source, and small individual licences of ≤ 5ML/year (up to a total limit of 100 ML/year for each groundwater source).

All applications for new access licences must be assessed in accordance with the Office's Integrated Assessment Process before a decision is taken to grant or refuse the application. This includes consideration of the provisions of the Act, the Access Licence Dealing Principles Order and the Plan.

The relevant clause in the Plans is clause 26

Milestones for the term of the Plans

- Ongoing – The Office reviews cumulative share components relative to extraction limit.
- July 2009 to June 2014 – The Office determines whether additional access licenses can be granted in line with controlled allocation policy, where relevant.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

9. Limits to the availability of water

9.1 Long term average extraction limits

The Plan sets a long-term average extraction limit for each of these groundwater sources of:

Alstonville

Zone 1 – 2,315 ML/year

Zone 2 – 2,481 ML/year

Zone 3 – 2,333 ML/year

Zone 4 – 707 ML/year

Zone 5 – 715 ML/year

Zone 6 – 344 ML/year

Stuarts Point

3,868 ML/year

Tomago Tomaree Stockton (TTS)

Tomago – 25,000 ML/year

Tomaree – 6,000 ML/year

Stockton – 14,000 ML/year

Kulnura Mangrove Mountain (KMM)

Zone 1 – 0 ML/year

Zone 2 – 321 ML/year

Zone 3 – 743 ML/year

Zone 4 – 392 ML/year

Zone 5 – 859 ML/year

Zone 6 – 786 ML/year

Zone 7 – 2339 ML/year

Zone 8 – 2560 ML/year

The extraction limit is the estimated average annual recharge of the groundwater source (refer to section 2 of this IP) less the volume of water required to meet needs of the environment (refer to section 3 of this IP).

The Minister may vary the long-term average extraction limit as a result of any change to the average annual recharge or the environmental health water provisions in all groundwater sources except for the Stuarts Point groundwater source. However, the Plan specifies that the extraction limit cannot:

- increase by more than 25 per cent and will not decrease in the **Alstonville Plateau** groundwater sources,
- increase by more than 10 per cent or decrease by more than five per cent in the **Tomago Tomaree Stockton** groundwater sources
- increase by more than three hundred per cent or decrease by more than thirty-seven per cent in the **Kulnura Mangrove Mountain** groundwater sources.

The relevant clauses in the Plans are clause 27 (TTS), clause 28 (KMM, Alstonville)

Milestones for the term of the Plans

- If required – The Office reports to the Minister for Water providing revised extraction limits, with consideration of revised environmental provisions in the Alstonville, KMM and TTS groundwater sources.
- After June 2009 (if required) – The Minister for Water announces revised extraction limits in the Alstonville, KMM and TTS groundwater sources.
- June 2009 – The Office documents the procedures to be used in assessing compliance with the extraction limit.
- After the first year of adequate collection of monitoring of use data, (July to March annually thereafter) – The Office assesses the average annual extractions in these groundwater sources to ensure extraction is within the specified limit.
- After the first year of adequate collection of monitoring of use data, (March annually thereafter) – The Office reports the results of assessment and proposed management actions.
- Following commencement of three years of monitoring of use, and review of basic rights estimate – The Office amends AWD if required to adjust for growth in BLR if shown.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

9.2 Available water determinations

Available water determinations (AWDs) are the mechanism by which water available for extraction is determined and credited into an individual access licence water allocation account. Separate AWDs are announced (via Ministerial order) for each category of licence and apply to all access licences for that category in the groundwater sources.

AWDs are recorded on the Office's internet site (www.water.nsw.gov.au).

The Office will monitor water extractions over the term of the Plan to ensure that they remain within the extraction limit. If the average annual extraction over three consecutive years exceeds the long-term average extraction limit by 5% or more, water available under aquifer access licences may be reduced in the following year to ensure total water extraction remains within the extraction limit. If the average annual extraction in three consecutive years is less than 95% of the long-term extraction limit, water available under aquifer access licences may be increased in the following year to enable extraction to the extraction limit.

The relevant clauses in the Plans are clause 28 (TTS), clause 29 (KMM, Alstonville, Stuarts Point)

Milestones for the term of the Plans

Following commencement of three years of monitoring of use, and annually thereafter, if necessary, the Office announces reduced available water determination to maintain the Plan LTAEL.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

10. Rules for managing access licences

10.1 Water allocation account management

A water allocation account was established by State Water in 2004 for each access licence in these groundwater sources, however, these will not be managed in accordance with the rules specified in the Plans until such time as measurement of use is introduced for coastal groundwater sources.

When operational the water allocation account tracks the water credited and extracted under each access licence. After each AWD, the Office credits an access licence's water allocation account with a water volume determined by the AWD, to the limit of the account. The Office also adds to the account water exchanged by way of a dealing. Water extracted or moved to another account via a dealing is debited against the water allocation account by the Office.

The maximum volume in an aquifer access licence account cannot exceed 100 per cent of the share component in the Alstonville and Stuarts Point groundwater sources, or 120 per cent in the Kulnura Mangrove Mountain and Tomago Tomaree Stockton groundwater sources of the share component, plus or minus any dealings accumulated and extracted. A maximum of 20 per cent of the share component can be carried forward to the next water year in the Kulnura Mangrove Mountain and Tomago Tomaree Stockton groundwater sources.

The water account of local water utilities cannot exceed 100% of their access licence share component, plus or minus any dealings accumulated and extracted. No water can be carried over from one water year to the next.

The water accounts of the Hunter Water Corporation will be managed on a three year basis. The maximum volume in the account cannot exceed 76,000 ML from the Tomago groundwater source and 11,000 ML from the Tomaree groundwater source at any time. The water extracted by the Corporation from the Tomago groundwater source in any 3 accounting years cannot exceed 76,000 ML and 11,000 ML from the Tomaree groundwater source.

The relevant clauses in the Plans are clause 33 (TTS), clause 34 (KMM, Alstonville, Stuarts Point)

Milestones for the term of the Plans

- On adequate collection of monitoring of use information, and ongoing thereafter, State Water establishes and maintains individual water accounts for access licences in line with the accounting provisions of the plan.
- Ongoing (as required) – On adequate collection of monitoring of use information, State Water advises the Office of any over allocation of water for further investigation and compliance action.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(d) & (i)
Stuarts Point	11(b), (i) & (j)
Kulnura Mangrove Mountain (KMM)	11(e) to (g) & (i)
Tomago Tomaree Stockton (TTS)	11(g)& (h)

10.2 Management of local impacts

The Plan sets rules to ensure the groundwater source is managed sustainably at a local scale. The rules are designed to:

- minimise extraction interference between neighbouring bores by placing distance limits between new or replacement bores and existing bores
- protect water levels by placing restrictions on pumping when falling water levels are likely to cause adverse impact
- protect water quality by placing restrictions on pumping when water quality has declined and by distance limits between new bores and a contamination source
- protect groundwater dependent ecosystems by placing distance limits between new or replacement bores and a high priority GDE.

The distance limits specified in the Plan will be included in the Office's assessment procedures for applications made for new or replacement bores.

For water quality protection, the Plan requires a baseline of electrical conductivity to be set against which changes in the salinity of groundwater will be measured. When these changes exceed thresholds specified in the Plan, local management actions are triggered.

When pumping restrictions are required this will be done by way of a Ministerial order which will specify the extraction rates to apply in the area declared as a local impact area.

The process for declaring a local impact area, defining water quality triggers and adjusting access from specific works will be developed by the Office.

The relevant clauses in the Plans are clauses 35-38 (TTS), clauses 36-40 (KMM), clauses 36-39 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- Ongoing (where required) – The Office uses appropriate tool to assess impacts of proposed new pumping levels on existing extraction.
- Ongoing (where required) – The Office establishes key monitoring bores in respect to:
 - a. water levels and impacts on groundwater dependent ecosystems
 - b. water quality
- Ongoing – The Office undertakes monitoring of key monitoring bores to determine if local impact management required in respect to:
 - a. water levels and impacts on groundwater dependent ecosystems
 - b. water quality
- June 2009 – The Office develops communications/notification protocols to inform licence holders of watertable trends and likelihood of extraction restrictions being triggered.
- Ongoing (where required) – The Office communicates watertable trends to licence holders.
- June 2009 – The Office assesses need for definition of:
 - a. water level exceedance levels for key monitoring bores per groundwater source
 - b. water quality parameters for key monitoring bores per groundwater source.
- If required, the Office defines:
 - a. water level exceedance levels for key monitoring bores
 - b. water quality parameters for key monitoring bores.
- Ongoing – The Office establishes communication protocol for regular update of identified contamination sources from DECCW and local councils to the Office.
- If required– The Office reports to the Minister on any further priority GDEs or Aboriginal cultural heritage requirements and any amendment to buffer zones. (TTS, KMM).
- After July 2009 (if required) – Minister for Water adds priority GDEs and Aboriginal cultural heritage requirements to the relevant plan schedule in the KMM and TTS groundwater sources.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

11. Access licence dealing rules

Access licence dealings will be operated in these groundwater sources in accordance with the provisions of the Plans, and the Minister's access licence dealing principles, which are available on the Office's Internet site (www.water.nsw.gov.au). The Plans set out when such dealings are prohibited and what factors must be taken into account before consent will be granted to a proposed dealing that is permitted under the plan's access licence dealing rules. In the event of any inconsistency between the Plan's rules and the Minister's dealing principles, the Minister's dealing principles prevail.

Access licences can be subdivided and consolidated and transferred to another person within the groundwater source. All or part of the rights under an access licence ie share component or allocation account water can be assigned to another access licence within the groundwater source. The key provision is that the extraction limit is not exceeded. Some access licences may also be converted to another category of access licence, usually with a conversion factor applying.

There can be several steps involved in access licence dealings (depending on the type of dealing). These include:

- assessment of the impact and approval of new water use and water supply works approval if it is proposed to extract water from a different location and use water on a previously dry land property
- authorisation for new aquifer access licence, water use approval and water supply works approval
- transfer ownership of the access licence with Land and Property Information (LPI) that will register the transfer
- activation of access licences at a specific location.

It should be noted that a separate water use approval and water supply works approval will be necessary before water can be taken under the access licence.

The relevant clauses in the Plans are clause 42-47 (TTS), clause 45-50 (KMM), clauses 44-49 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- On collection of adequate monitoring of use data and development of a water accounting system
 - The Office commences access licence dealing rules specified in the Plan and the Minister's access licence dealing principles
- Ongoing – The Office monitors dealings to ensure that the extraction limit of any water source is not exceeded as a result of a dealing.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

12. Mandatory conditions

12.1 Conditions on access licences and approvals

Mandatory conditions for access licences and water supply works approvals are specified in provisions of the Plans. All relevant mandatory conditions are included on all new and replacement access licences and water supply works approvals under the Act.

The relevant clauses in the Plans are clause 49, 50 (TTS), clause 51, 52 (Alstonville, Stuarts Point), clauses 52, 53 (KMM)

Milestones for the term of the Plans

- Ongoing – The Office periodically audits compliance with mandatory conditions.
- July 2009 – The Office reviews access licence conditions of Hunter Water Corporation (TTS).

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

12.2 Monitoring of water extraction

The Plan specifies that all water extraction under access licences must be monitored. The Office has developed and is implementing a Water Use Monitoring Program to review and implement processes to monitor water extraction. The project involves ground-truthing (pump site evaluation) and prioritisation for metering based on entitlement and usage.

The Office will periodically audit and undertake compliance assessments of access licences and associated water supply work approvals in the water source to ensure extractions are being recorded accurately.

The relevant clauses in the Plans are clause 50 (TTS), clause 52 (Alstonville, Stuarts Point), clauses 53 (KMM)

Milestones for the term of the Plans

- Ongoing – The Office of Water implements its Water Use Monitoring Program.
- Dec 2010 – The Office determines water monitoring device installation schedule for all access licences and nominated water supply works approvals.
- Ongoing (June annually) – Upon commencement of monitoring of water use, the Office collects extraction and other on-site information from access licence holders and update relevant database.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

12.3 Compliance

Access licence and approval holders must comply with their conditions. Failure to comply with conditions may result in suspension or cancellation of the access licence or approval and/or other penalties.

In order to ensure that this IP is given effect, the Office developed a State-wide Compliance Policy which outlines strategies for reporting, auditing, monitoring and investigation of compliance activities.

Milestones for the term of the Plans

- Ongoing – The Office undertakes periodic compliance activities in plan areas to ensure compliance with plan rules.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

13. Monitoring and reporting

13.1 Water level and water quality monitoring

Water level monitoring is a fundamental component of the Plans. It is required to ensure the groundwater sources are managed within their extraction limit and to assess unacceptable impacts. Ongoing water quality monitoring will ensure the groundwater sources are managed within its beneficial use category over the term of the Plans. Water quality monitoring may relate to observing the overall condition of this groundwater source and/or to specific events/sites (i.e. as a result of contamination events).

The relevant clauses in the Plans are clause 51 (TTS), clause 53 (Alstonville, Stuarts Point), clauses 54 (KMM)

Milestones for the term of the Plans

- Ongoing – The Office monitors water quality and compilation of monitoring outcomes.
- July (annually) – The Office compiles, assesses and reports annual monitoring data.
- December 2009 (and annually thereafter) – The Office compiles, assesses and reports annual monitoring data for groundwater levels (Stuarts Point, Alstonville).
- Ongoing (where required) – The Office assesses water quality information to ensure that agreed beneficial uses are not being compromised.
- July (annually, where required) – The Office, reports on water quality changes for the water sources.

WSP objectives that will be achieved by the delivery of these milestones are set out in the following clauses

Alstonville	11(a) to (i)
Stuarts Point	11(a) to (k)
Kulnura Mangrove Mountain (KMM)	11(a) to (i)
Tomago Tomaree Stockton (TTS)	11(a) to (k)

13.2 Performance indicators

Performance indicators will be used to assess the effectiveness of the Plans in achieving their objectives. The timing of the collection of information required to support each of the performance indicators will vary, as will the timeframe for analysis and reporting of changes in the indicators the usefulness of some indicators may be influenced by factors outside the Plans (e.g. world commodity prices).

The relevant clauses in the Plans are clause 13 (all), clause 51 (TTS), clause 54 (KMM), clause 53 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- Ongoing – The Office collects, compiles and stores relevant information where available.
- By June 2009 (where required) – The Office completes documentation of method for measurement of performance indicators and select sites.
- Ongoing – The Office continues to undertake performance monitoring.
- January 2014 – The Office provides report to Minister for Water and NRC detailing the extent to which the plans water sharing provisions have contributed to achieving or not achieving the objectives of the plan.

These milestones are aimed at ensuring that information is in place to support the review of the WSP at the end of the 10 year term and do not directly contribute to the delivery of any WSP objectives.

13.3 Annual review of implementation program

In accordance with section 51(5) of the Act, this Implementation Program will be reviewed annually to determine if it is effective in implementing the Plans. The results of the review will be included in the Office's annual report.

This original IPs were amended in December 2008 as a result of the review conducted in that year.

The relevant clauses in the Plans are clause 51 (TTS), clause 54 (KMM), clause 53 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- September (annually) – The Office conducts a review of IP achievements of relevant milestones.
- August (annually) – The Office includes results of implementation review in its annual report.
- As required – The Office modifies the IP to more effectively deliver the Plan objectives.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.4 Audit of the Plan provisions

The Act requires that an audit of the Plans be undertaken at intervals of not more than 5 years to ensure the provisions provided in the Plans are being given effect.

The audit must be undertaken by an audit panel that has been appointed by the Minister. The audit panel will undertake the audit in accordance with the Minister's requirements.

The relevant clauses in the Plans are clause 51 (TTS), clause 54 (KMM), clause 53 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- June 2009 – Audit panel appointed by the Minister to undertake the S44 review.
- December 2009 – Audit completed and report submitted to the Minister.
- By March 2014 – Audit Panel appointed by the Minister for Water.
- By June 2014 – Audit completed and report submitted to the Minister.

These milestones are aimed at ensuring that strategies to deliver the objectives of the WSP are appropriately targeted but do not directly contribute to the delivery of any WSP objectives.

13.5 Review of the Plans

The Act requires that the Plans be reviewed prior to any decision to extend its term or to make a new plan (s. 43A). This review will be conducted by the Natural Resources Commission (NRC) and 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.

The results of monitoring of performance indicators included in the Plan (cl. 13), plan audits, and the annual reviews of IPs may be considered by the Natural Resources Commission as part of this review. The Office will provide the NRC with copies of all relevant documentation to ensure that this can happen.

Following advice from the Natural Resources Commission, the Minister may extend the existing Plans, with or without changes, for a period of 10 years. If a new Plan is to be made, the existing Plan may be extended for a period of up to 12 months until a new plan has commenced (s. 43A(6)).

The relevant clauses in the Plans are clause 51 (TTS), clause 54 (KMM), clause 53 (Alstonville, Stuarts Point)

Milestones for the term of the Plans

- July 2009 to June 2013 – Natural Resources Commission to review the Plan as part of its Catchment Action Plan Audit and report back to the Minister.
- June 2014 – Minister extends the Plan and/or makes a new Plan for the water source.

These milestones are aimed at ensuring that the Minister's decision to extend or replace a WSP is based on an understanding about the effectiveness of the Plan in realising its objectives, but does not directly contribute to the delivery of any WSP objectives.

14. Plan amendments

The Plans allow for a number of amendments which, if necessary, can be made during the life of the Plans.

These amendments relate to:

1. Alstonville

The Minister may amend this Plan in relation to the volumes of recharge and environmental water. The milestones for these provisions are included in Sections 3 and 4 of this IP.

In addition the Minister may also amend:

- the high priority groundwater dependent ecosystems identified in Schedule 5 of this Plan based on further studies of such systems
- Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information
- this Plan to specify the purposes for which planned environmental water is to be used and to provide for the recovery of planned environmental water.

2. Stuarts Point

The Minister may amend Schedule 4 of this Plan by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information.

In addition the Minister may amend this Plan to specify the purposes for which planned environmental water is to be used and to provide for the recovery of planned environmental water.

3. Tomago Tomaree Stockton

The Minister may amend this Plan in relation to the volumes of recharge, environmental water and the long term average extraction limits. The milestones for these provisions are included in Sections 3, 4 and 9 of this IP.

In addition the Minister may also amend:

- the high priority groundwater dependent ecosystems identified in Schedule 5 of this Plan based on further studies of such systems
- Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information
- the major utility access rules specified in Schedule 6 of this Plan relating to water allocation management rules for Hunter Water Corporation in the Stockton groundwater source, and water level and water quality management rules
- this Plan to specify the purposes for which planned environmental water is to be used and to provide for the recovery of planned environmental water,

4. Kulnura Mangrove Mountain

The Minister may amend this Plan in relation to the volumes of recharge, environmental water and the long term average extraction limits. The milestones for these provisions are included in Sections 3, 4 and 9 of this IP.

Implementation Program for the Water Sharing Plans for the Coastal Aquifer groundwater sources

In addition the Minister may also amend:

- the maximum extraction density for bores at a particular location based on further studies,
- the high priority groundwater dependent ecosystems identified in Schedule 5 of this Plan, and specified exclusion distances, based on further studies of such systems
- Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information
- this Plan to specify the purposes for which planned environmental water is to be used and to provide for the recovery of planned environmental water.

The relevant clauses in the Plans are: clause 52, 53 (TTS), clauses 55,56 (KMM), clauses 54,55 (Alstonville, Stuarts Point).

Attachment A

In 2008, the format of this IP was modified to better align it with the Water Sharing Plan and the Department's Implementation Manual. The following table is included to assist in tracking milestones between the original IP and this amended IP.

Section in current IP	Section in old IP
1. Introduction	1. Introduction
2. Vision, objectives, strategies and performance indicators	No equivalent section
3. Environmental water provisions	2. Environmental water provisions
3.1 Planned environmental water	2.1 Environmental health water 2.2 Supplementary environmental water
3.2 Adaptive environmental water	2.3 Adaptive environmental water
4. Water for basic landholder rights	3. Water for basic landholder rights
5. Bulk Access Regime	No equivalent section
6. Requirements for water under access licences	4.1 Access licences – share component
7. Rules for granting access licences	4.3 Rules for granting access licences
8. Limits to the availability of water	5. Limits to the availability of water
8.1 Long term extraction limit	5.1 Long term extraction limit
8.2 Available water determinations	5.2 Available water determinations
9. Rules for managing access licences	6. Rules for managing access licences
9.1 Water access licences	6.1 Water access licences
9.2 Water allocation account management	6.2 Water allocation account management
9.3 Access licences – extraction component	4.2 Access licences – extraction component
9.4 Taking uncontrolled flows in the Upper Namoi	6.4 Taking uncontrolled flows in the Upper Namoi
9.5 Taking water under supplementary water access licences	6.3 Taking water under supplementary water access licences
10. Access licence dealings	7. Access licence dealings
11. Mandatory conditions	8. Mandatory conditions
11.1 Mandatory conditions	8.1 Mandatory conditions
11.2 Compliance	8.2 Compliance
12. Water Source Operation	9. Water Source Operation
13. Monitoring and reporting	10. Monitoring and reporting
13.2 Monitoring performance indicators	11. Performance indicators
13.2 Annual review of implementation program	10.3 Annual review of implementation program
13.3 Audit of the Plan provisions	10.2 Audit of the Plan provisions
13.4 Review of the Plan	10.1 Review of the Plan
14. Plan amendments	12. Plan amendments
14.1 Changes to the water sources	12. Plan amendments
14.2 Other amendments of the Plan	Details not in original IP
14.3 Amendment relating to planned environmental water	New provisions arising from changes to the Act
14.4 Amendment of Plan relating to floodplain provisions	New provisions arising from changes to the Act

Other Notices

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 54

TAKE notice that the incorporation of the following association is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

MARANOVA INC – Y0744229

Dated: 28 January 2010

ROBYNE LUNNEY,
Legal Officer,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of WALLSEND SOCCER FOOTBALL CLUB INCORPORATED (Y2641329) cancelled on 22 May 2009 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated this first day of February 2010.

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of MAJOS JUNIOR SOCCER CLUB INC (Y0098330) cancelled on 11 July 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 2nd day of February 2010.

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of SOUTH WEST RIVERINA POLOCROSSE ASSOCIATION INCORPORATED (Y1771318) cancelled on 28 November 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated this first day of February 2010.

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of BANKSTOWN DISTRICT CRICKET CLUB INCORPORATED – Y2454522 (the association) was ceased on 6 November 2009 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 29 January 2010

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of EAST WAGGA KOORINGAL AUSTRALIAN FOOTBALL CLUB INC (Y0035118) cancelled on 29 May 2009 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 2nd day of February 2010.

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of WOOLGOOLGA ANAND ISHAR PUNJABI SCHOOL INCORPORATED (Y2515236) cancelled on 21 August 2009 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 2nd day of February 2010.

ANTHONY DONOVAN,
A/g Manager, Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association Pursuant to Section 54A

THE incorporation of I.F.A. INTERNATIONAL FREIGHT ASSOCIATION INCORPORATED (Y2892835) cancelled on 24 April 2009 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 2nd day of February 2010.

ROBERT HAYES,
A/g Manager Financial Analysis,
Registry of Co-operatives and Associations,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

- Lithgow and District Basketball Association Inc – Y1000433
 Cootamundra Rodeo Association Incorporated – Y1681417
 Endeavour Touch Association Incorporated – Y1804038
 The Australian/Lebanese Lobby Group Incorporated – Y2089907
 East Bellingen Rivercare Incorporated – Y2720629
 Echoes of Polynesia Incorporated – Y2449217
 Eastlakes Saturday Turkish School Incorporated – Y2403006
 Epping Chamber of Commerce Incorporated – Y2776248
 14 Field Squadron Rae Association Incorporated – Y2899030
 Great Lakes Game Fishing Club Incorporated – Y2550235
 Granville Pioneer Hall Association Incorporated – Y1803335
 Gulgong Amateur Fishing Club Inc – Y1210517
 Gooloogong Community and Districts Council Incorporated – Y2613531
 Greek Australian Association of the Central Coast Incorporated – Y3054144
 Granville Neighbourhood Centre Inc – Y1198711
 Hastings Baseball Incorporated – Y1008948
 Harlequin Wheelmen Incorporated – Y2437423
 Hungarian Senior Citizens Friendship Club of Sydney Incorporated – Y2222109
 Hastings River Landcare Group Incorporated – Y2150843
 Hay Heated Pool Incorporated – Y2366223
 Inverell Netball Association Inc – Y1330945
 Inverell Kennel and Training Club Incorporated – Y1770615
 Institute of Transport Studies Alumni Association Incorporated – Y2804718
 Kalinda Support Service Inc – Y1745122
 Berriquin Community Working Group Inc – Y1514735
 The Italo-Australian Youth Association Incorporated – Y3040307
 Khmer Adventist Language School Association Incorporated – Y2458216
 Lithgow Workmen's Soccer Club Incorporated – Y2874935
 Lavington Little League Cricket Club Incorporated – Y2885438
 Lakeside Gymnastics Academy Incorporated – Y2305446
 Lismore Dairy Spectacular Incorporated – Y2356913
 Lockhart Australian Football Club Inc. Y1074932
 Lake Victoria Landcare Group Incorporated – Y2304302
 L'Amer-Aussies MRF (Multinational Refugees Foundation) Incorporated – Y2159228
 Londonderry Rage Inc – Y1524633
 Lions Club of Lake Macquarie North Inc – Y1448618
 Lismore Christian Family Fellowship Management Association Incorporated – Y2067725
 Lake Macquarie Motor Bike Club Incorporated – Y2202803
 Mid North Coast Inline Hockey Club Incorporated – Inc9876487
 Mathoura Football Club Inc – Y0938848
 Mitchell District Soccer Association Inc – Y0924423
 Mittagong Soccer Club Incorporated – Y0628818
 Maroubra Bay Care Centre Inc – Y0054603
 Mid North Coast Veteran and Vintage Vehicle Club Incorporated – Inc9875794
 Mandelbaum House Students Association Incorporated – Y2588542
 Mauritian – Australian Chamber of Commerce and Industry Incorporated – Y2755308
 Molong Basketball Association Incorporated – Y2958240
 Mullumbimby Giants Football Club Incorporated – Y2557606
 Newcastle Austral Junior Soccer Club Incorporated – Y0563038
 New South Wales Indoor Soccer Futsal Five a Side Association Incorporated – Y2421347
 Newcastle Fenda Benda Club Incorporated – Y1369122
 North and North West Showjumping Club Inc – Y0097333
 Newcastle and Hunter Rugby Union Incorporated – Y0372733
 N.S.W. Trotters Association Incorporated – Y2424044
 Oakdale Workers' Rugby League Football Club Incorporated – Y2472128
 Newcastle Pirates Winter Swimming Club Incorporated – Y2650034
 Nyngan Rugby League Football Club Inc – Y1449321
 One Plus Two Art Group Association Incorporated – Y1529520
 Orange CYMS Cricket Club Inc – Y2061841
 Port Macquarie Touch Association Incorporated – Y2170835
 Paddington Bazaar Stallholder's Association Inc – Y1491521
 Palm Court Mens Squash Club Incorporated – Y1768938
 Parramatta Samoan Catholic Community Incorporated – Y2350343
 Pakistan Council of Australia Incorporated – Y2472226
 Parramatta Water Polo Club Incorporated – Y2667205
 Penrith Rugby Club Inc – Y0990113
 Peninsula Community Access Newspaper Incorporated – Y2839103
 The Pacific Wave Association Incorporated – Inc9879831
 Peloponnesian Federation Inc – Y0703003
 The Quranic Arabic School Incorporated – Y2991637
 Ryde Eastwood Touch Association Incorporated – Y2904713
 Riverina Rugby Union Referees Association Inc – Y0489311
 Robertson Hockey Club Inc – Y0728421

Rotary Club of Bennetts Green Inc – Y0990309
 Rotary Club of Botany Inc – Y1518037
 The Rockdale and District Scottish Association
 Incorporated – Y2820624
 Rotary Club of West Pennant Hills and Cherrybrook
 Incorporated – Y1099321
 R.M.Y.C. Port Hacking Deep Sea Fishing Club
 Incorporated – Y2768442
 R.M.Y.C. Port Hacking Golf Club Incorporated –
 Y2747600
 R.M.Y.C. Port Hacking Sailing Division Incorporated
 – Y2768344
 Sudanese Ethnic Group Inc – Y1082542
 Sydney Gay and Lesbian Business Association
 Incorporated – Y1834222
 Shelton Street OOSH Incorporated – Y2722133
 Victory Christian Fellowship Incorporated –
 Y2827015
 Waterview Heights and District Progress Association
 Inc – Y0963704
 Warragamba Netball Club Incorporated – Y2371332
 Waheguru Simran Society Inc – Y1380141
 West Hume Land Care Group Incorporated –
 Y1132410
 Wakool Landcare Group Inc – Y1424834
 Woodberry Warriors Schoolboys R.L.F.C.
 Incorporated – Y1754121
 Woodberry Warriors Rugby League Football Club
 Incorporated – Y1280832
 Wauchope Amateur Fishing Club Association
 Incorporated – Y3015745
 Wentworthville Hockey Club Incorporated –
 Y2610344
 Yennora Public School Out of School Hours Care
 Incorporated – Y2369802
 Youth Sports Foundation (YSF) Incorporated –
 Y3015304
 The Galloway Cattle Society of Australia Inc (In
 Liquidation) – Y0442740

Dated: 7 December 2009.

ANTHONY DONOVAN,
 A/g Manager, Financial Analysis,
 Registry of Co-operatives and Associations,
 Office of Fair Trading

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

Incorporation of Parents and Citizens Associations

THE following associations are hereby incorporated under
 the Parents and Citizens Associations Incorporation Act
 1976:

1. Jesmond Public School
2. Broken Hill High School
3. Redhead Public School
4. Waniora Public School
5. Brooklyn Public School

VERITY FIRTH, M.P.,
 Minister for Education and Training

PASSENGER TRANSPORT REGULATION 2007

Requirements for Security Camera Systems,
 Vehicle Tracking Devices and Duress Alarm Systems
 for Taxi-cabs

INTRODUCTION

AN approved duress alarm system, an approved vehicle tracking device or an approved security camera system installed on or after the 1st July, 2010, in a taxi-cab as provided for in clauses 3, 112, 113 and 114 of the Passenger Transport Regulation 2007, is one that complies, respectively, with the relevant requirements set out in this Order. For the purposes of this paragraph, “installed” means a system or device installed for the first time on or after the 1st July, 2010, in a vehicle used or to be used, as a taxi-cab and includes a system or device referred to above that is re-installed in or transferred to another taxi-cab or vehicle that is to be used as a taxi-cab.

Notwithstanding the implementation requirements in the paragraph above, any security camera system installed or reinstalled in or transferred to a taxi-cab or vehicle that is to be used as a taxi-cab before the 1st July, 2010, is required to comply with the relevant requirements of this Order on or before the 1st July, 2015.

CAMERA SYSTEM

Camera System Construction

1. The internal camera head(s) shall not have any sharp edges and shall be positioned such that passengers or drivers cannot come into contact with the housings during normal operations.
2. The main housing of the camera system shall be indelibly inscribed or imprinted with a unique serial number and the year of its manufacture.
3. The camera system shall have a real time clock function which is able to be synchronised with a GPS derived time stamp message.
4. The camera shall time tag all images with UTC or RTC when no GPS signal is available.
5. The camera system shall either have an in-built GPS receiver or a serial port for acceptance of NMEA defined GGA and RMC sentence reports.

System Environmental Requirements

6. The camera system shall function over a temperature range of -5°C to +60°C at 0 to 85% relative humidity non-condensing.
7. The camera system shall conform to the following relevant EMC standards:
 - a) AS/NZS CISPR 25:2008
 - b) ISO 10605:2001
 - c) ISO 7637-2:2004
8. Images from the camera system shall be capable of being recovered following submersion in 5% saline water at a depth of 6 metres for a minimum period of 72 hours.
9. Images from the camera system shall be capable of being recovered following 5 minutes exposure of the DRU unit within a furnace operating at 538 °C.
10. The camera system shall be impact and shock resistant, sufficient to withstand a typical car accident and withstand the regular vibration expected to be experienced by a taxi.

11. Images from the camera system shall be capable of being recovered following loss of power from the vehicle electrical system.

System Power

12. The camera system shall be powered and fully operational whenever the vehicle is being hired or available for hire.
13. The camera system shall not include a switch, plug, fuse or any other device in the cabin of the taxi, that would allow the system to be turned off or in any way disabled by a driver or passenger.
14. The boot time for the camera system to operating mode from a powered off mode shall be no more than 30 seconds.
15. The time for a camera to attain operating mode from power save mode shall be no more than 3 seconds.
16. The camera system shall be able to maintain operating mode without interrupting continuous image capture, with an input voltage range of 8 volts DC up to 16 volts DC, and shall be protected against reverse voltage, short circuits, and high voltage transients likely to be encountered in the vehicle's electrical system.
17. The camera system may enter a power save mode if no door, ignition or meter activity is sensed in a period of 30 minutes. During a power save mode, no images are taken, but all trigger events shall be monitored. If any trigger event occurs, the camera system shall be fully operational within 3 seconds.

Interface Requirements

18. The camera system alarm and tracking system alarm shall use common alarm switches such that operation of either switch will initiate alarm processes in both camera and tracking systems.
19. The camera system shall have necessary vehicle interfaces to sense a door open including any passenger entry door, driver door, sliding door, boot or tailgate.
20. The presence or absence of a lamp bulb, and the state of any manual lighting control for the illumination of the cabin, must have no effect on the operation of the camera system.
21. The camera system shall detect the ignition and meter "on" and "off" states.

Installation

22. The installation of the taxi camera system shall not affect the compliance with all relevant requirements of the Road Transport (Vehicle Registration) Regulation 1998 and the Australian Design Rules.
23. The camera system components shall be installed in such a manner that the entire system is resistant to vandalism and/or degradation of the recorded image through intentional or accidental damage.
24. The internal camera head(s) shall be readily visible to passengers in the vehicle.
25. The internal camera head(s) shall be fitted such that a clear and unobstructed view is available of the taxi driver and the head and shoulders of a passenger in any seating position.

26. Two externally mounted camera heads shall separately provide a view of any person approaching between 300mm and 5m distant from both the driver's and front passenger's window within an angle of approach of 120° from the centre of the door.

27. All camera heads shall be mounted in such a manner so as to readily prevent misalignment of the field of view, except in the case of a vehicle accident or other severe impact.
28. The field of view of any camera head shall not be obscured or be capable of being obscured either permanently or temporarily, by any sun visor, wind shield or any other fitting or equipment installed inside or outside the vehicle.

Camera System Operational Indicators

29. When the camera system is operating in conjunction with the alarm there must be no overt indication given to any passenger that the alarm has been activated.
30. The driver shall have a visual indicator showing when the system is operational and when there is a malfunction. This indicator shall incorporate the following features:
 - a) Normal display state – green LED and red LED not illuminated unless valid image capture in progress.
 - b) Valid image capture – green LED flashing with 250 ms duration.
 - c) All alarm memories locked – alternating red and green LED flashing not greater than 500 ms duration for each colour.
 - d) Camera system fault – green off, red LED flashing once per second with 250 ms duration.
31. The visual indicator shall not be used for any other purpose.

Image Recording Events

32. The camera system shall have provision to store at least 120,000 images or, if using a continuous recording system, shall be able to record non-stop, and store images for at least 168 hours.
33. The recording system shall be configured for event based recording using triggers from the taxi, unless a continuous recording system is used where the same outcome from a trigger based system must be achieved.
34. Every camera head must be capable of taking an image within 1 second at the same time or in a sequence not exceeding the combined time of 1 second.
35. The camera system shall take at least 1 image (non-trigger) every 10 seconds whilst not in power save mode.
36. The camera system shall retain in memory any pre-trigger images captured within a period of 10 seconds before any trigger.
37. The camera system shall retain in memory images taken in the following specified time period, from each trigger type and each camera head fitted, at a frame rate of at least 1 image per second:
 - a) Door open – 20 seconds
 - b) Meter on – 1 second and then every 10 seconds thereafter whilst engaged

- c) Meter off – 20 seconds
 - d) Ignition on – 20 seconds
 - e) Ignition off – 20 seconds
 - f) Alarm on – 20 minutes
38. The alarm trigger shall be given priority over all other triggers.
39. Where sequential events cause overlap or contention of image capture requirements, such as “door open” event followed by “meter on” event prior to the door event capture sequence being completed, the image recording specifications of the later event shall override the earlier event, and the uncompleted image count from the earlier event can be disregarded.
40. Pre-trigger image capture shall not apply to the images resulting from a trigger which restores normal operation after power save mode.
41. Memory for image storage shall be logically partitioned such that the oldest images shall be overwritten first.
42. No part of the memory shall be overwritten unless it is necessary to make provision for an impending image storage action.
43. When an alarm trigger occurs, the images shall be locked in memory. In addition, all images in memory captured 1 hour prior to the alarm trigger shall be included in the memory lock.
44. Five (and no more than 5) locked memory partitions shall be provided before the camera system indication depicts the “all alarm memories locked” state (see paragraph 30 (c) above).

Image Appearance

45. The minimum number of internal camera heads shall be that required to comply with Australian Standard AS4806.2 for facial identification of the driver and all passengers in the taxi.
46. The stored image from all internal heads shall record a minimum of 360 pixels per metre both horizontally and vertically for any seated passenger or driver.
47. The stored image from the external camera heads shall record a minimum of 360 pixels per metre both horizontally and vertically of a person standing 1m from the driver’s or front seat passenger’s window.
48. The camera system shall store images with a minimum of 256 greyscale levels.
49. The camera system shall capture and store monochrome images in memory. The use of colour image devices is permitted, subject to the camera providing an equivalent image resolution and quality to that of a monochrome camera in both normal daylight and night time infrared supported conditions.
50. The resolution and clarity of the recorded image from the camera(s) shall be maintained under all lighting conditions from darkness (no light in the visible spectrum) through to bright sunlight.
51. Imaging techniques and focal attributes shall be optimised for use with infrared light.
52. The camera lenses shall have an auto iris or electronic iris facility such that image clarity is not adversely affected by light fluctuations.
53. The images shall be in focus at any distance from the lens between 300 mm and 3m for internal camera head(s) and 300 mm to 5m for the external camera heads.
54. All images shall have imprinted on them the following image metadata:
- a) Vehicle Registration Number
 - b) Date and time in UTC within 1 second
 - c) The event which triggered the image capture
 - d) The location in coordinates of latitude and longitude accurate to within 10m 95% of the time.
55. The images stored shall be stored within the camera system on a non volatile media of robust construction. Where a compact flash storage device is used, it must be of an industrial quality.
56. Camera system image information shall be stored such that any generic business or home computer using generic picture viewing or editing software cannot extract, copy or display images stored by the camera or the files downloaded from the camera.

Camera System Self Test and Alarms

57. The camera system shall employ a self test methodology to automatically detect and report functional faults, which must include a test for lack of image from any camera head due to external interference or obstruction.
58. Any camera fault shall be displayed by the red LED as prescribed in the camera system operational indicators section (see Paragraph 30 (d) above).

VEHICLE TRACKING DEVICE AND DURESS ALARM SYSTEM

Vehicle Tracking

59. The vehicle tracking device system, if required to be fitted, shall operate in conjunction with the duress alarm system, and may use the same GPS system used by the taxi security camera.
60. Upon actuation of either alarm button by the driver, the vehicle position report must be transmitted to the taxi network at the highest priority transmission. On receipt of a vehicle position report the tracking device shall identify the duress alarm as a priority over any other transmission traffic calls and issue a persistent audible and visual alarm until acknowledged by a network operator.
61. The vehicle position report update must be re-sent every 5 seconds or less or until the taxi alarm is negated.
62. The vehicle position report must include the vehicle’s registration number, its position, speed, direction of travel, and the time each report is sent.
63. A “listen in” period shall allow sound from within the taxi to be monitored by the network operator. At the end of the listen in period, the vehicle position report shall resume being sent at least every 5 seconds.
64. The vehicle position report shall use current GPS positioning data each time it is sent.
65. The vehicle tracking device system must also be capable of sending a vehicle position report from any taxi irrespective of the taxi duress alarm status.

66. The speed is to be provided in kilometres per hour and is to be accurate within 10 kilometres per hour, in 95% of instances.
67. The heading shall be expressed in degrees clockwise from true North and for a vehicle moving at greater than 5 km/h, the accuracy shall be within 10 degrees, in 95% of instances.

Duress Alarm

68. The debounce period for the activation of the tracking system and camera system alarm shall be the same, and be 1 second \pm 10%. It is acceptable practice for the alarm to be wired to one device only, if that device then forwards the alarm condition to the other device.
69. Two alarm switches shall be provided, each with identical function, one dashboard mounted and the other floor mounted.
70. The dashboard alarm switch shall be located to the right of the steering column in a position which is not in the direct vision of any passenger.
71. The floor alarm switch shall be located on the left side of the driver's foot well

Definitions

The following terms used in this document have the meanings given below:

<i>Term</i>	<i>Definition</i>
Camera Head	The imaging device (containing a lens) which is mounted inside or outside the taxi, and is connected to the main camera system.
Camera System	A collective definition for camera heads, camera consoles and all the components, assemblies, cables and interfaces that make up a taxi security camera system.
Camera System Modes	Camera System shall have four operating modes: <ol style="list-style-type: none"> 1. Powered off mode. This is where the camera system has no power and needs to boot when power is first connected to become operational. 2. Operating mode. This is where the camera system is operating normally and is capturing images that meet image quality requirements at the prescribed image capture rate. 3. Power save mode. This is where all camera system functions have temporarily shut down except for monitoring the door sensors, meter and ignition.
DRU	Digital Recording Unit, used to record and retain images.
EMC	Electromagnetic conformance – standards associated with the emission of undesired radio frequency energy by devices and the level of susceptibility of a device to similar energy.

<i>Term</i>	<i>Definition</i>
Debounce Time	The amount of time a button such as the alarm button must be pressed and held before the alarm is considered to be triggered.
GGA and RMC sentence reports	Commonly supported NMEA messages being GGA for GPS position, time and fix, and RMC for transit specific output.
GPS Receiver	Global Positioning System receiver. This specification uses this term as a receiving device which reports position, speed, heading, and time in UTC.
HDD	A hard disk drive as used in a computer for file storage.
J-Peg	An image file compression format adopted by ISO 10918-1. Metadata may be included in the file header.
LED	Light emitting diode used for indication. In this specification any equivalent device of suitable colour can be used for this function.
LED Flash	A illumination burst from an LED of not less than ¼ second and not more than ½ second duration.
Listen Period	The period of time that an open radio channel to the taxi network control centre is provided, for transmission of audible sounds from a covert microphone located in the cabin of a taxi, following the activation of the vehicle duress alarm
NMEA	A United States based marine communications body, and a de-facto standard for GPS devices to communicate with other devices.
MDT	Mobile Data Terminal, is a computerised device used to communicate with a central dispatch office.
Memory	In this specification the term memory refers explicitly to the media used to store images within the camera system.
Memory Lock	Following alarm activation a portion of the memory containing images from the most recent trip are “locked” and as such these images cannot be overwritten by normal taxi operation.
Meta Data	In this specification, the meta data is an information header attached to each image, and contains vital information relevant to the image such as taxi ID, trigger tag, time and other details.

<i>Term</i>	<i>Definition</i>
Monochrome	This term describes an image which contains pixel illumination information only. This represents black and white or varying shades of grey with no colour information.
Network	An organisation as defined in section 29A of the Passenger Transport Act 1990, but in the case of a taxi's licensed area of operation within which there is no authorised network, means the accredited operator of the taxi concerned or his agent.
Open Collector NPN Transistor Junction	A commonly used method used to indicate the means of interfacing logical signal or equipment state to be transmitted from one piece of equipment to another. This is an output device specification suitable for low voltage, low current switching applications.
Pixel	The smallest component of an image, generally represented by a small dot or square which has properties of illumination (brightness) and optionally colour.
RTC	Real Time Clock
TIFF	An image file format owned by Adobe Systems. It can contain a variety of image content, including compressed or uncompressed image data. Metadata may be included in the file header.
Trigger	An "on-off" type of input to a camera sensor for the purposes of triggering an image capture. Typical trigger inputs are door open, meter on and alarm pressed.
UTC	The time reference used by GPS receivers. This time relates almost precisely to Greenwich Mean Time. Cameras will store time in UTC, and a downloader will then be able to precisely nominate NSW standard or NSW daylight savings time at image capture.
Vehicle Position Report	A packet of data transmitted from the taxi-cab and received at the taxi network that must include the vehicle's registration number, its position, speed, direction of travel, and the time it provides those reports.

LES WIELINGA,
 Director-General,
 Department of Transport and Infrastructure

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 1

First Issue Date: 14 July 2000
 Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
 Section 15 of the Civil Procedure Act 2005.

USUAL APPEAL DIRECTIONS

1. The purposes of this Practice Note are:
 - (a) to advise the requirements of the Commission in relation to appropriate procedures for appeals; and
 - (b) to facilitate the making of directions as to appeals.
2. This Practice Note has effect from the date of re-issue.
3. Where a Full Bench or a presiding member of a Full Bench, makes "the usual directions" in relation to an appeal, the directions given will be those set out in Schedule A to this Practice Note, with such modifications (if any) as the Full Bench/presiding member directs.
4. Nothing in this Practice Note or Schedule A affects or is intended to affect, the powers or discretions of a Full Bench/presiding member in relation to the proceedings.

Boland J, President
 1 February 2010

SCHEDULE A TO PRACTICE NOTE No. 1

Before a Full Bench of the Industrial Relations Commission of New South Wales
 Full Bench of the Industrial Relations Commission of New South Wales
 In Court Session

USUAL APPEAL DIRECTIONS

The Full Bench/presiding member makes the following directions:

1. The appellant shall by 4.00 pm on the day six weeks before the hearing date, file 4 copies of, and serve –
 - (i) a detailed outline of submissions in relation to the appeal;
 - (ii) a chronology which should usually be in the form of the chronology specified in Practice Note SC CA No 1 issued on 27 March 2009 applicable in the Supreme Court of New South Wales in relation to appeals to the Court of Appeal; and
 - (iii) a written narrative submission on the question of leave to appeal, which document should not exceed three A4 pages of double-spaced typing.
2. The respondent shall by 4.00 pm on the day four weeks before the hearing date, file 4 copies of, and serve –
 - (i) a detailed outline of submissions in reply as to the appeal;
 - (ii) if the respondent considers it necessary, a chronology in reply which shall be limited to those areas where the respondent disputes matters set out in the appellant's chronology; and
 - (iii) a written narrative submission on the question of leave to appeal, which document should not exceed three A4 pages of double spaced typing.
3. The appellant shall by 4.00 pm on the day two weeks before the hearing date, file 4 copies of, and serve, replies to the documents filed and served by the respondent in accordance with direction 2 above.
4. The appeal is listed for hearing before the Full Bench on, on the basis of an estimate ofday(s) for the hearing.
5. Liberty to apply on short notice; such liberty to be exercised by application made to the Associate to the presiding member of the Full Bench and the Full Bench delegates its powers for the purposes of giving directions to the presiding member.

The Full Bench expects that either or both parties will promptly arrange for the matter to be listed before the Commission pursuant to the liberty to apply should there be any non-compliance with the timetable which could result in the Full Bench not receiving all submissions in the appeal not less than 14 days before the date fixed for the hearing.

The term "hearing date" in these directions refers to the date set down for the hearing of the appeal or, if more than one date is set, the first of those dates.

Note:

Practice Note No. SC CA 1 of 27 March 2009 applicable in the Supreme Court of New South Wales in relation to appeals to the Court of Appeal provides, inter alia:

35. Chronologies prepared in accordance with r 51.35 must be filed in an appeal by the appellant (r 51.34 (1) (b)) and may be filed by the respondent (r 51.34 (2)). It must contain cross-references to the Appeal Book. The chronology should be an objectively correct statement of "the principal events leading up to the litigation" and should not be a chronology merely of those matters of assistance to one party or the other: *Woods v Harwin* (CA(NSW), Mahoney AP, Clarke and Meagher JJA, 5 November 1993, unreported). The chronology should include key events in the litigation, such as the commencement of the proceedings in the court below. Failure to file a proper chronology may have adverse costs consequences.

The following is the suggested form for chronologies:

Appellant (or Respondent's) Chronology

<i>Date</i>	<i>Event</i>	<i>Volume and Exhibit No.</i>	<i>Page</i>
22.09.2001	Arrangements in Wagga between Smith and Co for financing of wheat purchases	Vol 2	15
23.11.2001	First request by Brown to Smith and Co for drawdown to pay for wheat purchases	Vol 2	58
30.11.2001 at 0930 hrs	Fax Smith and Co to Brown re above	Vol 2	58-59 (Exhibit 5)
30.11.2001 at 1145 hrs	Telex Brown to Smith and Co requesting drawdown to pay for further wheat	Vol 2	33
01.12.2001	"Warehouse receipt" from Jones to Smith and Co	Vol 2	60-61 (Exhibit 6)
06.01.2002	Letter Jones to Smith and Co concerning method of carrying out financial arrangements for barley	Vol 2	61 (Exhibit 7)
07.01.2002	Internal memorandum of Smith and Co re meeting Allen in Wagga	Vol 2	143-144 (Exhibit 8)

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 2

First Issue Date: 16 December 1998

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

LISTS OF AUTHORITIES AND LEGISLATION

1. The purpose of this Practice Note is to enable the timely provision of lists of authorities and legislation so as to facilitate the hearing of all matters before the Commission, both at first instance and on appeal.
2. This Practice Note has effect from the date of re-issue.
3. Each party appearing in proceedings shall file a typewritten list of authorities and legislation, in sufficient copies for each member of the Commission concerned, with the Industrial Registry no later than 10.00 am on the last working day before the hearing of the matter. Filing may be effected by facsimile transmission.
4. A supplementary list of no more than four authorities and legislation may be filed, by facsimile transmission or otherwise, no later than 4.00 pm on the last working day before the hearing.
5. A copy of the list (or lists) of authorities and legislation should be served on the other parties, by facsimile transmission or otherwise, no later than 4.00 pm on the last working day before the hearing.
6. The list should be divided into two parts. Part "A" should contain only the authorities and legislation from which passages are to be read or specifically referred to. Part "B" should contain the authorities and legislation which might be referred to generally but from which passages are not to be read or referred to specifically. The relevant sections of legislation should be specified.
7. If lists of authorities and legislation are not provided in accordance with this Practice Note then the defaulting party shall make available at the hearing sufficient photocopies of cases for use by the Commission and the other parties.

8. The Commission will not ordinarily have available for use at the hearing those cases on the lists of authorities except:
 - (a) cases in Part "A" of the lists that are reported in the Commonwealth Law Reports, New South Wales Law Reports, Commonwealth Arbitration Reports, Arbitration Reports (N.S.W.), Industrial Reports, Federal Law Reports (Volumes 1 to 137), Australian Law Reports, Industrial Arbitration Service Current Review, Industrial Relations Court Reports, State Reports (New South Wales) and
 - (b) in hearings before single members of the Commission at 47 Bridge Street Sydney – cases in Part "A" reported in the reports listed in subparagraph (a) of this paragraph and the Australian Criminal Reports, Australian Law Journal Reports, Australian and New Zealand Equal Opportunity Cases, Federal Court Reports, Federal Law Reports, New South Wales Reports (1960-1970), New South Wales Weekly Notes, Queensland Government Industrial Gazette, South Australian Industrial Reports, Victorian Law Reports (1905 to 1956), Victorian Reports, Western Australian Industrial Gazette and English cases reported in the following reports:
 - (i) Authorised Reports
 - (ii) Weekly Law Reports
 - (iii) All England Law Reports (1936 to 1993)
 - (iv) Industrial Cases Reports (1972 to 1993)
 - (v) Industrial Relations Law Reports (1973 to 1990).
9. It is the responsibility of a party intending to refer at any length to additional cases (that is, cases not included in Part "A" of a list of authorities filed in accordance with this Practice Note or cases in reports not referred to in the relevant subparagraph of paragraph 8) to provide photocopies of those cases (or relevant parts of them) to be made available to the Commission during the argument.
10. It is the responsibility of a party intending to rely upon any material (including a decision/judgment) contained in a loose-leaf service, an unreported decision/judgment (other than an unreported decision/judgment of the Commission) or any text book, reference book, published article or dictionary to provide photocopies or the relevant extract therefrom, for the use of the Commission to be made available during the argument.
11. Cases in Part "B" of the lists of authorities will not be obtained by the Commission before the hearing begins. If a party decides to refer at any length to such a case during the hearing, then, as soon as possible, a note should be passed to the court officer that the particular case will be required or else the relevant party shall provide photocopies for the use of the Commission.
12. It should be noted that:
 - (a) The Commission does not wish to be provided with photocopies of cases unnecessarily. Where relevant reports are readily available to the Commission, as identified herein, the Commission's preference is to use those reports.
 - (b) For the purposes of awarding of costs –
 - (i) the provision of photocopies of cases at the hearing before the Commission is not ordinarily considered a discharge of the party's responsibility to provide proper assistance to the Commission for the hearing of the proceedings; and
 - (ii) the costs of providing photocopies of cases to the Commission or to another party for the purposes of a hearing before the Commission (where such photocopies are provided because of the requirements of paragraph 7 of this Practice Note) shall not be allowed as part of the costs of any party in the proceedings or charged by any legal practitioner to his or her client, without a specific order being made by the Commission or the Registrar which provides for the allowance of such costs or charge, as the case may be.

Boland J, President

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 3

First Issue Date: 16 December 1998

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

CERTIFICATION OF ENTERPRISE AGREEMENTS

- (1) The purpose of this Practice Note is to provide for certification of enterprise agreements and the provision on request of certified copies.
- (2) This Practice Note has effect from the date of re-issue.
- (3) Where, in any proceedings before the Industrial Relations Commission of New South Wales ("the Commission") for approval of an enterprise agreement after the commencement of this Practice Note, a party makes application for a certificate to be issued pursuant to this Practice Note, the Industrial Registrar shall, not later than 28 days from the date of approval of the enterprise agreement, issue to the parties a certificate in terms of Schedule A hereto.

- (4) Where the Commission has, at any time, approved an enterprise agreement, any party to the application for approval of that agreement may apply to the Industrial Registrar for the issue of a certificate pursuant to this Practice Note. The Industrial Registrar shall, within 28 days of the receipt of the application for a certificate or within 28 days from the date of the enterprise agreement being entered into the Register pursuant to section 45 of the Industrial Relations Act 1996 (whichever is later), issue a certificate in terms of Schedule A hereto.
- (5) Paragraphs (3) and (4) are subject to any directions of the Member of the Commission made during the hearing of the proceedings for approval of the enterprise agreement.
- (6) A party requesting the certificate shall supply to the Industrial Registrar such number of copies of the agreement as the Industrial Registrar directs and shall supply such copies in a form that satisfies the Industrial Registrar that they are true copies of the agreement approved by the Commission.
- (7) Unless the requirements of paragraph (6) are satisfied, provision of the certificate is subject to payment of the fees for copies of documents set out in Schedule 1 of the Industrial Relations (General) Regulation 1996.

Boland J, *President*

1 February 2010

SCHEDULE A

In accordance with Practice Note No. 3, the Industrial Registrar certifies that the Industrial Relations Commission of New South Wales did on [date] approve the [name] Enterprise Agreement, a sealed copy of which is attached hereto and marked "A".

Signed
Seal of Industrial Registrar

Notation

Section 45 of the Industrial Relations Act 1996 requires that details of each enterprise agreement be published in the Industrial Gazette as soon as practicable after the agreement is approved.

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE NO. 4

First Issue Date: 17 December 1999

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

TELEPHONE CONCILIATION CONFERENCES BEFORE THE INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

- (1) The purpose of this Practice Note is to allow the parties the opportunity to seek to have certain conferences conducted by way of telephone conference where appropriate circumstances are shown to exist to justify the Industrial Relations Commission of New South Wales taking that step.
- (2) This Practice Note has effect from the date of re-issue.
- (3) This Practice Note applies to conciliation or other conferences held by the Industrial Relations Commission of New South Wales ("the Commission") in the following proceedings:

<i>Description of Proceedings</i>	<i>Conciliation or other Conference under:</i>
(a) Application pursuant to section 84 of the Industrial Relations Act 1996 relating to alleged unfair dismissal	Section 86, Industrial Relations Act 1996
(b) Application pursuant to section 106 of the Industrial Relations Act 1996 relating to alleged unfair contract	Section 109, Industrial Relations Act 1996
(c) Notifications relating to industrial disputes pursuant to section 130 of the Industrial Relations Act 1996	Section 134, Industrial Relations Act 1996
(d) Inquiry into any industrial matter	Section 162 (2) (j), Industrial Relations Act 1996

However, nothing in this Practice Note prevents the Commission using telephone conferencing or any other form of procedure in any of the matters listed above or in any other matter.

- (4) Any party may ask the Commission to conduct a conference by way of a telephone conference, rather than by personal appearance, where it is not or may not be, practicable for a party to attend a conference for reasons of:
 - (a) costs;
 - (b) distance;

- (c) physical or other disability;
 - (d) the nature of the relationship between the parties; or
 - (e) such other reason as appears appropriate to the Commission.
- (5) A party proposing to make a request to the Commission must, before doing so, make reasonable attempts to obtain the consent of all other parties to the matter to the matter being conducted in that manner.
- (6) A request must:
- (a) be in writing addressed to the Industrial Registrar;
 - (b) set out the grounds on which the request is made;
 - (c) be made as soon as practical after the party is notified of the proposed date of the conference;
 - (d) indicate whether the application is by consent of the other parties to the matter and, if not, what response to the request for consent was given by the other parties; and
 - (e) set out telephone numbers (which must not be mobile telephone numbers) at which the applicant for the telephone conference and all parties to the proceedings may be reached.
- (7) The Commission may, if it thinks appropriate that the conference be held by telephone, agree to the request, with or without such conditions as it thinks fit. The Commission shall notify the parties of the result of the application but shall not be obliged to give reasons for its decision.
- (8) (a) As soon as a party is notified by the Commission that a conference is to be held by way of telephone, each party, if it has not already done so, must notify the Industrial Registrar forthwith in writing of a telephone number (which must not be a mobile telephone number) at which the party can be reached.
- (b) It is the responsibility of each party to be available at the number given at the time specified by the Commission.
- (9) Parties should ensure that any documents to which they wish to refer in a telephone conference are sent to the Commission, and served on the other parties to the conference, prior to the date of the conference. Documents should be sent to the Industrial Registry so as to arrive at least 24 hours before the conference. Documents which do not exceed more than 20 pages in total may be sent by facsimile.

Boland *J, President*
1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 6

First Issue Date: 14 July 2000

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

**APPLICATIONS FOR CONSENT AWARDS HAVING REGARD TO
SECTION 23 OF THE INDUSTRIAL RELATIONS ACT 1996**

1. The purpose of this Practice Note is to provide an appropriate procedure for the making of consent awards having regard to:
 - (a) the requirements of section 23 of the Industrial Relations Act 1996, and
 - (b) the decision of the Full Bench of the Industrial Relations Commission of 30 June 2000 in *Re Equal Remuneration Principle* [2000] NSWIRComm 113.
2. This Practice Note has effect from the date of re-issue.
3. In the Full Bench decision in *Re Equal Remuneration Principle*, the Commission said at 155:

"Operation of s23 of the Act

Finally, and having in mind the cases advanced by the parties as to the proper construction of the Act which we have dealt with, we announce that a Practice Note will, in due course, issue to require parties seeking a consent award to file with the application an affidavit stating the basis upon which it is contended that the proposed award provides for equal remuneration and other conditions of employment for men and women doing work of equal or comparable value. This material will form the evidentiary basis upon which the Commission will in future base its consideration of the requirements of s23 of the Act."
4. When application is made for a consent award, the parties shall file an affidavit setting out the basis upon which it is contended that the proposed award provides for equal remuneration and other conditions of employment for men and women doing work of equal or comparable value.
5. The affidavit referred to in paragraph 4 of this Practice Note will usually form the evidentiary basis upon which the Commission will consider the requirements of s23 of the Industrial Relations Act 1996.

6. In the absence of agreement between the parties, the obligation to file the affidavit referred to in paragraph 4 of this Practice Note will be the responsibility of the applicant.
7. The affidavit is to be filed either with the application for the consent award or within seven (7) days of the date on which the application for the consent award is filed.

Boland J, President

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 8A

First Issue Date: 29 May 2003

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

MAJOR INDUSTRIAL CASES

1. The purposes of this Practice Note are:
 - (a) to enable prompt and timely notice to be provided to the Commission of the likelihood of the commencement of a major industrial case and thereby to ensure, as far as practicable, the effective use of the Commission's resources in respect of such cases.
 - (b) to emphasise the importance of prompt and timely notice being provided to the Commission of the likelihood of the commencement of a major industrial case and that failure to give notice of a matter which is or may be a major industrial case in terms of this Practice Note may, and is likely to, affect the priority that the Commission is able to afford to the matter.
2. This Practice Note has effect from the date of re-issue.
3. For the purpose of this Practice Note:
 - (A) "Commission" means the Industrial Relations Commission of New South Wales
 - (B) The term "major industrial case" shall include, without limiting its generality:
 - (a) any application within the arbitral jurisdiction of the Commission which could reasonably be expected to be heard by a Full Bench of the Commission pursuant to:
 - (i) section 51 "Making of State decisions" of the Act;
 - (ii) the Special Case principle;
 - (iii) or the Equal Remuneration principle, and which is likely to require five or more hearing days; and
 - (b) any other Full Bench arbitral proceeding which, because of its importance or other special feature, is appropriate for consideration for listing on an expedited or priority basis.
 - (C) The word "Act" means the Industrial Relations Act 1996.
4. When a registered industrial organisation or other person or organisation entitled under section 11(2) of the Act to make such application, determines to make an application in respect of a major industrial case it shall thereupon give notice in writing to the Industrial Registrar of its intention to do so.
5. The notice referred to in paragraph 4:
 - (a) shall be given as soon as practicable after the determination to make the application has been made;
 - (b) shall be served on every other party to the affected award or awards and on every other person, organisation, corporation or firm which is likely to have an interest in the application;
 - (c) shall include particulars of the nature of the application; a statement as to its significance or importance for the purpose of determining its appropriate priority; details of the persons, organisations etc upon whom or which the notice is to be served; the estimated or likely date when the application will be filed; the estimated time of hearing of the application and any other matters which the applicant considers would assist the Commission to program the matter.
6. The Registrar, upon receipt of the said notice, shall forthwith refer it to the President of the Commission.
7. The President, upon receipt of the notice, shall determine whether a conference of the parties under the auspices of the Commission shall be convened.
8. A conference convened pursuant to paragraph 7 shall be chaired by the President or a Presidential Member of the Commission nominated by the President. The conference may only deal with:
 - (a) the programming and priority of the matter; and
 - (b) whether it is appropriate to make a Member of the Commission available for the conciliation and case management of the matter.

9. Notwithstanding paragraph 8, if the notice to the Commission or the information received by the Commission during the conference indicates that there exists an industrial dispute (including a threatened or likely dispute or industrial action) in respect of the application or proposed application, the matter or dispute may be dealt with pursuant to section 130 of the Act.
10. Parties should note that failure to give notice of a matter which is or may be a major industrial case in terms of this Practice Note may, and is likely to, affect the priority that the Commission is able to afford to the matter.

Boland J, President
1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 10

First Issue Date: 26 November 2002

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

NOTICES OF MOTION

1. The purposes of this Practice Note are:
 - (a) to clarify and remove doubts as to the requirements for Notices of Motion filed in proceedings under the Industrial Relations Act 1996 and related legislation and
 - (b) to ensure that an affidavit in support is filed with any Notice of Motion lodged in any matter before the Industrial Relations Commission of New South Wales.
2. This Practice Note has effect from the date of re-issue.
3. For the purpose of this Practice Note:
"the Commission" means the Industrial Relations Commission of New South Wales and includes the Industrial Relations Commission of New South Wales in Court Session, an Industrial Committee, the Contract of Carriage Tribunal and the Industrial Registrar.
4. Unless leave is otherwise granted by the Commission, a party or person filing a Notice of Motion in a matter before the Commission must file an affidavit in support thereof, setting out briefly and concisely the facts upon which the Notice of Motion is based.

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 13

First Issue Date: 15 September 2003

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

**PROCEDURES FOR REVIEW OF AWARDS UNDER SECTION 19 OF
THE INDUSTRIAL RELATIONS ACT 1996**

1. The purposes of this Practice Note are:
 - (a) to simplify and facilitate procedures for the review of awards under s 19 of the Industrial Relations Act 1996;
 - (b) to improve the prospects of parties to the award ("the parties") resolving any differences they may have in such matters by requiring them to define all issues between them before the callover of such matters; and
 - (c) to expedite the review of awards pursuant to s 19.
2. This Practice Note has effect from the date of re-issue.
3. The Industrial Registrar, in respect of each current award which has not been the subject of award review within the period specified in s 19 (1) of the Act shall cause a Notice of Award Review to be issued to all parties listed in the records of the Commission as having an interest in that award.
4. Each such award shall be the subject of callover before the Commission or the Registrar on a date to be fixed by the Commission approximately five weeks after the issue of the Notice of Award Review.
5. Not later than one week before the date of the callover, any party wishing to contend that an award should be varied pursuant to s 19 of the Act shall:
 - (a) file and serve a list of all changes proposed to the award (including whether the award should be rescinded because it is obsolete) either specifically or, in the case of substantial changes, by reference to the subject areas of change; and
 - (b) file a notice of appearance in accordance with the Rules.

6. Any other party wishing to appear in the s 19 proceedings shall also file a notice of appearance no later than one week before the date of the callover.
7. The parties shall confer on the changes proposed prior to the date of callover and be in a position to advise the Commission (or the Registrar) at the callover of their respective positions in respect of the changes proposed.

Boland J, President

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 14

First Issue Date: 9 June 2004

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

**PRE HEARING DIRECTIONS FOR APPLICATIONS UNDER SECTION 106 OF
THE INDUSTRIAL RELATIONS ACT 1996**

1. The purpose of this Practice Note is to facilitate the resolution of section 106 matters before the Industrial Relations Commission of New South Wales, by ensuring that such proceedings are conducted before the Commission in an efficient and expeditious manner and that practitioners and others who appear before the Commission, do all they can to facilitate the just, quick and cost effective disposal of such proceedings.

2. This Practice Note has effect from the date of re-issue.

Conciliation under s109 – standard directions

3. The purpose of conciliation is to resolve the proceedings by agreement, without proceeding to a full hearing of the matter. Conciliation provides the parties with an opportunity to reach agreement about some or all of the issues in dispute. It is essential that the parties clearly identify the issues between them prior to the conciliation. The Court's rules and directions also seek to minimise costs incurred prior to conciliation.
4. The standard directions set out in Rule 13.4 of the Industrial Relations Commission Rules 2009 apply in respect of matters listed for conciliation.

Unsuccessful conciliation – pre-hearing standard directions

5.
 - (a) On the issue of a certificate of unsuccessful conciliation, the standard directions in paragraph 6 will apply, unless the Court makes alternative directions.
 - (b) The directions in the usual case shall be made at the end of the conciliation by the Judge or Deputy President who has conducted the conciliation.
 - (c) Any agreement to vary the standard directions may be dealt with at the conciliation or later, but in any case shall be subject to approval by the Court.
 - (d) After the conciliation, consent variations or contested variations to standard directions will usually be dealt with by the directions judge.
 - (e) Consent variations may be dealt with in chambers. Applications for a listing for directions (for contested applications to vary directions or where the Court does not grant a consent application to vary) are to be made to the directions judge.
 - (f) The Court is likely to issue alternative directions in proceedings where, having regard to all of the circumstances, including the amount of any claim and the cost of the proceedings, the standard directions are not appropriate.
6. The standard directions set out in Rule 13.7 of the Industrial Relations Commission Rules 2009 apply in respect of matters where a certificate of unsuccessful conciliation has issued.
7. The directions judge will fix a directions date in each matter. This is the date by which the Court expects that the above steps will have been completed. In the usual case, where the standard directions have been made, the date will usually be 12 to 13 weeks after the certificate of unsuccessful conciliation has been issued. An explanation for any failure to comply with directions must be given at the directions hearing, when the directions judge will issue further directions to ensure that the matter is expeditiously prepared for hearing.
8. The Court expects and requires that its orders will be observed. It is the obligation of all parties and their legal practitioners and agents, including parties not in default, to exercise vigilance in ensuring that the timetable is observed. Notwithstanding the obligation of a party in default to bring the matter to the Court's attention, a party not in default is also required to exercise the liberty to apply to bring any default to the attention of the Court, after giving the defaulting party reasonable notice of its default.
9. After these steps have been attended to, the applicant or the applicant's legal representative or agent must certify to the directions judge that the steps have been completed.

10. The matter will then generally be referred to a judge for hearing provided that the estimate of the likely court time necessary for the hearing of the proceedings, including addresses, is included in the certificate as having been provided by the legal representative or agent of the parties who is in the best position to make the assessment.
11. Where such steps have been taken in matters before the directions judge prior to the promulgation of this Practice Note, the applicant or the applicant's legal representative or agent must certify that the steps have been completed. The matter will then be referred to a judge for hearing, notwithstanding that some steps required under the previous standard directions or the directions made in the proceedings (but not under this Practice Note), have not been completed.
12. The further preparation of the matter for hearing will be at the sole direction of the trial judge, but the parties may anticipate that the trial judge will require that the parties give their attention to the following matters:
 - (a) Whether further conciliation is a realistic option, having regard to the evidence filed after the first conciliation
 - (b) Clarification of the issues calling for resolution in the proceedings. A list specifying such issues shall be filed and served at least 5 working days prior to the first day of the hearing.
 - (c) Any revised or refined estimate as to the likely court time necessary for the hearing of the proceedings, including addresses, further to the estimate given in terms of paragraph 10 of this Practice Note. Any further estimate must be provided by the legal representative or agent of the parties who is in the best position to make such an assessment.
 - (d) Those parts of the affidavit material which will not be pressed.
 - (e) Those parts of the affidavit material to which objection will be taken, distinguishing objections as to form from objections as to substance.
 - (f) Those deponents not required for cross examination.
 - (g) Those matters about which agreement can be reached.
 - (h) The availability of witnesses who are required to give evidence including the possibility that witnesses remote from the hearing may give evidence by video link and the practicalities of such an arrangement. There should also be discussions about the venue of the hearing or part of the hearing where a number of witnesses reside in an area remote from the location of the Court.
 - (i) Whether the rule in *Brown v Dunn* should not apply, where the necessary contrary factual material is raised in the affidavit materials, subject to any order to the contrary.
13. As a general rule, parties may file additional affidavits to deal with any parts of affidavits filed to which objections as to form have been taken. A trial judge may permit oral evidence to be called at the hearing with respect to those parts of any affidavit material not pressed or struck out, because of an objection as to form.
14. Parties have liberty to apply generally on the giving of at least 24 hours notice to the other side of the application for relisting and the purpose of the application.

Boland J, President
1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 15

First Issue Date: 5 November 2004

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

FILING OF AWARDS IN COMPUTER-READABLE FORMAT UNDER RULE 6.3

1. The purposes of this Practice Note are:
 - (a) to facilitate the processing of Awards and Contract Determinations of the Industrial Relations Commission of New South Wales by emphasising and giving effect to the requirements of Rule 6.3 of the Industrial Relations Commission Rules 2009; and
 - (b) to provide guidance for Members of the Commission and applicants appearing before the Commission on the steps necessary to ensure that Awards made by the Commission are publicly available in a timely manner and thus readily enforceable.
2. This Practice Note has effect from the date of re-issue. This Practice Note should be read in conjunction with Practice Note No. 16 – Filing of Documents in Computer Readable Format.
3. For the purposes of this Practice Note
'award' includes a contract determination.
'application for award' includes an application to vary an award, an application to rescind an award, an application for a contract determination or a contract agreement, and an application for an enterprise agreement.

"computer-readable format" means an electronic version of a document in such medium and in such format as to be compatible with, and readable by, the computer system of the Industrial Relations Commission of New South Wales from time to time and/or as specified by the Industrial Registrar or the Registrar's delegate from time to time.

"compatible with, and readable by" requires that documents be filed (on either diskette or CD-ROM) in any version of

Microsoft Word (DOC) or
Rich Text Format (RTF)

and in relation to any annexures or attachments to documents (which cannot be provided in the above formats)

Tagged Image Format (TIF)
Graphical Image Format (GIF) and
Joint Photographic Experts Group (JPG)

are acceptable.

Portable Document Format (PDF) is not an acceptable format

4. Unless a Member of the Commission makes a specific direction otherwise at the time of making, varying or rescinding an award, the applicant party shall file a copy of the award, award variation or notice of rescission in a computer readable format within 7 days of the making, varying or rescinding of the Award.
5. The Member of the Commission who has made, varied or rescinded the award shall, within 14 days of determining the matter, cause to be forwarded to the Industrial Registrar the file in respect of the matter except where the file is still current (for example, an interim award), in which case the Member's staff shall forward copies of relevant extracts from the file sufficient to enable that award to be settled and published in the Industrial Gazette.

Boland J, President

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 16

First Issue Date: 5 November 2004

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

FILING OF DOCUMENTS IN COMPUTER-READABLE FORMAT

1. The purposes of this Practice Note are:
 - (a) to facilitate the processing of matters before the Industrial Relations Commission of New South Wales by providing for, encouraging and requiring that documentation filed in certain classes of matters by a party be accompanied by a copy of that documentation in computer-readable format;
 - (b) to provide for and encourage the use of technology in matters before the Commission; and
 - (c) to provide an appropriate foundation for further use of technology in proceedings before the Commission.
2. This Practice Note has effect from the date of re-issue.
3. Except as provided for by paragraph 7 of this Practice Note, it shall not apply to:
 - (a) proceedings under s 84 (Unfair Dismissal), s 99 (Dismissal injured employee) or s 130 (Notification of Industrial Dispute) of the Industrial Relations Act 1996;
 - (b) proceedings under section 106 of the Industrial Relations Act 1996 until such time as a Certificate of Unsuccessful Conciliation is issued at which time both parties will be required to file, within a period of 28 days, a copy of all documentation filed in the proceedings in compliance with this Practice Note.
 - (c) parties to any matter who are not represented by a barrister, solicitor, agent or industrial organisation.
 - (d) annexures or attachments to documents which are not or not readily, available in computer readable format; or
 - (e) in respect of the following forms
 - Notice of Appearance
 - Notice of Discontinuance
 - Notice of Change of Solicitor
 - Certificate pursuant to section 198L of the Legal Profession Act or undertaking to file such certificate
 - Copies of Summons under section 165 of the Industrial Relations Act 1996 or Notices to Produce (Form 46)
4. For the purpose of this Practice Note:

"computer-readable format" means an electronic version of a document in such medium and in such format as to be compatible with, and readable by, the computer system of the Industrial Relations Commission of New South Wales from time to time and/or as specified by the Industrial Registrar or the Registrar's delegate from time to time.

"compatible with, and readable by" requires that documents be filed (on either diskette or CD-ROM) in any version of

- Microsoft Word (DOC) or
- Rich Text Format (RTF)

and in relation to any annexures or attachments to documents (which cannot be provided in the above formats)

- Tagged Image Format (TIF)
- Graphical Image Format (GIF) and
- Joint Photographic Experts Group (JPG) are acceptable.
- Portable Document Format (PDF) is not an acceptable format

"matter" means any proceedings heard or to be heard before the Commission.

"party" includes intervenor and any person, firm, corporation or organisation appearing or seeking to appear or intervene, in proceedings before the Commission.

5. A party to a matter before the Commission must file a copy of any document lodged in that matter in a computer readable format at the time of filing of the document. The document provided by the party in electronic form shall contain the same text as the paper copy. This paragraph requires, amongst other matters, that any party seeking orders to be made (for example, in respect of a matter where judgment has been delivered or where the Commission directs short minutes of orders to be filed) must, when filing the hard copy version of the proposed orders, also provide the document in a computer readable format.
6. The electronic version of the documents filed in the proceedings shall be labelled for identification purposes and such label shall include the Matter Number, an abbreviated Title and a list of the documents filed in computer readable format. The documents shall be saved to the diskette or CD-ROM in such a way that allows for easy recognition, for example:



Applns106bloggs v blow.doc



Applns106bloggs v blow affidavit bloggs.doc

(and should include the IRC matter number where one has been allocated)

7. Notwithstanding the foregoing, the Registrar or the Commission may, on application or otherwise, direct one or more parties to a matter to file or to file and serve, all or any particular documentation in computer-readable format or may waive the obligations of any party from complying in whole or part with the requirements of this Practice Note.
8. In addition, the Registrar or the Commission may in any matter, where application is made therefor or in any case where it is considered appropriate, apply to the matter the terms of Supreme Court Practice Note No SC Gen 7 (supreme Court – Use of Technology, issued on 9 July 2008 in whole or in part, subject to conditions or otherwise). A link to Supreme Court Practice Note No SC Gen 7 is provided on the Commission's website.
9. In respect of the following class of matters the compliance with paragraph 5 of this Practice Note may be made by e-mail transmission to the specified address below and the filing, in lieu of a diskette or CD-Rom, a copy of the transmission report:
 - matters to which Section 34 of the Industrial Relations Act 1996 (re Enterprise Agreements) applies [by e-mail to: irc_electronic_services@agd.nsw.gov.au];
 - matters to which Section 324 of the Industrial Relations Act 1996 (re Contract Agreements) applies [by e-mail to: irc_electronic_services@agd.nsw.gov.au];
 - matters to which Rule 6.3 of the Industrial Relations Commission Rules 2009 applies (this rule requires that a copy of an Award or Award Variation must be supplied in computer readable format) [by email to: irc_electronic_services@agd.nsw.gov.au]; and
 - matters in which the Commission has directed that submissions of parties be filed [by email to: irc_client_services@agd.nsw.gov.au];
10. In respect of the matters to which paragraph 9 applies the subject heading to the e-mail must include the following:
 - Section 34 matters: The short title of the Enterprise Agreement
 - Section 324 matters: The short title of the Contract Agreement
 - Rule 6.3 matters: The title of the matter and the Commission file number in format year/file number, for example, IRC2004/1000.
 - Submissions: The title of the matter and the Commission file number in format year/file number, for example, IRC2004/1000.
11. Although it is essential that all aspects of this Practice Note are strictly observed it is of particular importance that requirements under Rule 6.3 (that the applicant must file a copy of the award in a computer-readable format) be complied within the time specified by the Commission when the Award or Variation is made as the Industrial Registry provides such material to the Office of Industrial Relations immediately upon receipt for the purpose of that Office's Pay Rate Update Service, its website and Award Enquiry Service.

Boland *J, President*

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 17

First Issue Date: 21 December 2005

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and Section 15 of the Civil Procedure Act 2005.

**APPLICATIONS PURSUANT TO SECTION 84 (UNFAIR DISMISSALS)
INDUSTRIAL RELATIONS ACT 1996**

1. This Practice Note replaces Practice Direction No. 11.
2. The purpose of this Practice Note is to facilitate the resolution of unfair dismissal matters before the Industrial Relations Commission of New South Wales by ensuring that such proceedings are conducted before the Commission in an efficient and expeditious manner and that practitioners and others who appear before the Commission do all they can to facilitate the just, quick and cost effective disposal of unfair dismissal proceedings before the Commission.
3. This Practice Note has effect from the date of re-issue.
4. **Allocation of Listing Date**
Upon filing of an application under section 84 of the Industrial Relations Act 1996 the Registrar shall cause, either at the time of filing or within a period of not more than seven days, a date to be fixed for the matter to be conciliated by a Member of the Commission. The standard or usual time from filing to the first listing for Conciliation and Directions shall be a period of 21 days.
5. **Conciliation**
 - (a) Practitioners, industrial agents and others who appear before the Commission should do all they can to facilitate the fair and prompt disposal of matters before the Commission. Ways in which this should occur include:
 - ready identification of the issues in dispute
 - ensuring readiness for the conciliation hearing
 - using their best endeavours to resolve the issues in dispute
 - (b) Ordinarily there should be only one conciliation, however, a Member may permit a further conciliation conference.
 - (c) If an applicant fails to appear at a conciliation conference, and has not provided a clear and compelling reason for non-attendance, this may result in the matter being dismissed, particularly if there is no appearance on two occasions.
6. **Preliminary Issues**
 - (a) If a preliminary issue, for example, a jurisdictional challenge is raised at the conciliation conference the Member shall determine whether the matter shall be heard as a threshold issue or be dealt with after conciliation. If the Member determines that the issue should be heard before conciliation then the matter shall be referred to the Registrar for allocation to a Member for hearing after appropriate directions are made and the Member has established the time required to hear the issue. In cases where the Member conducts a conciliation and the conciliation fails the Member shall then forward the matter to the Industrial Registrar for allocation to a Member for hearing. Directions will be made by the Member which may be a modified form of the usual directions if the matter is to be set down to hear a threshold issue.
 - (b) The Registrar will subsequently advise the parties of a call over before the Industrial Registrar and date or dates for hearing and the Court location for the hearing of the matter.
7. **Directions for Arbitration**
 - (a) When a conciliation before a member of the Commission is unsuccessful, the usual directions in paragraph 10 of this Practice Note shall operate unless, after application by a party to the proceedings, the Commission considers that the "usual directions" should be modified or alternative directions made.
 - (b) The Member of the Commission shall also ascertain a reasonable estimate of the number of days required for arbitration, specify in the Member's opinion the number of days required for hearing and make any other appropriate directions having regard to paragraphs 10 and 11 of this Practice Note. The Member shall, forthwith, refer the parties to the List Office of the Registry for the purpose of obtaining a hearing date(s) in accordance with the Member's opinion of the number of days required for hearing and directions which are made.
 - (c) On fixing a date for hearing the List Office shall also allocate a date for a compliance call-over of the matter and provide notice to the parties of the date, time and place of such call-over in addition to information on the hearing date(s) allocated.
 - (d) The compliance check call-over will be administrative in nature in respect of matters in which the applicant has complied with directions. That is, neither the applicant nor the respondent will be required to attend the call-over if directions have been complied with by the parties. In such an event the Registrar will note compliance with the directions by the applicant, confirm the hearing date and cause a notice to be forwarded to the parties advising as to:
 - (i) confirmation of hearing date.

- (ii) a further warning to the respondent of the consequences of its failure to comply with directions. [Note: the consequence for the respondent is, in accordance with the Usual Direction under paragraph 10(vi), that it will not, without leave of the Commission, be able to rely on written statements filed and served later than the time specified in the Usual Directions at the time the matter is set down for arbitration]
- (e) In respect of matters where there has been non-compliance with directions the parties will be required to attend the call-over. If at the date of the compliance check call-over there remains non-compliance, the Registrar may remit the matter to a Presidential Member for consideration. The Presidential Member may:
 - (i) vacate the hearing date.
 - (ii) make such further directions in the matter as necessary including any direction that further default by the applicant will result in the matter being dismissed; and
 - (iii) remit the parties and the file to the List Office for action.
 - (iv) such other directions and orders as may be appropriate.

8. Fixtures in regional list

When a matter is conciliated and the conciliation is unsuccessful, the usual directions in paragraph 10 of this Practice Note shall operate unless, after application by a party to the proceedings, the Commission considers that the "usual directions" should be modified or alternative directions made.

The Member shall also ascertain a reasonable estimate of the number of days required for arbitration, specify in the Member's opinion the number of days required for hearing and make any other appropriate directions having regard to paragraphs 10 and 11 of this Practice Note.

The Member shall then adjourn the matter to a date to be fixed and remit the file to the relevant Registry officer for the purpose of case management..

9. Further Conciliation

The parties should attempt to resolve matters listed for arbitration prior to the time for compliance with Directions in order to minimise the costs to them. Even after compliance with Directions, further timely attempts by the parties to resolve matters are encouraged. To assist the parties in circumstances where such settlement attempts are positive but inconclusive a further conciliation conference may be requested with the consent of the other side as soon as possible but not less than 14 days prior to the arbitration. A party may make an application for a further conciliation conference by consent of the other party by writing to the Industrial Registrar and seeking the further conference within the time specified. Nothing in this Practice Note shall inhibit the Commission from undertaking further conciliation at the hearing of the matter.

10. Usual directions

For the purpose of this Practice Note "usual directions" shall mean directions in the following terms or to the following effect:

- (i) all evidence shall be in the form of signed written statements.
- (ii) the applicant shall file and serve signed written statements (typed with numbered paragraphs and pages) of the intended evidence of each witness together with any other relevant documentation within 21 days.
- (iii) the respondent shall file and serve signed written statements (typed with numbered paragraphs and pages) of the intended evidence of each witness together with any other relevant documentation within 21 days of the date fixed for the filing and service of the applicant's documents.
- (iv) the applicant shall file and serve any reply to the respondent's documents within 7 days of the date fixed for the filing and service of the respondent's documents.
- (v) the parties shall include in or with their written witness statements all matters and documents upon which they rely or they allege are relevant to the proceedings.
- (vi) without leave of the Commission, written statements and other documentation filed and served later than the time specified by the Commission in its directions may not be relied upon by the party.
- (vii) Summonses for production of documents may be made returnable before the Industrial Registrar upon any date that the Registrar conducts a list. Where orders are sought other than for photocopy access for both parties or if a claim for privilege or the like is made, those matters will be referred by the Registrar to a Presidential Member to be dealt with on an interlocutory basis. Under these arrangements summonses will be returnable before the Registrar, not the Member.

11. Other directions

The Commission may make such other directions as it considers appropriate for the just resolution of the issues between the parties. Such other directions may include directions that:

- (i) parties shall file and serve at the same time as they file their written statements and other relevant documentation a short summary of their case.
- (ii) without leave of the Commission, a party cannot rely on any matter that is not contained within the documentation filed and served by that party.
- (iii) proceedings shall be conducted on the written statements and other relevant documentation filed and served by a party except where reasonable notice is given to the other party that a witness is required for cross examination.

- (iv) in the absence of any period of reasonable notice being fixed by the Commission, cross-examination of a witness shall not be allowed unless at least 7 days prior to the hearing notice has been given to the opposing party that a witness is required for cross-examination.

12. Directions

Any directions made under paragraphs 6, 7, 8, 10 and 11 of this Practice Note must be complied with and will apply from the completion of the last conciliation conference unless:

- (i) an application is made after the completion of conciliation which will come before a Presidential Member;
- (ii) where applicable, the direction is varied during the course of the hearing of the matter;
- (iii) any application to vary directions after the conciliation conference must be made in writing and contain full supporting grounds (unless made during the course of the hearing of the matter).

13. Adjournments

- (a) In accordance with the Commission's function to provide a forum for the resolution of Unfair Dismissal matters in a fair and prompt manner, as a general rule, an adjournment of the date that is allocated for Conciliation will not be granted unless there are clear and compelling reasons for the adjournment to occur. If such an application is made prior to the date for Conciliation, such application will be considered and determined by the Member who has been allocated the matter.
- (b) The day (or days) in which the application will be dealt with by arbitration is definite. Any applications for adjournment of arbitration dates must be made in a timely way, be in writing and contain full grounds. Such applications will be considered and determined by a Presidential Member. It should be understood that adjournment applications will be granted only on clear and compelling grounds.
- (c) An application for an adjournment during the course of a Conciliation or an Arbitration hearing are a matter for the Member of the Commission hearing the matter in the proper exercise of their discretion. It should be clearly understood that such applications will be granted only on clear and compelling grounds.
- (d) In the event that a party fails to attend at an arbitration hearing, the arbitration may, in appropriate circumstances, be heard and determined in the absence of that party.

Boland J, President
1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 19

First Issue Date: 9 March 2007

Re-Issue Date: 1 February 2010

Re-issued pursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005.

APPLICATIONS FOR DECLARATION UNDER SECTION 33I OF THE COMMISSION FOR CHILDREN AND YOUNG PEOPLE ACT 1998

- (1) The purpose of this Practice Note is to provide an appropriate procedure for applications for an order under section 33I of the Commission for Children and Young People Act 1998 to be made to the Industrial Relations Commission of New South Wales.
- (2) This Practice Note has effect from the date of re-issue and replaces Practice Direction No. 5.
- (3) Applications for an order under section 33I of the Commission for Children and Young People Act 1998 made to the Industrial Relations Commission of New South Wales shall be made by way of application, in terms of Form 1 of the Industrial Relations Commission of New South Wales Rules 1996.
- (4) The following is applicable to any such application:
 - (a) The application shall set out the relief sought and shall state briefly but specifically the grounds on which that relief is sought.
 - (b) The primary relief available under the section 33I of the Commission for Children and Young People Act 1998 is an order declaring that the Act is not to apply to the applicant in respect of a specified offence.
 - (c) In specifying the grounds upon which an order is sought, the applicant should note section 33J(1) and (3) of the Commission for Children and Young People Act 1998, which provides that:
 - (i) The Industrial Relations Commission is not to make an order under the Commission for Children and Young People Act 1998 unless it considers that the person the subject of the proposed order does not pose a risk to the safety of children.
 - (ii) In deciding whether or not to make an order in relation to a person, the Industrial Relations Commission is to take into account the following:
 - (a) the seriousness of the offences with respect to which the person is a prohibited person,
 - (b) the period of time since those offences were committed,

- (c) the age of the person at the time those offences were committed,
 - (d) the age of each victim of the offences at the time they were committed,
 - (e) the difference in age between the prohibited person and each such victim,
 - (f) whether the person knew or could reasonable have known, that the victim was a child
 - (g) the prohibited person's present age,
 - (h) the seriousness of the prohibited person's total criminal record,
 - (i) such other matters as the Commission considers relevant.
- (5) If the applicant intends to make an application to the Commission for relief by way of reinstatement or re-employment or for any order for damages or compensation for any removal from employment (however described), the application shall state that the applicant intends to make that application. Wherever possible the application for further relief shall be filed with the application for an order under the Commission for Children and Young People Act 1998.
- (6) Unless otherwise approved by the Registrar, the application shall be accompanied by an affidavit, which shall set out briefly but specifically:
- (a) the circumstances which have led to the application being made;
 - (b) those matters on which the applicant relies for the relief sought in the application [see paragraphs 4(a), (b) and (c) above]; and
 - (c) any material relevant to the Commission's exercise of discretion under section 33J(3) of the Commission for Children and Young People Act 1998 upon which the applicant intends to rely (see paragraph 4(c)(ii) above), and, to the extent that the application refers to or contains matters of fact, shall verify those facts.
- (7) The Application and supporting affidavit, together with any additional material being filed by the applicant, shall:
- (a) be accompanied by three copies.
 - (b) be served by the applicant on
 - (i) the Commissioner for Children and Young People
 - (ii) such other person, if any, that the applicant is directed to serve by the Industrial Registrar, which may include the employer or former employer as relevant under section 33E of the Commission for Children and Young People Act 1998.

Boland J, President

1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 20

CRIMINAL PROSECUTIONS – STREAMING, STANDARD TIMETABLE AND DIRECTIONS

Pursuant to Section 185A of the Industrial Relations Act 1996

1. The purpose of this Practice Note is to facilitate the effective case management of prosecutions brought before the Industrial Court (the Court) by prescribing standard directions and timetables for such matters and to ensure that such matters are dealt with in an orderly and expeditious manner and in accordance with the Court's published Time Standards.
2. This Practice Note shall come into force on 1 February 2010.

Streamed Proceedings

3. Prosecutions brought before the Court will enter one of two case management streams designed to ensure that the variety of offences brought before the Court are dealt with appropriately in accordance with the nature of the particular offence.
4. Upon the filing of an Application for an Order pursuant to section 246 of the Criminal Procedure Act 1986 the Prosecutor shall nominate which prosecution stream is the most suitable for determining the matter. Normally, offences involving the death or serious injury of a person or the risk of death or serious injury to a person under the Occupational Health and Safety Act 2000 should be nominated as Stream 1 offences; other prosecutions should be nominated as Stream 2 offences.

Stream One Procedure

5. Upon an Order being made by the Registrar or the Court, the Prosecution shall forthwith serve on the Defendant the following documentation:
 - (i) a Certified or Sealed Copy of the Order, a copy of the Application for an Order together with any supporting Affidavits
 - (ii) a blank Notice of Appearance (in the form annexed to this Practice Note)
 - (iii) a copy of this Practice Note

- (iv) an explanatory document advising the defendant of its obligations to file and serve a Notice of Appearance and the consequences of its failure to appear at the First Directions Hearing or otherwise in the proceedings.
 - (v) an explanatory document advising the Defendant of the criminal case conferencing process in the Court.
6. The Defendant or the Defendant's legal representative, is to file with the Industrial Registrar and serve on the Prosecution a Notice of Appearance within seven days of service of the Certified Copy of the Order and associated documentation.

Service of brief of evidence and Prosecutor's Statement of Facts

7. (i) Where a Notice of Appearance has been filed and served on the Prosecution by the Defendant's legal representative, the Prosecution brief of evidence and Prosecutor's Statement of Facts are to be served on the Defendant's legal representative within 14 days of service of the Notice of Appearance.
- (ii) Service in accordance with sub-paragraph (i) may be effected by leaving it at the relevant legal practitioner's address for service or by sending it to that address by post, document exchange or, to the extent that the documents in the brief make it appropriate to do so, by facsimile or by sending it to the legal practitioner's email address for service by electronic communication.
- (iii) If, by the First Directions Hearing, no Notice of Appearance has been filed and served on the Prosecution or a Notice of Appearance has been filed and served but discloses no legal representative, the Prosecution brief of evidence and Prosecutor's Statement of Facts are to be served on the Defendant no later than seven days after the date of the First Directions Hearing. The Defendant shall provide an address for service of the brief and associated documents at the First Directions Hearing.

First Directions Hearing

8. (i) A matter is to be listed for its First Directions Hearing within four weeks of the issue of an Order by the Registrar or the Court.
- (ii) At the First Directions Hearing
- (a) If the Defendant enters a plea of guilty – the matter will be listed for sentence hearing.
 - (b) If the Defendant enters a plea of not guilty – the matter will be listed for defended hearing.
 - (c) If the Defendant enters no plea and is legally represented, the Court's criminal case conferencing procedure is applied. [Note: Criminal Case Conferencing only applies where a Defendant is legally represented and does not apply to prosecutions commenced pursuant to section 32A of the Occupational Health and Safety Act 2000.]
 - (d) If the Defendant is not represented and enters no plea – the matter will be adjourned for four weeks and the next listing will be treated as a first directions hearing.
 - (e) where the parties have identified that the nature or complexity of the matter is such that the application of the normal case management procedures will not meet the contingencies of the matter, the parties are to draw this to the attention of the Registrar or the Court. The parties are to provide full details of the particular nature or complexity of the matter including estimated length of hearing if the matter was to proceed as a not guilty plea. In appropriate circumstances the matter will be allocated for direct judicial case management and these standard directions may be varied by the judge as seen fit.

Case Conference Procedure

9. Criminal case conferencing applies only where a defendant is legally represented.
10. Where the proceedings are referred for criminal case conferencing, the following directions are to be issued:
- i. A criminal case conference is to be set to take place within 6 weeks;
 - ii. At or before the criminal case conference, the Defendant is to put in writing to the Prosecution, any representations, requests or proposals relating to the charges, particulars, Prosecutor's Statement of Facts or other issue related to the proceedings;
 - iii. The Prosecution to respond to any written representations or written request of the Defendant at or within 4 weeks after the criminal case conference;
 - iv. Second Directions Hearing set 6 weeks after the criminal case conference is held;
 - v. Any interlocutory or other application relating to the proceedings is to be made by Notice of Motion and Affidavit and must be filed and served 7 days before the Second Directions Hearing. Motions will be returnable at the Second Directions Hearing.
11. Criminal case conferences are to be held at a venue suitable to the parties. In the Sydney metropolitan area the Court will, on application of the parties, seek to provide a conference room or the like for the purpose of a case conference being conducted.
12. The criminal case conference provides the Defendant with the opportunity to:
- a. indicate the plea to be entered;
 - b. make representations or requests in relation to the charge, particulars of the charge or Prosecutor's Statement of Facts.
 - c. provide details of any interlocutory or other matter to be raised in the proceedings.

Case conferences are to be conducted on a "without prejudice" basis, that is, no evidence may be adduced during the proceedings of

- (i) any communication made during the course or for the purposes of, a criminal case conference
- (ii) any document prepared in connection with a criminal case conference.

13. The parties have liberty to apply during the criminal case conferencing process.

Second Directions Hearing

14. At Second Directions Hearing:

- a. If Defendant enters a plea of guilty – the matter will be listed for sentence hearing.
- b. If plea of not guilty – the matter will be listed for defended hearing.
- c. If any interlocutory or other application has been filed – will be listed for hearing as soon as practicable.
- d. Where no plea is entered and the Defendant or their legal representative satisfies the Registrar or the Court that the interests of justice dictate a further adjournment – the matter will be listed for a Third Directions Hearing before a Judge within four weeks.

15. At the Second Directions Hearing where a plea is entered the parties should be prepared to provide estimates for the length of any hearing (either interlocutory, sentence or defended) and any special requirements or directions required for such hearing (e.g. service of expert reports, requirement for interpreter).

16. To facilitate the requirement of Clause 15 where the Defendant is legally represented, the Defendant's legal representative is to complete and sign a copy of the Court Listing Advice in the form as annexed to this Practice Note.

Third Directions Hearing

17. a. At the third Directions Hearing, subject to any order made by the Judge to whom the matter is allocated on an application by the defendant, in the absence of a plea being entered, the matter will be referred for allocation for hearing on the basis of a not guilty plea.
- b. No further adjournments will be allowed except in the most exceptional circumstances and where the interests of justice dictate. Any such application should be made by notice of motion supported by evidence on affidavit.

Plea of Guilty entered

18. (i) Once the Court has allocated a hearing date for the plea of guilty, subject to the hearing date set and subject to sub-paragraph (iii) below the following timetable applies:
- (a) any further evidence to be relied upon by the Prosecution together with a Statement of Facts (agreed if possible) is to be filed and served by the Prosecution no later than six weeks before the date appointed for the hearing of the plea.
 - (b) evidence to be relied upon by the Defendant is to be filed and served no later than three weeks before the date appointed for hearing of the plea.
 - (c) evidence in reply by the Prosecution is to be filed and served no later than one week before the date appointed for hearing of the plea.
- (ii) The above standard directions have been prepared on the basis that specific arrangements or directions have been earlier made in respect of the service of expert evidence between the parties in preparation for the hearing of the plea. In the event that such directions have not been made either the Court or Registrar as appropriate, should be requested by the parties to modify the standard directions to ensure that expert evidence is served in a way that allows each party to obtain instructions on such evidence and, if appropriate, reply to such evidence before the allocated hearing date.
- (iii) Where a party objects to the Judge hearing the plea reading any particular document or class of documents prior to the hearing the Registrar shall be advised in writing of the objection with a copy of the subject letter being sent to the Judge's Associate and the document(s) shall either be returned to the relevant party or placed in the Court file in a sealed envelope.

Stream Two Procedure.

19. Upon an Order being made by the Registrar or the Court, the Prosecution shall forthwith serve on the Defendant the following documentation:
- (i) a Certified Copy of the Order, a copy of the Application for an Order together with any supporting Affidavits.
 - (ii) a blank Notice of Appearance (in the form annexed to this Practice Note).
 - (iii) a copy of this Practice Note.
 - (iv) an explanatory document advising the Defendant of its obligations to file and serve a Notice of Appearance and the consequences of its failure to appear at the First Directions Hearing or otherwise in the proceedings.

First Appearance Date

20. A matter is to be listed for a First Appearance Date within 4 weeks of the issue of an Order by the Registrar or the Court.

21. On the first appearance date a brief order must be made by the Registrar or the Court unless a plea of guilty is entered or the Defendant fails to appear.
22. Where the Prosecution brief has been served prior to or on the first appearance date the matter will be adjourned for not more than six weeks for reply.
23. Where the Prosecution brief has not been served the matter will be adjourned for not more than eight weeks (allowing not more than 14 days for service of the brief and not more than six weeks for reply).
24. The date to which a matter is adjourned will be known as the Reply Date.
25. A Court Listing Advice in the form annexed to this Practice Note listing the statements contained within the brief is to be served by the Prosecution with the brief.
26. The period allowed by the Registrar or the Court for reply is to be utilised by the Defendant and/or legal representatives to consider the evidence and the Prosecution witnesses required for cross-examination.
27. All requests for particulars or representations for withdrawal by the Defendant must be served on the Prosecution no later than 14 days prior to the reply date. Failure to comply with this requirement will not entitle the Defendant to an adjournment on the return date.
28. Parties are at liberty to restore the matter to the list prior to the Reply Date for a plea of guilty to be entered.

Service of the Prosecution Brief

29. Where a Notice of Appearance has been filed and served on the Prosecution by the Defendant's legal representative, the Prosecution brief of evidence is to be served on the Defendant's legal representative in accordance with the instructions for service on the Notice of Appearance filed with the Court within fourteen days.
30. Where a Defendant is not represented, the Prosecution's brief of evidence is to be served on the Defendant by
 - a. handing it to the Defendant, or
 - b. by sending it by post or by facsimile to the Defendant's residential address, or
 - c. sending it by electronic communication to the Defendant's email address.

Reply Date

31. On the Reply Date the Defendant must enter a plea (where not previously entered).
32. In the event that a plea of not guilty is entered and the Defendant is legally represented, the legal representative of the Defendant is to hand to the Court and to the Prosecutor a completed Court Listing Advice form (refer clause 25).
33. On the Reply Date the Registrar or the Court must
 - a. proceed to allocate a date for hearing of the plea or hear the plea.
 - b. where a plea of not guilty is adhered to or entered, allocate a date for hearing.
 - c. where no plea is entered and the Defendant or their legal representative satisfies the Registrar or the Court that the interests of justice dictate a further adjournment – the matter will be listed for a further Reply Date before a Judge within four weeks.
34. At any second Reply Date
 - a. subject to any order made by the Judge to whom the matter is allocated on an application by the defendant, in the absence of a plea being entered, the matter will be referred for allocation for hearing on the basis of a not guilty plea.
 - b. No further adjournments will be allowed except in the most exceptional circumstances and where the interests of justice dictate. Any such application should be made by notice of motion supported by evidence on affidavit.
35. Where the Defendant fails to appear on the Reply Date the Court may proceed to hear and determine the matter in the absence of the Defendant or the Registrar is to allocate a date for hearing in the absence of the Defendant.

Hearing

36. The following applies only where the Defendant is legally represented
 - a. the Prosecution is required only to call at the hearing those witnesses nominated for cross examination on the Court Listing Advice form. A notation on the Court Listing Advice form by the legal representative of the defendant that a witness is not required to be called for cross examination does not prevent the Prosecution calling that witness in the prosecution case if the prosecutor is of the opinion the witness is required. In these circumstances the Prosecutor should notify the legal representative of the Defendant no later than 7 days prior to the date of the hearing that it will be called the said witness.
 - b. The remainder of the brief of evidence may be tendered by the Prosecutor.
 - c. the legal representative of the Defendant is to notify the Prosecutor of any changes in the witnesses nominated for cross-examination no later than 14 days prior to the date of hearing.
 - d. nothing in this Practice Note operates to make a written statement or any part of a written statement admissible if it is not otherwise admissible.

General

Reckoning of Time

37. The provisions of Part 1.11 of the Uniform Civil Procedure Rules 2005 apply to criminal proceedings.

Affidavits

38. Subject to any provision of the Criminal Procedure Act 1986, the Industrial Relations Act 1996 or the Act under which the proceedings are brought the following provisions apply in respect of affidavits filed in criminal proceedings:

38.1 Time for swearing

An affidavit for use in any proceedings may be sworn before or after the commencement of the proceedings.

38.2 Form

- (1) An affidavit must be made in the first person.
- (2) The body of an affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject.
- (3) Where it appears to the person before whom an affidavit is sworn that the deponent is illiterate or blind, the person must certify in or below the jurat that:
 - (a) the affidavit was read in the person's presence to the deponent, and
 - (b) the deponent seemed to understand the affidavit.
- (4) Where an affidavit is made by an illiterate or blind deponent and a certificate in accordance with subrule (3) does not appear on the affidavit, the affidavit may not be used unless the tribunal is satisfied that the affidavit was read to the deponent and that the deponent seemed to understand it.

38.3 Alterations

- (1) Where there is any interlineation, erasure or other alteration in the jurat or body of an affidavit, the affidavit may not be used without the leave of the tribunal unless the person before whom the affidavit is sworn initials the alteration and, in the case of an erasure, re-writes in the margin of the affidavit any word or figures written on the erasure and signs or initials them.
- (2) Subrule (1) applies to an account verified by affidavit as if the account were part of the affidavit.

38.4 Annexures and exhibits

- (1) A document to be used in conjunction with an affidavit must, where convenient, be annexed to the affidavit.
- (2) Where annexure is inconvenient, the document may be made an exhibit to the affidavit.
- (3) An exhibit to an affidavit must be identified by a certificate entitled in the same manner as the affidavit and made by the person before whom the affidavit is sworn.

38.5 Irregularity

An affidavit may, with the leave of the tribunal, be used notwithstanding any irregularity in its form.

38.6 Handing up affidavits

- (1) An affidavit, unless required by or under an Act or by an order of a tribunal, may be filed in the Registry or may be handed up in the course of proceedings.
- (2) An affidavit which has been served must, before it is filed or handed up, bear a note by the person who served the same, indicating the time, place and manner of service, unless the tribunal otherwise directs.

38.7 Service

A party intending to use an affidavit must serve it on each other interested party not later than a reasonable time before the occasion for using it arises.

38.8 Scandal etc

Where there is scandalous, irrelevant or otherwise oppressive matter in an affidavit, a tribunal may order that:

- (a) the matter be struck out, or
- (b) the affidavit be taken off the file.

38.9 Cross-examination

- (1) A party may require the attendance for cross-examination of a person making an affidavit.
- (2) A requirement under subrule (1) must be made to the party serving or proposing to use the affidavit.
- (3) Where the attendance of a person is required under subrule (1), the affidavit may not be used unless the person attends or is dead or the tribunal grants leave to use it.
- (4) Where a person making an affidavit is cross-examined, the party using the affidavit may re-examine the person.

Motions

39. The provisions of Part 18 of the Uniform Civil Procedure Rules 2005 apply to motions filed in criminal proceedings.

COURT LISTING ADVICE

(IMPORTANT – Where the defendant is represented by a barrister or solicitor a completed and signed copy of this document must be given to the Court and the prosecutor on the return date)

CASE:	v			
REFERENCE NUMBER:				
FOR REPLY:		DATE //		
PNG:	CONFIRMED	WITHDRAWN		
STATEMENT IN BRIEF	WITNESS REQUIRED FOR CROSS-EXAMINATION		IF WITNESS NOT REQUIRED FOR CROSS EXAMINATION IS THE TENDER OF THE STATEMENT CONSENTED TO	
1.	YES	NO	YES	NO
2.	YES	NO	YES	NO
3.	YES	NO	YES	NO
4.	YES	NO	YES	NO
5.	YES	NO	YES	NO
6.	YES	NO	YES	NO
7.	YES	NO	YES	NO
8.	YES	NO	YES	NO
9.	YES	NO	YES	NO
10.	YES	NO	YES	NO
11.	YES	NO	YES	NO
12.	YES	NO	YES	NO
13.	YES	NO	YES	NO
14.	YES	NO	YES	NO
15.	YES	NO	YES	NO
ESTIMATED DURATION OF HEARING	HOURS			
NUMBER OF DEFENCE WITNESSES				
IS AN INTERPRETER REQUIRED?	YES		NO	
WHAT LANGUAGE?				
IS CCTV COURT REQUIRED?	YES		NO	
DEFENDANT'S SOLICITOR / COUNSEL SIGNATURE AND NAME				
CONTACT PHONE NUMBER				

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

PRACTICE NOTE No. 21

Issue Date: 1 February 2010

DISCLOSURE OF EXPERTS REPORTS AND MEDICAL AND HOSPITAL REPORTSPursuant to Section 185A of the Industrial Relations Act 1996 and
Section 15 of the Civil Procedure Act 2005

1. The Practice Note applies to proceedings
 - in relation to an appeal under section 44 of the Superannuation Administration Act 1991, and
 - to any other proceedings in which the Commission or Court may at any time on the application of a party or of its own motion direct that they must apply.
2. This Practice Note shall come into force on 1 February 2010.
3. Definitions.

In this Practice Note

- (a) expert's report means a statement by an expert in writing which sets out the expert's opinion and the facts on which the opinion is formed and which contains the substance of the expert's evidence which the party serving the statement intends to adduce in chief at the hearing,
- (b) hospital report means a statement in writing concerning a patient made by or on behalf of a hospital which the party serving the statement intends to adduce in evidence in chief at the hearing,

- (c) medical report means a statement in writing concerning a patient made by or on behalf of a registered medical practitioner which the party serving the statement intends to adduce in evidence in chief at the hearing.
4. Procedure
- 4.1 Unless the Commission otherwise orders, in proceedings to which this Practice Note applies, each party in the proceedings must, at least 21 days before the date set down for hearing, serve experts' reports, medical reports and hospital reports on each other party who has an address for service in the proceedings.
- 4.2 An application to the Commission for an order under clause 4.1 (other than an order solely for abridgment or extension of time) may be made without serving notice of the motion.
- 4.3 In proceedings to which this Rule applies, except with the leave of the Commission or by consent of the parties:
- (a) the oral expert evidence in chief of any expert is not admissible unless that evidence is covered by the expert's report served in accordance with this Practice Note, and
 - (b) neither an expert's report nor a medical or hospital report is admissible when tendered under section 63 or section 64 or section 69 of the Evidence Act 1995, unless it has been served in accordance with this Practice Note.
- 4.4 For the purpose of clause 4.3 of this Practice Note, evidence is covered by a report if the report contains the substance of the matters sought to be adduced in evidence.
5. Expert's report admissible at hearing
- 5.1 Where an expert's report is served in accordance with this Practice Note or an order is made under clause 4.1, the report is admissible as evidence of the expert's opinion and, where the expert's direct oral evidence of a fact upon which the opinion was formed would be admissible, as evidence of that fact, without further evidence, oral or otherwise.
- 5.2 A party may, unless the Commission otherwise orders, not later than 7 days before the date set down for hearing, require the attendance for cross-examination of the expert.
- 5.3 The parties may not by consent abridge the time fixed by or under clause 5.2
- 5.4 A requirement under clause 5.2 must be made to the party who served the report.
- 5.5 Where the attendance of an expert is required under clause 5.2, the expert's report must not be tendered under section 63 or section 64 or section 69 of the Evidence Act 1995 or otherwise used unless the person attends or is dead or the Commission grants leave to use it.
- 5.6 Where an expert attends pursuant to a requirement under clause 5.2, the party using the report may re-examine that expert.
6. Notice under section 67 or section 99 of the Evidence Act 1995
- 6.1 Notice for the purposes of section 67 or section 99 of the Evidence Act 1995 must, unless the Commission otherwise orders, be given:
- (a) in any case where the Commission has by notice to the parties fixed a date for hearing-not later than 21 days before the date fixed by that notice: or
 - (b) in any other case-not later than 21 days before the date on which the Commission determines the date of hearing

Boland *J, President*
1 February 2010

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

**DELEGATION TO REGISTRARS UNDER SECTION 13 OF THE CIVIL PROCEDURE ACT 2005 AND
RULE 2.4 OF THE INDUSTRIAL RELATIONS COMMISSION RULES 2009**

PURSUANT to section 13 of the Civil Procedure Act 2005 and Part 2.4 of the Industrial Relations Commission Rules 2009, I direct with effect from 1 February 2010 that a registrar of the Industrial Relations Commission (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Industrial Relations Commission or Industrial Court as stated in Parts 1 to 3 of the schedule to this direction.

Dated: 1 February 2010.

R. P. BOLAND,
President, Industrial Relations Commission and Industrial Court.

SCHEDULE

Part 1

The functions of the Court or Commission as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Civil Procedure Act 2005

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Section 14	Dispense with rules in particular cases	Restricted to those matters which a registrar may deal with
Section 61 (1), (2), and (3) (f) and (g)		Directions as to practice and procedure
Section 64	Amendment of documents	
Section 65	Amendment of originating process expiration of limitations period	
Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	Restricted to those matters which a registrar may deal with
Section 68	Attendance and production	
Section 86	Orders and terms	Restricted to those matters which a registrar may deal with
Section 98	Costs	Restricted to those matters which a registrar may deal with unless the matter has been referred in accordance with Part 3 of this Schedule

Uniform Civil Procedure Rules 2005

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Rule 1.12	Extension and abridgment of time	
Rule 1.13	Fixing time	
Part 2	Case management generally	Except a direction or order the subject of a restriction elsewhere in this direction
Rule 4.10 (4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 7.3	Leave to an unrepresented litigant to issue subpoena	
Rule 7.15 (5)	Leave to replace tutor in proceedings	
Rule 7.18	Appointment and removal of tutor	
Rule 7.21	Striking out appearance of person sued in a business name	
Rule 7.22	Leave to proceed before amendment made	
Rule 7.29	Withdrawal of solicitor	
Rule 10.1	Service of filed documents	
Rule 10.2	Service of affidavits	Restricted to those matters which a registrar may deal with
Rule 10.7	Orders as to the giving of notice by the Court	
Rule 10.14	Substituted and informal service	
Rule 10.16	Service on person in default by filing	
Rule 12.1 and 12.3	Leave to discontinue	
Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	
Rule 12.5	Leave to withdraw an appearance	
Rule 12.7 (1)	Dismiss proceedings for want of due dispatch by plaintiff	Provided at least one month's notice of the proposal to make such an order has been given to the plaintiff
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non appearance of plaintiff	

Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 – 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismiss the proceedings under UCPR 15.16
Part 18	Motions	Restricted to those matters which a registrar may deal with
Part 19	Amendment	
Part 21	Discovery/Inspection/Production	In respect of proceedings before the Commission only to the extent to which the Commission has ordered that this Part apply
Part 22	Interrogatories	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	Except for an order that judgment be given, a defence be struck out or that the proceedings or any part of the relief claimed in the proceedings be dismissed
Rule 28.5	Consolidation, etc	
Rule 29.3	Time and place of trial	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	
Rule 31.19	Directions before calling expert witness	
Rule 31.20 (2) (a)	Service of experts' reports	
Rule 31.32 (3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	
Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross examination of Deponent	Restricted to those matters which a registrar may deal with
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	Restricted to those matters which a registrar may deal with
Rule 36.11	Entry of judgment or orders	Unless the Court directs entry to be effected in a specific manner
Rule 36.14	Service of Judgment or Order	Restricted to those matters which a registrar may deal with
Rule 36.16	Setting aside default judgment	
Rule 36.17	"Slip rule"	
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rule 41.8(2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	Restricted to proceedings in which the registrar has a function under an Act or the Rules or in which the function has been delegated by this direction or in which a matter has been referred to the registrar by a Judge
Rule 42.19	Costs of Discontinued Proceedings	
Rule 42.21	Security for costs	
Part 46	Accounts and Enquiries	Except UCPR 46.12 (4) (b)

Part 2

The functions of the Court or Commission are provided for in Column 1 but subject to the restrictions (if any) mentioned in column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Industrial Relations Act 1996

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Part and/or Section</i>	<i>Description</i>	<i>Restriction</i>
Section 170	Amendments and Irregularity of proceedings	

Industrial Relations Commission Rules 2009

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Part and/or Section</i>	<i>Description</i>	<i>Restriction</i>
Rule 2.7	Access to documents	Subject to any Practice Note issued by the President
Rule 8.8	Appeal Books	

Part 3 General

- 1 Orders under the following legislation as provided –
 - Evidence Act 1995
 - section 50 (proof of voluminous or complex documents)
 - section 168 (2), (4) or (7) (time limits for making certain requests)
 - section 169 (1) (a), (b) or (d) (failure or refusal to comply with requests)
 - Making a finding as to:
 - (a) whether a reasonable request has been made under section 167 of the Evidence Act within the time prescribed by section 168 (1), (3), (5) or (6) of that Act and
 - (b) whether a party has, without reasonable cause, failed or refused to comply with such a request
 - Evidence on Commission Act 1995
 - sections 6 (ordering evidence to be taken abroad)
 - section 7 (directions on procedure about overseas evidence)
 - section 20 (ordering evidence to be taken outside NSW)
 - section 21 (directions on procedure about interstate evidence)
 - Service and Execution of Process Act 1992 (Commonwealth)
 - section 29 (granting leave to serve a subpoena or summons outside NSW)
 - section 30 (1) (shortening time for service of a subpoena)
 - section 35 (3) (receipt of expenses of complying with a subpoena)
 - section 45 (3) (receipt of expenses of complying with an order to produce)
- 2 Any judgment by consent and any order by consent.
- 3 Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.
- 4 Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
- 5 On any matter remitted by the Court or Commission, where the only question for hearing is the amount to be recovered and costs.
- 6 On any matter remitted by the Court or Commission, where the only question for hearing is the matter of costs.
- 7 Accepting an undertaking or the continuation of an undertaking, given to the Court.
- 8 A registrar may exercise the functions of the Court or Commission for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act under any other provision of the rules or under this direction.
- 9 Call-overs, directions hearings, readiness hearings, pre-hearing conferences, the recording of pleas and setting matters down before the Court or Commission.
- 10 Issuing summons for production or to attend and give evidence.
- 11 The return of summons for production.

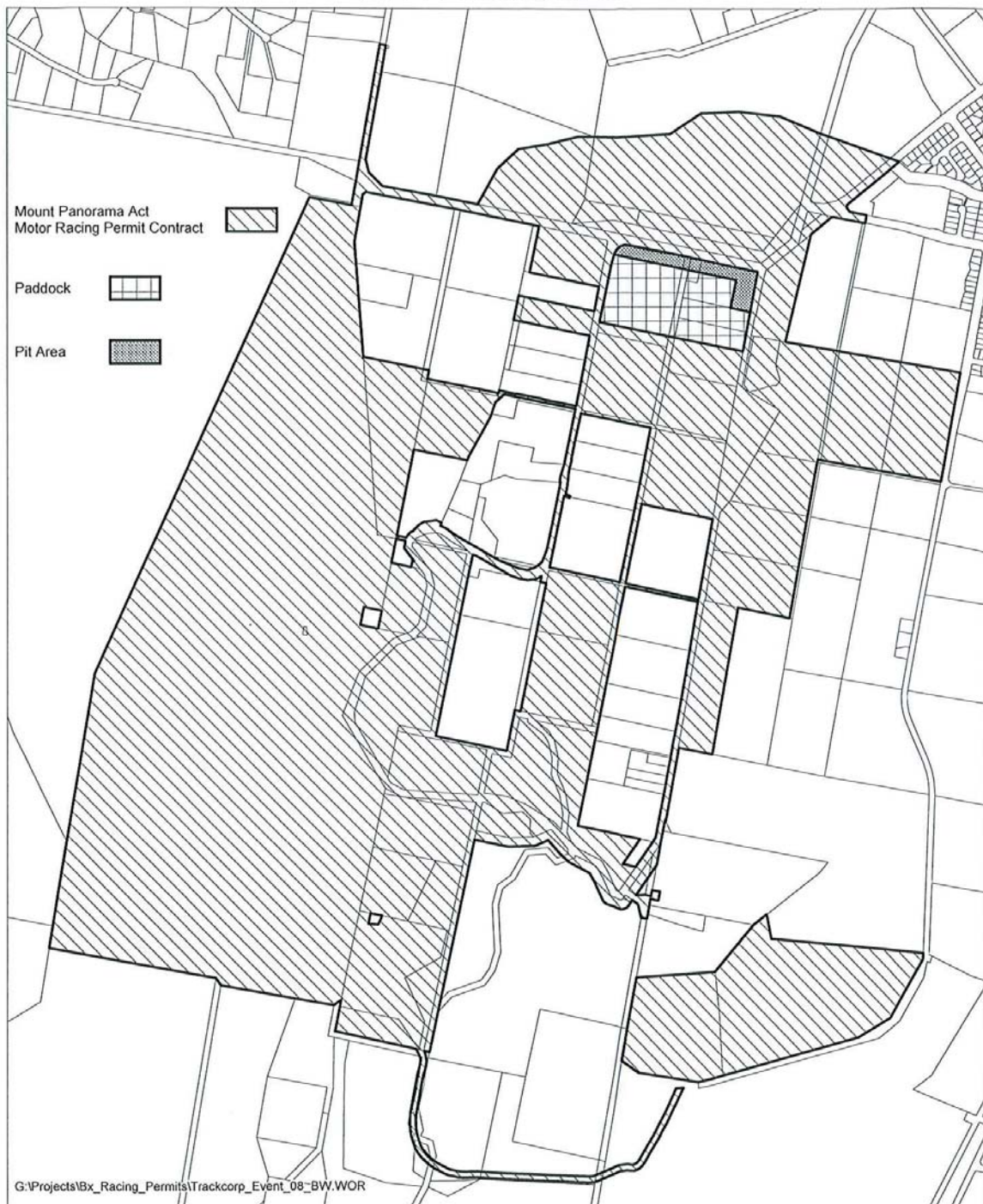
MOUNT PANORAMA MOTOR RACING ACT 1989

Conduct of Motor Racing and Associated Events
Mount Panorama

IN pursuance of the provisions of section 4 of the Mount Panorama Motor Racing Act 1989, I declare that the lands, as shown by hatching on the diagram hereunder, shall constitute the Mount Panorama Circuit for the purpose of motor racing, practice and associated events during the period 12 February to 14 February 2010, both dates inclusive.

KEVIN GREENE, M.P.,
Minister for Gaming and Racing
and Minister for Sport and Recreation

BATHURST REGIONAL COUNCIL
Mt Panorama Circuit
Bathurst 12HR Event
12-14 February 2010



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Bathurst Regional Council expressly disclaims all liability for errors or omissions of any kind whatsoever, or any loss, damage or o consequence which may arise from any person relying on information in this Plan.

Date 07/01/2008

Note: The colours on this Plan do not indicate zones under the Bathurst Local Enviromental Plan 1997.

Department of Lands

FREEDOM OF INFORMATION ACT 1989
Section 14 (1) (b) and (3)
SUMMARY OF AFFAIRS
of the
MOSMAN MUNICIPAL COUNCIL
FOI Agency No. 2176

SECTION 1 – POLICY DOCUMENTS

- 1.1 The following documents are available for inspection by members of the public free of charge during ordinary office hours, i.e. Monday to Friday, 8.30 am to 5.00 pm. Selected documents are also available on Council's website at www.mosman.nsw.gov.au:

Policies

- Access to Information Policy
- Applications Processing
- Art Gallery – Acquisitions Policy
- Art Gallery – Education/Public Programs Policy
- Art Gallery – Exhibition Policy
- Asset Management Policy
- Asset Management Strategy
- Audit Charter
- Audit Committee Charter
- Balmoral Beach – Product Promotion on Council Land
- Bushcare Policy
- Certificate Processing
- Code of Conduct
- Code of Conduct for Members of Community Groups
- Code of Conduct for Volunteers
- Code of Meeting Practice
- Community Engagement Strategy
- Community Groups Code of Conduct
- Complaints Handling Policy
- Conducting Charitable Collections, Sale of Raffle Tickets, Busking, Canvassing, Promotions and Conducting Protests on Council Land
- Confined Spaces Policy
- Corporate Sponsorship Policy
- Council Community Transport Buses – Non HACC usage
- Council Meeting – Service of Alcohol
- Customer Response Policy
- Debt Recovery Policy
- Delegations Manual
- Enforcement Policy
- Environmental Sustainability Policy
- Equal Employment Opportunity Policy
- Fees – Protection of the Environment Operations Act
- Financial Assistance Policy
- Food Safety Compliance and Enforcement Policy
- Footpath Occupations
- Gathering Information
- Graffiti Policy
- Guarantee of Service
- Hazardous Substances Policy
- HIV and Hepatitis B Policy
- Illegal Tree Poisoning – Shrouding
- Internet and Email Use Policy
- Investment Policy
- Lease and Sale of Council Owned Land
- Light Traffic Thoroughfares Policy
- Local Approvals – Appeals to Land and Environment Court
- Management of Aggressive Native Birds
- Management of Waste in Public Places
- Manual Handling Policy
- Memorial Trees/Seats – Donation of
- Mosman Council Policy Register
- Mosman Village Markets Policy

- Mosman Village Markets Wet Weather Arrangements
- No Stopping Restriction at Intersections
- Parks and Garden Policy
- Payment of Expenses and Provision of Facilities to Mayor and Councillors
- Personal Trainers – Licencing
- Pesticide Use Notification Plan
- Poultry – keeping of
- Pricing Policy (Schedule of Fees and Charges)
- Privacy and Personal Information Protection Act 1998 – Privacy Management Plan
- Procurement Policy
- Protected Disclosure Act 1994 – Internal Reporting System
- Protocol for Provision of information to and Interaction between Councillors and Staff
- Protocol Guidelines for the Flying of Flags
- Pruning of Trees on Public Land
- Public Art Policy
- Records and Information Management
- Rehabilitation Policy
- Resident Parking Scheme
- Risk Management Action Plan
- Risk Management Policy
- School Activities on Reserves
- Significant Rock Faces and Retaining Walls
- Signs as Remote Supervision
- Smoking in Public Places – Management of
- Special Event Management – Policy Statement and Operations Manual
- Sporting Fields – Use and Maintenance of
- Statement of Business Ethics
- Statement of Values
- Stormwater Management in Mosman
- Street Parties
- Street Verge/Nature Strip Maintenance Policy
- Temporary Access to Private Property Across Council Reserves
- Tertiary Study Assistance Program
- Trees – Removal from Public Land
- Universal Declaration of Human Rights
- Universal Declaration of Human Rights Policy
- Urban Forest Policy
- Workplace Grievance – Policy and Procedures on Handling
- Workplace Harassment Policy

Local Environment Plan

- Mosman Local Environmental Plan 1998
- Map – Bushfire Prone Lands
- Map – Foreshore Protection and Acid Sulfate Soils
- Map – Heritage Conservation
- Map – Wetlands
- Map – Zoning

Development Control Plans

- Exempt and Complying Development Control Plan
- Mosman Business Centres Development Control Plan (BCDCP)
- Notifications Development Control Plan
- Queenwood Sites Development Control Plan
- Residential Development Control Plan (RDCP)
- Transport Development Control Plan
- Warringah Bowling Club Child Care Centre Development Control Plan
- 2 Illawarra Street Development Control Plan
- 647-653 Military Road Development Control Plan

Section 94 Contributions

- Section 94 – S.94 Contributions Plan
- Section 94A – S.94A Contributions Plan
- S.94A Cost Summary Report (Development cost less than \$1,200,000)
- S.94A Cost Summary Report (Development costs of \$1,200,000 or more)

Plans of Management

- Balmoral Reserves Plan of Management
- Bathers' Pavilion Plan of Management

- Clifton Gardens Management Framework
- Environmental Plan of Management
- Mosman Park Plan of Management
- Natural Areas (Bushland) Plan of Management
- Parks Plan of Management
- Rawson Park Plan of Management

Heritage Brochures/Studies

- A Guide to Traditional Fence Styles in Mosman
- Aboriginal Heritage Study of the Mosman Local Government
- Belmont and Cabramatta Roads – Conservation Area Study
- Belmont and Cabramatta Roads – Ranking Map
- Boronia and Surrounds, Mosman. Conservation Management Plan – Volume 1: Historical Analysis
- Boronia and Surrounds, Mosman. Conservation Management Plan – Volume 2: Historical Analysis
- Boronia and Surrounds, Mosman. Conservation Management Plan – Volume 3: Historical Analysis
- Conservation and Architectural Guidelines for Residential Properties
- Design in Context: Guidelines for Infill Development in the Historic Environment
- Fact Sheet – Mosman Heritage: Carports and Garages
- Fact Sheet – Mosman Heritage: Dwelling House Additions
- Fact Sheet – Mosman Heritage: Front Fences
- Fact Sheet – Mosman Heritage: Painting
- Fences and Folly Features Report – Part 1
- Fences and Folly Features Report – Part 2
- Glover Street – Conservation Area Study
- Military Road Photographic Survey – May/June 2006
- Mosman's Architectural Heritage – by Robert Staas
- Mosman's Local Heritage Assistance Fund brochure
- Mosman Heritage Review 2007
- Mosman: History of its Harbour
- Public Domain Improvement Program for Spit and Mosman Junction Shopping Centres

Maps – Conservation Areas

- Bradleys Head Road Conservation Area
- Holt Estate Conservation Area
- Keston Avenue conservation Area
- Killarney Estate Conservation Area
- Lang Street conservation Area
- Military Road Conservation Area
- Orlando Conservation Area
- Raglan Street Conservation Area
- Shadforth Street Conservation Area
- The Crescent Conservation Area
- Upper Avenue Road Conservation Area

Reports

- Annual Report
- Annual Financial Reports
- Auditors' Report
- State of the Environment Report

Plans

- Cultural Plan
- EEO Management Plan
- Environmental Management Plan
- Environmental Planning Instruments, development control plans made under Section 74C of the Environmental Planning and Assessment Act 1979 applying to land within the Council's area
- Governance Plan
- Greenhouse Gas Reduction Plan
- Local Solutions to Local Crime and Safety Issues, a Collaborative Management Plan with Harbourside Local Area Command
- Management Plan, MOSPLAN (comprising strategic, delivery and operational plans and incorporating Budget and Pricing Policy)
- Plans of Land proposed to be compulsorily acquired by Council
- Plans of Management for Community Land
- Social/Community Plan
- Sustainable Purchasing Action Plan

Registers

- Council's Land Register
- Records of Building Certificates
- Register of Delegations
- Register of Investments
- Register of Planning Decisions
- Returns as to candidates' campaign donations
- Returns of the interests of Councillors, designated persons and delegates

Other

- Agendas and business papers for Council and Committee Meetings (but not including until the relevant date determined under Section 10E of the Local Government Act 1993, business papers for matters considered when a meeting is closed to the public)
- Any Codes referred to in the Local Government Act
- Applications under Part 1 of Chapter 7 (Local Government Act) for approval to erect a building, and associated documents
- Community Engagement Strategy
- Community Environmental Contract (CEC) Report
- Development Applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- Guarantee of Service
- How to Set Up a Childcare Centre in Mosman
- Leases and licences for use of public land classified as community land
- Statement of Affairs, the Summary of Affairs and the Register of Policy documents required under the Freedom of Information Act 1989
- Minutes of Council and Committee Meetings, but restricted until the relevant date determined under Section 10E of the Local Government Act 1993 (in the case of any part of a meeting that is closed to the public) to the recommendations of the meeting
- Management of Waste in Public Spaces – Local Approvals Policy
- Management of Stormwater in Mosman
- Mosman and Spit Junctions Parking Study 2008
- Register of business papers and minutes referred to in Section 10E(6)
- SEPP 1 Register (State Environmental Planning Policy No. 1 – Development Standards)
- Statement of Business Ethics

Council has copies of these documents available for taking away either free of charge or on payment of charges prescribed in Council's Pricing Policy.

The following databases are also available on Council's website:

- Community Information directory provides information on all organisations in the Mosman local government area and beyond.
- Community Portrait of Mosman compared with Sydney (based on 2001 Census)

1.2 Documents produced by Council and available for sale:

- Local Environmental Plans
- Development Control Plans
- State of the Environment Report
- Organisations Manual
- Management Plan (MOSPLAN)
- Stormwater Pollution Control Code
- Contract Tender Documents
- Special Event Management Policy Statement/Operations Manual
- Building returns
- Building Service Corporation (Contracts)
- Bathers' Pavilion and its surrounds Plan of Management
- Mosman Plan of Management for Parks
- Mosman Plan of Management for Natural Bushland
- Plan of Management for Balmoral Reserves
- Public Domain Improvement Program for Spit and Mosman Junction Shopping Centres
- Rawson Park and Surrounds Plan of Management
- Recreational Needs Assessment Study 2000 (Suter and Assoc)
- Mosman Section 94 Development Contributions Plan 2006
- Mosman Section 94A Development Contributions Plan 2006
- Section 94 Contributions Plan Open Space
- Public Register under Provisions of Environmental Operations Act (1997)
- Stormwater Pollution Control Code
- Comprehensive Origin and Destination Survey (ERM 2000)
- Belmont and Cabramatta Roads Conservation Area Study

- Clifton Gardens Plan of Management
- Conservation and Architectural Guidelines
- Glover Street Heritage Assessment
- Mosman's Architectural Heritage
- Mosman Park Plan of Management (draft)

SECTION 2 – STATEMENT OF AFFAIRS

The most recent Statement of Affairs was published as at 30 June 2009.

SECTION 3 – CONTACT ARRANGEMENTS

Enquiries regarding Freedom of Information matters or access to documents may be directed to Mr Max Glyde, Director Corporate Services who has been appointed as Council's Public Officer as follows:

Mr Max Glyde
Public Officer
Mosman Municipal Council
PO Box 211
Spit Junction NSW 2088
Telephone: 9978 4000

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

GREAT LAKES COUNCIL

Roads Act 1993, Section 162
Roads (General) Regulation 2000
Naming of Roads

NOTICE is hereby given that Great Lakes Council, pursuant to the aforementioned Act and Regulation, has named the roads described hereunder.

<i>Description</i>	<i>Name</i>
The public road currently named Daunts Lane, Stroud, which runs in an easterly direction approximately 4km from the start of Mill Creek Road, Stroud, is to be renamed Watergum Lane. The road name Watergum Lane is also extended over the right of carriageway which runs along the frontage of Lot 4, DP 705710 for approximately 100m.	Watergum Lane, Stroud.

KEITH O'LEARY, General Manager, Great Lakes Council, Breese Parade, Forster NSW 2428. [5062]

LAKE MACQUARIE CITY COUNCIL

Naming of Roads

LAKE MACQUARIE CITY COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993 and Part 2 Division 2 Clause 9 Roads Regulations 2008 it has named the following roads

<i>Location / Description</i>	<i>Proposed Road Name</i>
Subdivision of Lot 127, DP 270485 at Jetty Point Drive Murrays Beach Road Names for future stages at Murrays Beach. (Appropriate suffixes for road names will be determined at subdivision stage) Origin of Names: Nautical and Water Activities, Flora & Fauna	Silver Gull Lane, Cormorant Way, Cast Off, Whiting, Ballast, Rudder, Seamist, Tiller, Hawks Nest, Cool Breeze, Freshwater, Boat House, Catamaran, Crows Nest, Ketch, Lure, Grinder, Masthead, Sea Rider, Wake Rider, Mooring, Buoy, Dock, Oar, Leeboard, Boom, Whitewater, Stern, Gunwale, Kayak, Freeboard, Canoe, Bow, Cruiser, Freestyle, Riviera, Reel, Wallaby, Gecko, Cicada, Seagrass, Stringybark, Possum, Blue Tongue, Frogmouth, Goanna, Willie Wagtail, Swallow

No objections to the proposed names were received within the advertising period. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906 Hunter Region Mail Centre NSW 2310. [5063]

SHELLHARBOUR CITY COUNCIL

Heritage Act 1977

Interim Heritage Order No. 1 of 2010

UNDER section 25 of the Heritage Act 1977, Shellharbour City Council does by this order:

- I. make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- II. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

BRIAN WEIR, General Manager, Shellharbour City Council, Shellharbour, 3 February 2010.

SCHEDULE 'A'

The property known as 'Safari House' situated at Warilla on the land described in Schedule 'B'.

SCHEDULE 'B'

The piece or parcel of land known as Lot C, DP 406934, 119 Little Lake Crescent, Warilla. [5064]

THE HILLS SHIRE COUNCIL

Roads Act 1993, Section 39

NOTICE is hereby given that The Hills Shire Council closes the temporary road being the land described in the schedule below under Section 39 of the Roads Act 1993. General Manager, The Hills Shire Council, 129 Showground Road, Castle Hill NSW 2154.

SCHEDULE

All that piece or parcels of land known as Lot 254 in DP 1012892 in The Hills Shire Council, Parish of Castle Hill, County of Cumberland, and as described in Folio Identifier 254/1012892. [5065]

UPPER LACHLAN SHIRE COUNCIL

Naming of Road

UPPER LACHLAN SHIRE COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993, the road name "Hewitts Lane" has been adopted (Ordinary Council Meeting 21 January 2010, Resolution Number 21/10). "Hewitts Lane" was formerly a Crown Road. It is 1.265km long and it extends from Grabben Gullen Road (MR52 North) at the southern boundary of Lot 2 of DP 2433561 and ends at the north western corner of Lot 212 of DP 754115. J. K. BELL, General Manager, Upper Lachlan Shire Council, PO Box 10, Crookwell NSW 2583. [5066]

WINGECARRIBEE SHIRE COUNCIL

Section 10, Roads Act 1993

Notice of Dedication of Land as Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as road. JASON R. GORDON, General Manager, Wingecarribee Shire Council Elizabeth Street (PO Box 141), Moss Vale NSW 2577. (Ref: RD1519, RD1615, PN233400).

SCHEDULE

All those pieces or parcels of land situated at Bowral in the Parish of Mittagong, County of Camden, shown in Deposited Plan 1141651 being 12.10 square metres of road widening, at corner Bowral and Station Streets, Bowral. [5067]

WOOLLAHRA MUNICIPAL COUNCIL

Notification of Dedication as a Public Road

ON 2 November 2009, Woollahra Municipal Council resolved to dedicate the land as a public road in accordance with section 16 of the Roads Act 1993.

Description

The residue land comprised in Certificate of Title Volume 1283, Folio 101, at Farnworth Lane, Point Piper, Parish of Alexandria and County of Cumberland.

Note: On dedication, title for the land will remain vested in Woollahra Municipal Council as operational land.

Dated: 29 January 2010.

GARY JAMES, Woollahra Municipal Council, PO Box 61, Double Bay NSW 1360. [5068]

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