



New South Wales

Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated Rivers Water Sources 2025

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

Minister for Water

Contents

Part 1	Introduction	4
1	Name of Plan	4
2	Commencement	4
3	Water sources to which Plan applies	4
4	Management zones to which Plan applies	5
5	Extraction management units established by Plan—the Act, s 20(2)(a)	6
6	Interpretation	6
7	Maps	6
Part 2	Vision, objectives, strategies and performance indicators.....	7
8	Vision statement—the Act, s 35(1)(a)	7
9	Objectives of Plan—the Act, s 35(1)(b)	7
10	Strategies for reaching objectives—the Act, s 35(1)(c)	7
11	Performance indicators—the Act, s 35(1)(d)	8
11A	Monitoring and evaluation	8
Part 3	Requirements for water	9
Division 1	Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b) 9	
12	Domestic and stock rights	9
13	Native title rights	10
14	Harvestable rights.....	10
Division 2	Requirements for water for extraction under access licences.....	10
15	Share components of access licences in the water sources—the Act, s 20(1)(c)10	
Part 4	Limits to the availability of water.....	14
Division 1	Available water determinations—the Act, s 20(2)(b)	14
16	Available water determinations	14
Division 2	Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)	14
Subdivision 1	Preliminary	14
17	Operation of Division—the Act, s 8	14
18	Definitions	14
Subdivision 2	LTAAEL and SDL	15
19	Establishment of LTAAEL.....	15
20	Calculation of annual extraction	16
21	Assessment of compliance with LTAAEL	16
22	Establishment of SDL	17
23	Calculation of annual permitted take and annual actual take.....	17
24	Assessment of compliance with SDL	17
25	Compliance with LTAAEL and SDL.....	17
Part 5	Rules for granting and managing access licences—the Act, s 20(2)(b) 19	
26	Specific purpose access licences.....	19
27	Management of access licences	19
27A	Rules for access licences intending to protect water from extraction	20
Part 6	Operation of water allocation accounts and managing access licences 21	

Division 1 Preliminary.....	21
28 Operation of Part—the Act, s 8	21
Division 2 Accounting for water allocation accounts—the Act, s 21(c)	21
29 Water allocation account debiting	21
30 Carryover of water remaining in water allocation account	22
Division 3 Flow classes	22
31 Flow classes for specified water sources and management zones—the Act, s 21(a)	22
32 Minister may determine flow classes in certain circumstances.....	22
Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a) 22	
33 General.....	22
34 Specific access rules	23
35 Exceptions	28
Part 7 Construction and use of water supply works—the Act, s 21(b)	29
36 Application of Part	29
37 In-river dams.....	29
38 Wetlands.....	30
38A Additional prohibitions on construction of certain water supply works	31
Part 8 Access licence dealing rules—the Act, s 20(1)(d).....	32
39 Conversion of access licence to new category dealings	32
40 Assignment of rights dealings	32
41 Amendment of share component dealings—change of water source	34
42 Amendment of extraction component dealings	36
43 Assignment of water allocations dealings	37
44 Interstate access licence transfer prohibited	42
45 Interstate assignment of water allocations dealings prohibited	42
46 Prohibited nominations of water supply works dealings.....	42
Part 9 Mandatory conditions—the Act, s 17(c).....	44
Division 1 General	44
47 Definitions	44
Division 2 Access licences.....	44
48 General conditions.....	44
49 Record-keeping conditions	44
Division 3 Water supply work approvals	44
50 General conditions.....	44
51 Record-keeping conditions	44
Part 10 Amendment of this Plan—the Act, s 17(d).....	46
52 Amendments	46
Schedule 1 Flow classes	49
Schedule 2 Access licences exempt from specified access rules	50
Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement.....	52
Schedule 4 Dictionary.....	60

Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated Rivers Water Sources 2025

under the

Water Management Act 2000

Part 1 Introduction

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

1 Name of Plan

This Plan is the *Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated Rivers Water Sources 2025*.

2 Commencement

This Plan commences on 1 July 2025.

3 Water sources to which Plan applies

(1) This Plan applies to the following water sources (***the water sources***) identified on the Plan Map, being water sources within the Central West Water Management Area—

- (a) Backwater Boggy Cowal Water Source,
- (b) Bell River Water Source,
- (c) Bulbodney Grahway Creek Water Source,
- (d) Burrendong Dam Tributaries Water Source,
- (e) Campbells River Water Source,
- (f) Coolbaggie Creek Water Source,
- (g) Cooyal Wialdra Creek Water Source,
- (h) Ewenmar Creek Water Source,
- (i) Fish River Water Source,
- (j) Goolma Creek Water Source,
- (k) Lawsons Creek Water Source,
- (l) Little River Water Source,
- (m) Lower Bogan River Water Source,
- (n) Lower Macquarie River Water Source,
- (o) Lower Talbragar River Water Source,
- (p) Macquarie River above Burrendong Water Source,
- (q) Marra Creek Water Source,
- (r) Marthaguy Creek Water Source,
- (s) Maryvale Geurie Creek Water Source,
- (t) Molong Creek Water Source,
- (u) Piambong Creek Water Source,

- (v) Pipeclay Creek Water Source,
 - (w) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (x) Summerhill Creek Water Source,
 - (y) Turon Crudine River Water Source,
 - (z) Upper Bogan River Water Source,
 - (za) Upper Cudgegong River Water Source,
 - (zb) Upper Talbragar River Water Source,
 - (zc) Wambangalong Whylandra Creek Water Source, and
 - (zd) Winburndale Rivulet Water Source.
- (2) The water sources include all surface water.
- (3) The water sources do not include water to which the following water sharing plans apply—
- (a) the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*,
 - (b) the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*.

Note— Under the Act, section 57A(4), water taken from the floodplain for a regulated river water source under a floodplain harvesting access licence is treated as having been taken from the regulated river water source.

4 Management zones to which Plan applies

The following water sources are divided into the following management zones shown on the Plan Map—

- (a) Bulbodney Grahway Creek Water Source—
 - (i) Bulbodney Grahway Management Zone,
 - (ii) Lower Nyngan Weir Pool Management Zone, and
 - (iii) Upper Nyngan Weir Pool Management Zone,
- (b) Campbells River Water Source—
 - (i) Campbells River Downstream Management Zone, and
 - (ii) Campbells River Tributaries Management Zone,
- (c) Lower Macquarie River Water Source—
 - (i) Binghi Management Zone
 - (ii) Carinda Management Zone
 - (iii) Gum Cowal Management Zone, and
 - (iv) Lower Macquarie River Upstream Management Zone,
- (d) Macquarie River above Burrendong Water Source—
 - (i) Macquarie River above Bathurst Management Zone,
 - (ii) Macquarie River between Bathurst and Evans Plains Creek Management Zone, and
 - (iii) Macquarie River Tributaries Management Zone,

- (e) Marthaguy Creek Water Source—
 - (i) Lower Marthaguy Creek Management Zone, and
 - (ii) Upper Marthaguy Creek Management Zone,
- (f) Queen Charlottes Vale Evans Plains Creek Water Source—
 - (i) Queen Charlottes Vale Evans Plains Creek Downstream Management Zone, and
 - (ii) Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone,
- (g) Upper Cudgegong River Water Source—
 - (i) Cudgegong River Downstream Management Zone, and
 - (ii) Cudgegong River Upstream Management Zone.

5 Extraction management units established by Plan—the Act, s 20(2)(a)

[Not applicable]

6 Interpretation

- (1) The **Dictionary** in Schedule 4 defines words used in this Plan.
Note— The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.
- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.
Note— The following maps are available on the Department's website—
 - (a) the Plan Map,
 - (b) the WSP Prescribed Wetlands Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision statement—the Act, s 35(1)(a)

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

- (a) the health and enhancement of the water sources and their water-dependent ecosystems,
- (b) the continuing productive extraction of water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities resulting from water.

9 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to maintain, and where possible, improve water quality within target ranges for the water sources to support water-dependent ecosystems and social, cultural and economic values.

10 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) on average, reserve all water in excess of each long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
 - (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
 - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources,
 - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply,
 - (f) restrict or prevent water supply work approvals for in-river dams on third or higher order streams within specified water sources,
 - (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
 - (h) provide a stable and predictable framework for sharing water among water users,
 - (i) provide for flexibility of access to water,

- (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
 - (k) provide for water associated with Aboriginal cultural values and uses,
 - (l) restrict the take of water to protect Active Environmental Water.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

11 Performance indicators—the Act, s 35(1)(d)

The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—

- (a) the ecological condition of the water sources,
- (b) economic benefits,
- (c) Aboriginal cultural benefits,
- (d) social and cultural benefits,
- (e) water quality condition

11A Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan's objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 31 December 2026, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

Part 3 Requirements for water

Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 8,648 ML/year distributed as follows—

- (a) 120 ML/year in the Backwater Boggy Cowal Water Source,
- (b) 513 ML/year in the Bell River Water Source,
- (c) 171 ML/year in the Bulbodney Grahway Creek Water Source,
- (d) 786 ML/year in the Burrendong Dam Tributaries Water Source,
- (e) 340 ML/year in the Campbells River Water Source,
- (f) 133 ML/year in the Coolbaggie Creek Water Source,
- (g) 321 ML/year in the Cooyal Wialdra Creek Water Source,
- (h) 135 ML/year in the Ewenmar Creek Water Source,
- (i) 469 ML/year in the Fish River Water Source,
- (j) 164 ML/year in the Goolma Creek Water Source,
- (k) 251 ML/year in the Lawsons Creek Water Source,
- (l) 439 ML/year in the Little River Water Source,
- (m) 201 ML/year in the Lower Bogan River Water Source,
- (n) 87 ML/year in the Lower Macquarie River Water Source,
- (o) 510 ML/year in the Lower Talbragar River Water Source,
- (p) 375 ML/year in the Macquarie River above Burrendong Water Source,
- (q) 78 ML/year in the Marra Creek Water Source,
- (r) 217 ML/year in the Marthaguy Creek Water Source,
- (s) 157 ML/year in the Maryvale Geurie Creek Water Source
- (t) 153 ML/year in the Molong Creek Water Source,
- (u) 346 ML/year in the Piambong Creek Water Source,
- (v) 149 ML/year in the Pipeclay Creek Water Source,
- (w) 290 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (x) 348 ML/year in the Summerhill Creek Water Source,
- (y) 493 ML/year in the Turon Crudine River Water Source,
- (z) 432 ML/year in the Upper Bogan River Water Source,
- (za) 190 ML/year in the Upper Cudgegong River Water Source,
- (zb) 352 ML/year in the Upper Talbragar River Water Source,
- (zc) 189 ML/year in the Wambalong Whylandra Creek Water Source, and
- (zd) 239 ML/year in the Winburndale Rivulet Water Source.

13 Native title rights

The requirement for water to satisfy native title rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including—

- (a) the native title determination for Ngemba Ngiyampaa, Wangaaypuwan and Wayilwan People, National Native Title Tribunal reference NCD2024/002,
- (b) any other determination of native title, and
- (c) any indigenous land use agreement.

Note— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

Division 2 Requirements for water for extraction under access licences

15 Share components of access licences in the water sources—the Act, s 20(1)(c)

- (1) On the commencement of this Plan, the share components of domestic and stock access licences (other than domestic and stock access licences of the subcategory ‘town water supply’) are estimated to be a total of 1,412 ML/year distributed as follows—
 - (a) 18 ML/year in the Backwater Boggy Cowal Water Source,
 - (b) 200 ML/year in the Bell River Water Source,
 - (c) 74 ML/year in the Bulbodney Grahway Creek Water Source,
 - (d) 5 ML/year in the Burrendong Dam Tributaries Water Source,
 - (e) 38 ML/year in the Campbells River Water Source,
 - (f) 12 ML/year in the Coolbaggie Creek Water Source,
 - (g) 26 ML/year in the Cooyal Wialdra Creek Water Source,
 - (h) 41 ML/year in the Ewenmar Creek Water Source,
 - (i) 30 ML/year in the Fish River Water Source,
 - (j) 53 ML/year in the Lawsons Creek Water Source,
 - (k) 32 ML/year in the Little River Water Source,
 - (l) 112 ML/year in the Lower Bogan River Water Source,
 - (m) 68 ML/year in the Lower Macquarie River Water Source,
 - (n) 24 ML/year in the Lower Talbragar River Water Source,
 - (o) 53 ML/year in the Macquarie River above Burrendong Water Source,
 - (p) 15 ML/year in the Marra Creek Water Source,
 - (q) 28 ML/year in the Marthaguy Creek Water Source,
 - (r) 2 ML/year in the Maryvale Geurie Creek Water Source,
 - (s) 183 ML/year in the Molong Creek Water Source,
 - (t) 14 ML/year in the Piambong Creek Water Source,

- (u) 28 ML/year in the Pipeclay Creek Water Source,
 - (v) 36 ML/year in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (w) 143 ML/year in the Summerhill Creek Water Source,
 - (x) 12 ML/year in the Turon Crudine River Water Source,
 - (y) 46 ML/year in the Upper Bogan River Water Source,
 - (za) 65 ML/year in the Upper Cudgegong River Water Source,
 - (zb) 22 ML/year in the Wambalong Whylandra Creek Water Source,
 - (zc) 32 ML/year in the Winburndale Rivulet Water Source, and
 - (zd) 0 ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of domestic and stock (subcategory 'town water supply') access licences are estimated to be a total of 2,455 ML/year distributed as follows—
- (a) 795 ML/year in the Bell River Water Source,
 - (b) 111 ML/year in the Cooyal Wialdra Creek Water Source,
 - (c) 15 ML/year in the Fish River Water Source,
 - (d) 102 ML/year in the Little River Water Source,
 - (e) 400 ML/year in the Molong Creek Water Source,
 - (f) 32 ML/year in the Upper Bogan River Water Source,
 - (g) 1,000 ML/year in the Winburndale Rivulet Water Source, and
 - (h) 0 ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 29,124 ML/year distributed as follows—
- (a) 1,324 ML/year in the Bulbodney Grahway Creek Water Source,
 - (b) 17,500 ML/year in the Macquarie River above Burrendong Water Source,
 - (c) 7,800 ML/year in the Summerhill Creek Water Source,
 - (d) 2,500 ML/year in the Upper Cudgegong River Water Source, and
 - (e) 0 ML/year in all other water sources.
- (4) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 15,876 ML/year distributed as follows—
- (a) 15,876 ML/year in the Fish River Water Source, and
 - (b) 0 ML/year in all other water sources.
- (5) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 111,667 unit shares distributed as follows—
- (a) 2,609 unit shares in the Backwater Boggy Cowal Water Source,
 - (b) 7,138 unit shares in the Bell River Water Source,
 - (c) 4,942 unit shares in the Bulbodney Grahway Creek Water Source,
 - (d) 572 unit shares in the Burrendong Dam Tributaries Water Source,
 - (e) 2,058 unit shares in the Campbells River Water Source,

- (f) 454 unit shares in the Coolbaggie Creek Water Source,
 - (g) 618 unit shares in the Cooyal Wialdra Creek Water Source,
 - (h) 1,249 unit shares in the Ewenmar Creek Water Source,
 - (i) 2,153 unit shares in the Fish River Water Source,
 - (j) 1,443 unit shares in the Lawsons Creek Water Source,
 - (k) 2,131 unit shares in the Little River Water Source,
 - (l) 3,145 unit shares in the Lower Bogan River Water Source,
 - (m) 42,142 unit shares in the Lower Macquarie River Water Source,
 - (n) 2,227 unit shares in the Lower Talbragar River Water Source,
 - (o) 8,194 unit shares in the Macquarie River above Burrendong Water Source,
 - (p) 297 unit shares in the Marra Creek Water Source,
 - (q) 10,900 unit shares in the Marthaguy Creek Water Source,
 - (r) 637 unit shares in the Maryvale Geurie Creek Water Source,
 - (s) 5,022 unit shares in the Molong Creek Water Source,
 - (t) 911 unit shares in the Piambong Creek Water Source,
 - (u) 418 unit shares in the Pipeclay Creek Water Source,
 - (v) 1,889 unit shares in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (w) 3,634 unit shares in the Summerhill Creek Water Source,
 - (x) 316 unit shares in the Turon Crudine River Water Source,
 - (y) 1,583 unit shares in the Upper Bogan River Water Source,
 - (za) 3,882 unit shares in the Upper Cudgegong River Water Source,
 - (zb) 370 unit shares in the Upper Talbragar River Water Source,
 - (zc) 141 unit shares in the Wambangalong Whylandra Creek Water Source,
 - (zd) 592 unit shares in the Winburndale Rivulet Water Source, and
 - (ze) 0 unit shares in all other water sources.
- (6) On the commencement of this Plan, the share components of unregulated river (regulated supply – local water utility) access licences are estimated to be a total of 1,200 ML/year distributed as follows—
- (a) 1,200 ML/year in the Bulbodney Grahway Creek Water Source, and
 - (b) 0 unit shares in all other water sources.
- (7) On the commencement of this Plan, the share components of unregulated river (regulated supply) access licences are estimated to be a total of 68,917 ML/year distributed as follows—
- (a) 4,150 ML/year in the Bulbodney Grahway Creek Water Source,
 - (b) 63,836 ML/year in the Ewenmar Creek Water Source,
 - (c) 931 ML/year in the Lower Bogan River Water Source, and
 - (d) 0 ML/year in all other water sources.

- (8) On the commencement of this Plan, the share components of unregulated river (special additional high flow) access licences are estimated to be a total of 44,501 unit shares distributed as follows—
- (a) 2,212 unit shares in the in the Bulbodney Grahway Creek Water Source,
 - (b) 39,029 unit shares in the Lower Bogan River Water Source,
 - (c) 3,078 unit shares in the Lower Macquarie River Water Source,
 - (d) 182 unit shares in the Upper Bogan River Water Source, and
 - (e) 0 unit shares in all other water sources.
- (9) On the commencement of this Plan, the share components of unregulated river (town water supply) access licences are estimated to be a total of 600 ML/year distributed as follows—
- (a) 600 ML/year in the Bulbodney Grahway Creek Water Source, and
 - (b) 0 ML/year in all other water sources.

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

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for major utility licences—100%,
 - (d) for unregulated river access licences—1 ML/unit share,
 - (e) for the following subcategories of unregulated river access licences—
 - (i) unregulated river (regulated supply – local water utility) access licences—100%
 - (ii) unregulated river (regulated supply) access licences—100%
 - (f) for unregulated river (special additional high flow) access licences—1 ML/unit share.
- (3) This section is subject to section 25.

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

5-year average extraction means the average of the annual extractions calculated for the most recent 5 consecutive water years for the water sources.

annual extraction means the estimated volume of water taken from the water source for the water year—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights, or
- (c) for the purposes of plantation forestry, or
- (d) for the purposes of floodplain harvesting, other than under an access licence.

average annual extraction means the average volume of water taken each year calculated over a defined period.

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

LTADEL means the long-term average annual extraction limit established by section 19.

numeric LTADEL means an LTADEL expressed as a number of megalitres or gigalitres.

plantation forestry means a commercial plantation, as defined in the Basin Plan.

reduced available water determination means available water determinations of a sum that is less than the amount specified in section 16(2) for the category of licence for which the determination is made.

SDL means the long-term average sustainable diversion limit established by section 22.

Subdivision 2 LTADEL and SDL

19 Establishment of LTADEL

- (1) The LTADEL is the sum of the following within the water sources—
 - (a) an estimate of the average annual extraction under entitlements under the *Water Act 1912*, Part 2 between 1 July 1993 and 30 June 1999,
 - (b) an estimate of the annual water requirements for basic landholder rights at the commencement of the *Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012*,
 - (c) the estimated annual take of water from the water sources by plantation forestry that existed on 30 June 2009,
 - (d) an estimate of the annual average extraction for the purposes of floodplain harvesting between 1 July 1993 and 30 June 1999,and does not include extraction under entitlements and unregulated river access licences with the following subcategories—
 - (e) unregulated river (regulated supply – local water utility) access licences,
 - (f) unregulated river (regulated supply) access licences.
- (2) By 31 December 2026, the Minister is to—
 - (a) determine a numeric LTADEL, for the purpose of facilitating the assessment of compliance with the LTADEL under section 21,
 - (b) in the course of determining a numeric LTADEL, request the Natural Resources Commission to provide advice on the method used to establish the numeric LTADEL, and
 - (c) publish that numeric LTADEL.

- (3) Following the determination and publication of a numeric LTAAEL, the Minister may amend this Plan to replace the LTAAEL (as established under subsection (1)) with that numeric LTAAEL.
- (4) By year 5 of this Plan, the Minister is to review the numeric LTAAEL to determine whether that LTAAEL ensures a sustainable level of take (the **sustainable LTAAEL review**).
- (5) In carrying out the sustainable LTAAEL review, the Minister is to consider the following, among any other matters the Minister considers relevant—
 - (a) the protection of water sources and their dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,
 - (c) future climate projections, including likely bounds of climate change impact within the terms of this Plan,
 - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes.
- (6) The Minister is to request the Natural Resources Commission to provide advice on the sustainable LTAAEL review method during the review process, and to also review its findings.
- (7) By year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*, clause 83(4).
- (8) By 31 December 2031, unless, by 30 September 2031, the Minister and the Minister for the Environment agree on an extension of that date, the Minister may amend this Plan in the following circumstances—
 - (a) to give effect to the findings of the sustainable LTAAEL review, provided that, if the review of the *Basin Plan 2012* has been completed, the Minister has also considered the outcomes of the review of the *Basin Plan 2012* and any associated changes to the sustainable diversion limits,
 - (b) on the basis of the consideration of the review described in subsection (7), for the purpose of ensuring that the rules in the Plan consider and adapt to climate change.

Note— The LTAAEL is taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

20 Calculation of annual extraction

As soon as practicable after the end of a water year, the annual extraction for the water sources must be calculated.

21 Assessment of compliance with LTAAEL

- (1) As soon as practicable after the end of a water year, the 5-year average extraction for the water sources must be compared against the LTAAEL.
- (2) There is non-compliance with a LTAAEL if the 5-year average extraction exceeds the LTAAEL by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water sources is the part of the long-term average sustainable diversion limit for the Macquarie-Castlereagh Sustainable Diversion Limit Resource Unit established by the Basin Plan that, in the Minister's opinion, applies to the water sources.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

23 Calculation of annual permitted take and annual actual take

- (1) After the end of a water year, the annual permitted take and annual actual take of water for the water year must be calculated for the water sources to which the Plan applies in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water sources, and
 - (b) a reference to the water accounting period in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water year.
- (3) In this section—
annual actual take and **annual permitted take** have the same meaning as they have in the Basin Plan, section 6.10.

24 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the long-term annual diversion limit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the SDL for the water sources, and
 - (b) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water sources.
- (3) There is non-compliance with the SDL in the circumstances set out in the Basin Plan, Chapter 6, Part 4, Division 2.

25 Compliance with LTAAEL and SDL

- (1) This section applies if—
 - (a) there is non-compliance with the LTAAEL for the water sources, or
 - (a) there is non-compliance with the SDL for the water sources.
- (2) In the water year occurring immediately after a non-compliance is assessed (the **next water year**), reduced available water determinations of less than 1 ML/unit share must be made for at least one or both of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an unregulated river (special additional high flow) access licence equal to 80% of the available water determinations for unregulated river access licences.
- (3) Reduced available water determinations must be made to the extent necessary—
 - (a) for non-compliance with a LTAAEL—to return the 5 year-average extraction to be calculated at the end of that water year to the LTAAEL, and

- (b) otherwise—to ensure compliance with a SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.

Note— The Minister may, at any time, make available water determinations, in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under clause 6.12 (5) of the Basin Plan.

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

26 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
 - (a) unregulated river (regulated supply – local water utility) access licence but only for the purpose of taking water ordered from a regulated river water source under a local water utility access licence and then transferred to the unregulated river water source,
 - (b) unregulated river (regulated supply) access licence but only for the purpose of taking water ordered from a regulated river water source under a regulated river (high security) access licence or a regulated river (general security) access licence and then transferred to the unregulated river water source.

Note— A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).

- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10 ML/year, and
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.

- (4) In this section—

Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

27 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.

- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

27A Rules for access licences intending to protect water from extraction

- (1) A licence holder may notify the Minister of the licence holder's intent to have water that would otherwise be permitted to be taken under that access licence protected from extraction.
- (2) The licence holder must make, and the Minister must assess, a notification under subclause (3) in accordance with the Active Management Procedures Manual defined in section 34.
- (3) The water allocation account of an access licence referred to in subsection (3) is to be debited by an amount determined by the Minister, in accordance with the Active Management Procedures Manual.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

28 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–4—commits water as planned environmental water by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met, and
- (c) in Divisions 3–4—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Accounting for water allocation accounts—the Act, s 21(c)

Note— The *Water Management (General) Regulation 2018*, clause 17, also includes provisions regarding the debiting of water allocation accounts.

29 Water allocation account debiting

Minister's Note— Orange City Council's raw water system takes water from multiple extraction points, and then pumps or otherwise moves the water to be stored in Suma Park Dam. Without changes to the Plan, this water which is already extracted, accounted and charged to Orange City Council will need to be accounted again as it is extracted from Suma Park Dam. For water that has already been extracted somewhere else this would introduce double accounting, that is accounting for the same water take multiple times. This has implications for the calculation of annual extraction and could cause the long-term average annual extraction limit (LTAAEL) to be exceeded, triggering a growth in use response to bring extraction into compliance. It also would result in a substantial increase in cost to Orange City Council in additional water charges which is a perverse outcome.

DCCEEW Water is currently exploring possible solutions which may include changes to water sharing rules. Water taken by Orange City Council and then subsequently stored in Suma Park Dam to be extracted again should only be counted once. Any changes to the accounting rules for Orange City Council should not have a negative impact on other water users or the environment. It is anticipated that the required changes will be incorporated into the replacement plan which is expected to commence 1 July 2025.

- (1) The volume of water debited from the water allocation account of domestic and stock access licences, local water utility access licences, major utility access licences, and unregulated river access licences must not be more than the relevant sum during a period of 3 consecutive water years.

- (2) In this section—

debited means taken, assigned under the Act, section 71T, or otherwise debited or withdrawn from a water allocation account.

relevant sum means the sum of the following—

- (a) the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
- (b) the water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (c) the water allocations recredited to the water allocation account under the Act, section 76.

30 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) of an unregulated river (special additional high flow) access licences access licence —must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year, up to an amount equal to the following—
 - (i) for access licences with share components expressed as ML/year—100% of the share component,
 - (ii) for access licences with share components expressed as a number of unit shares—1ML/unit share.

Division 3 Flow classes

31 Flow classes for specified water sources and management zones—the Act, s 21(a)

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, the flow class applies when the water source or management zone flow meets the flow specified under the flow class threshold for the water source or management zone as observed at the flow reference point specified.

32 Minister may determine flow classes in certain circumstances

- (1) If the Minister is satisfied accurate flow data is not available from a gauge used to determine a flow class, the Minister may determine the flow class.
- (2) If the Minister determines a flow class, the Minister must cause a notice to be published on the Department's website specifying the following—
 - (a) the flow class or flow class threshold determined by the Minister,
 - (b) the water source and management zone, if any, to which the flow class applies,
 - (c) the day on which the flow class applies.
- (3) In determining the flow class, the Minister may consider the following—
 - (a) evidence of past and current flows,
 - (b) readings at other functioning upstream and downstream gauges.
- (4) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a)

Note— Discretionary conditions may also be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

33 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water would be taken, except from the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool,

- (c) an in-river dam pool.
- (2) Surface water must not be taken from—
 - (a) an in-river pool that is below full capacity, or
 - (b) an off-river pool that is below full capacity, or
 - (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam pool.

34 Specific access rules

- (1) Surface water must not be taken from the following water sources or management zones if flows are in the Very Low Flow Class—
 - (a) Carinda Management Zone,
 - (b) Cudgegong River Upstream Management Zone,
 - (c) Lower Bogan River Water Source,
 - (d) Lower Macquarie River Upstream Management Zone,
 - (e) Lower Marthaguy Creek Management Zone, and
 - (f) Macquarie River Tributaries Management Zone.
- (2) Surface water must not be taken under the following access licences when flow at the Summerhill Creek at Third Crossing (421197) is equal to or less than 2 ML/day—
 - (a) 34898,
 - (b) 34846, and
 - (c) 34875.
- (3) Surface water must not be taken under an access licence with a share component that specifies the Ewenmar Creek Water Source if there is no visible flow in Ewenmar Creek at the Oxley Highway Bridge.
- (4) Surface water must not be taken under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water source when the water level is at or below 50% of the full capacity of Lower Nyngan Weir Pool. For the purposes of this subsection, the Minister may determine a water level at the telemetric gauge on the Bogan River at Nyngan (421138) that is to be considered equivalent to 50% of the full capacity of Lower Nyngan Weir Pool.
- (5) Surface water must not be taken under an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management zone in the Bulbodney Grahway Creek Source when the water level in the Upper Nyngan Weir Pool is 70 centimetres or more below the concrete sill of Upper Nyngan Weir.
- (6) Surface water must not be taken under an access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source following a period where take was prohibited under subsections (3) or (4) unless—
 - (a) there is a visible flow in the Bogan River at Neurie Plains gauge (421039), and
 - (b) water has spilled over Lower Nyngan Weir.

- (7) Surface water must not be taken under an unregulated river (regulated supply – local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that specifies the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source unless—
- (a) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source,
 - (b) the licence holder has ordered water under that access licence to be delivered to the unregulated river water source specified in the share component of an—
 - (i) unregulated river (regulated supply – local water utility) access licence, or
 - (ii) unregulated river (regulated supply) access licence, and
 - (c) the volume of water taken is less than or equal to 70% of the volume of water ordered.
- (8) Surface water must not be taken under an unregulated river (regulated supply – local water utility) access licence or an unregulated river (regulated supply) access licence with an extraction component that does not specify the Lower Nyngan Weir Pool Management Zone or the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source unless—
- (a) the licence also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source,
 - (b) has ordered water under that access licence to be delivered to the unregulated river water source specified in the share component of an—
 - (i) unregulated river (regulated river supply – local water utility) access licence, or
 - (ii) unregulated river (regulated supply) access licence, and
 - (c) the volume of water taken is less than or equal to the volume of water ordered.
- (9) Surface water must not be taken under an access licence with an extraction component that specifies one of the following management zones when the volume of water in Chifley Dam water storage is at or below 35% at the storage gauge at Chifley Dam (site number 563008)—
- (a) the Campbells River Downstream Management Zone in the Campbells River Water Source, or
 - (b) the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source.
- (10) Surface water must not be taken under an access licence with an extraction component that specifies one of the following management zones when the volume of water in Chifley Dam water storage is at or below 45% capacity at the storage gauge at Chifley Dam (site number 563008)—
- (a) the Campbells River Downstream Management Zone in the Campbells River Water Source, or
 - (b) the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- unless it is during a 24-hour period starting at 18:00 on an even-numbered calendar day.

- (11) Surface water must not be taken from replenishment flows made according to clause 84 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any relevant replacement plan) under an access licence other than a domestic and stock access licence with a share component or extraction component that specifies—
- (a) the Backwater Boggy Cowal Water Source,
 - (b) the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (c) the Upper Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (d) the Lower Bogan River Water Source,
 - (e) the Lower Macquarie River Water Source,
 - (f) the Marra Creek Water Source, or
 - (g) the Marthaguy Creek Water Source.
- (12) Surface water must not be taken from flows resulting from releases made according to clause 75 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016* (or any relevant replacement plan) under an access licence with a share component that specifies—
- (a) the Ewenmar Creek Water Source,
 - (b) the Lower Bogan River Water Source,
 - (c) the Lower Macquarie River Water Source,
 - (d) the Marra Creek Water Source, or
 - (e) the Marthaguy Creek Water Source.
- (13) Surface water must not be taken under an access licence with an extraction component that specifies the Binghi Management Zone of the Lower Macquarie River Water Source if the flow at—
- (a) Macquarie River at Brewon gauge (421907) is equal to or less than 50 ML/day three days prior, and
 - (b) Castlereagh River at Gungahlin gauge (420020) is equal to or less than 50 ML/day three days prior, and
 - (c) Barwon River at Boorooma gauge (422026) is equal to or less than 5,500 ML/day.
- (14) Surface water must not be taken under a major utility access licence from the Duckmaloi River in the Fish River Water Source unless flow at the Duckmaloi Weir (421188) is 3 ML/day or more.
- (15) Surface water must not be taken under an access licence which nominates a water supply work located within the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source if the water supply work approval permits that work to be operated in association with an excavation with the following dimensions or as varied by the Minister under section 38A(2)—
- (a) a depth greater than 1m, and
 - (b) a base area that is greater than 4 square metres.

- (16) Surface water must not be taken under an unregulated river (special additional high flow) access licence with an extraction component that specifies the Bulbodney Grahway Creek Water Source if the flow at the Bogan River at Neurie Plains gauge (421039) is less than or equal to 635 ML/day.
- (17) Surface water must not be taken under an unregulated river (special additional high flow) access licence with an extraction component that specifies the Lower Bogan River Water Source under the following circumstances—
 - (a) if the flow at the Bogan River at Gongolgon gauge (421023) is less than or equal to 160 ML/day, and
 - (b) if the flow at the Bogan River at the Monkey Bridge gauge (421158) is less than or equal to 300 ML/day.
- (18) Surface water must not be taken under an unregulated river (special additional high flow) access licence with an extraction component that specifies the Lower Macquarie River Water Source if the flow at the Macquarie River at Carinda gauge (421012) is less than or equal to 245 ML/day.
- (19) Surface water must not be taken under an unregulated river (special additional high flow) access licence with an extraction component that specifies the Upper Bogan River Water Source if the flow at the Bogan River at Neurie Plains gauge (421039) is less than or equal to 635 ML/day.
- (20) Surface water must not be taken under an access licence or water supply work approval specified in Schedule 3 in contravention of the specified cease-to-take condition.
- (21) Surface water must not be taken from an in-river dam pool under a replacement access licence in the following circumstances—
 - (a) the in-river dam pool was created by a structure authorised by a water supply work approval,
 - (b) flows or storage levels of the in-river dam pool are at or less than the flows or storage levels at which water could not be taken under the entitlement from which the replacement access licence arose.
- (22) Surface water must not be taken from an in-river dam pool to which a replacement approval applies unless the in-river dam pool is passing—
 - (a) the flows that were specified in the entitlement from which the replacement approval arose, or
 - (b) if no such flows were specified, such flows as are determined by the Minister.
- (23) The Minister may announce, for a specified period, that surface water must not be taken under a specified access licence from the following management zones—
 - (a) Gum Cowal Management Zone,
 - (b) Lower Macquarie River Upstream Management Zone,
 - (c) Carinda Management Zone,
 - (d) Binghi Management Zone,
 - (e) Lower Marthaguy Creek Management Zone,if the Minister has determined and announced, in accordance with the Active Management Procedures Manual, that there is only planned environmental water

resulting from the access rules specified in section 34 of this Plan and Active Environmental Water present in that management zone.

- (24) If the Minister has not made an announcement under subsection (23), the Minister may, in accordance with the Active Management Procedures Manual, announce a maximum amount of surface water permitted to be taken under a specified access licence from a management zone listed in subsection (23) for a specified period if it is for the purpose of protecting the extraction of planned environmental water resulting from the access rules specified in section 34 of this Plan and Active Environmental Water.
- (25) In this section –

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

- (a) held environmental water flowing from a water source that is upstream of the following locations—
 - (i) Binghi Management Zone,
 - (ii) Carinda Management Zone,
 - (iii) Gum Cowal Management Zone,
 - (iv) Lower Macquarie River Upstream Management Zone,
 - (v) Lower Marthaguy Creek Management Zone.
- (b) active environmental water as defined in the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* that causes backflows in the following locations—
 - (i) Binghi Management Zone, and
 - (ii) Carinda Management Zone.
- (c) releases made according to clause 75 of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*,
- (d) a notification by a licence holder to the Minister of the licence holder's intention to protect the water from extraction under section 27A(1).

Active Management Procedures Manual means the manual that must be prepared by the Minister and published on the Department's website that includes, but is not limited to the following—

- (a) the means for identifying and determining Active Environmental Water on any given day,
- (b) the requirements for access licence holders intending to protect water from extraction to notify the Minister under section 27A(1),
- (c) the means for assessing a notification and determining the amounts to be debited from access licence water allocation accounts under sections 27A(2) and (3),
- (d) the means for determining and announcing the presence of planned environmental water and Active Environmental Water under subsections (23) and (24).
- (e) the means for announcing the water permitted to be taken under an access licence under subsection (23) and (24),

- (f) any other matter the Minister considers relevant.

entitlement, replacement access licence and **replacement approval** have the same meaning as in the Act, Schedule 10.

35 Exceptions

- (1) Section 33(2)(a) and (b) does not apply to the take of surface water from an in-river pool or off-river pool subject to a cease-to-take condition that permits the taking of water when the pool is below full capacity.
- (2) Section 34(5) does not apply to the take of surface water under an access licence where—
 - (a) the licence holder is a member of the Albert Priest Channel Association,
 - (b) the licence holder also holds an access licence with a share component that nominates the Macquarie and Cudgegong Regulated Rivers Water Source,
 - (c) the licence holder has ordered water under that access licence to be delivered to the Lower Nyngan Weir Pool or Upper Nyngan Weir Pool via the Albert Priest Channel,
 - (d) the volume of water taken is less than or equal to 80% of the volume of water ordered, and
 - (e) the water is taken within 30 days of the delivery of the water to Upper Nyngan Weir Pool.
- (3) Sections 33 and 34 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A, if no more than 20 kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
 - (c) from a runoff harvesting dam,
 - (d) under an access licence specified in Schedule 2, Table B,
 - (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned.

Part 7 Construction and use of water supply works—the Act, s 21(b)

Note— An approval must not be granted in contravention of this Part—see the Act, section 95(3). An application to amend an approval relating to additional uses, works, activities or land must be assessed and determined in the same way as an application for a new approval, but only in relation to the additional uses, works, activities or land—see the Act, section 107(5). This does not affect works that can be constructed pursuant to a basic landholder right.

36 Application of Part

- (1) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.
- (2) In this Part—
replacement water supply work means a water supply work that—
 - (a) replaces an existing water supply work authorised by a water supply work approval (the replaced water supply work), and
 - (b) is constructed and used to extract water from the same water source as the replaced water supply work, and
 - (c) is, in the Minister's opinion, the same size or smaller than the replaced water supply work, and
 - (d) is located within 20m of the replaced water supply work, or
 - (e) is not located within 20m of the replaced water supply work and, in the Minister's opinion, is not likely to—
 - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, or
 - (ii) adversely affect the ability of another person to take water using an existing water supply work.

37 In-river dams

- (1) An in-river dam must not be constructed within the following water sources—
 - (a) Backwater Boggy Cowal Water Source,
 - (b) Bell River Water Source,
 - (c) Bulbodney Grahway Creek Water Source,
 - (d) Burrendong Dam Tributaries Water Source,
 - (e) Campbells River Water Source,
 - (f) Coolbaggie Creek Water Source,
 - (g) Cooyal Wialdra Creek Water Source,
 - (h) Ewenmar Creek Water Source,
 - (i) Fish River Water Source,
 - (j) Goolma Creek Water Source,
 - (k) Lawsons Creek Water Source,
 - (l) Little River Water Source,
 - (m) Lower Bogan River Water Source,

- (n) Lower Macquarie River Water Source,
 - (o) Lower Talbragar River Water Source,
 - (p) Macquarie River above Burrendong Water Source,
 - (q) Marra Creek Water Source,
 - (r) Marthaguy Creek Water Source,
 - (s) Maryvale Geurie Creek Water Source,
 - (t) Molong Creek Water Source,
 - (u) Piambong Creek Water Source,
 - (v) Pipeclay Creek Water Source,
 - (w) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (x) Summerhill Creek Water Source,
 - (y) Turon Crudine River Water Source,
 - (z) Upper Bogan River Water Source,
 - (aa) Upper Talbragar River Water Source,
 - (bb) Wambangalong Whylandra Creek and
 - (cc) Winburndale Rivulet Water Source.
- (2) This section does not apply to—
- (a) a water supply work that replaces an existing water supply work where—
 - (i) the existing water supply work is authorised by a water supply work approval, and
 - (ii) the replacement water supply work is to be constructed to impound water from the same water source and the same location as the existing water supply work,
 - (b) a water supply work to be used for town water supply purposes,
 - (c) a water supply work in the Fish River Water Source where the water supply work approval is to Water NSW in connection with the Fish River water supply scheme and, in the Minister's opinion, there will be no more than minimal impacts on, but not limited to—
 - (i) Bathurst City Council's water supplies and inflows into Burrendong Dam, and
 - (ii) environmental values throughout the water source, noting high in-stream, environmental values in Duckmaloi Creek.

38 Wetlands

- (1) A water supply work must not be constructed within the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—
- (a) within 3km upstream of, or within, a declared Ramsar wetland,
 - (b) within a significant wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.

38A Additional prohibitions on construction of certain water supply works

- (1) A water supply work must not be constructed or used if, in the Minister's opinion, the work is being used or is proposed to be used to take water in the Queen Charlottes Vale Evans Plains Creek Downstream Management Zone if the work involves an excavation with—
 - (a) a depth greater than 1m, and
 - (b) a base area greater than 4 square metres.
- (2) The size restrictions specified in (1) may be varied if the Minister is satisfied that permitting an excavation of a larger size would result in no greater impact on the Queen Charlottes Vale Evans Plains Creek Water Source and its dependent ecosystems.

Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Note— The access licence dealing principles established by the Access Licence Dealing Principles Order 2004 prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

39 Conversion of access licence to new category dealings

Dealings under the Act, section 71O, are prohibited.

Note— The Access Licence Dealing Principles Order 2004, clause 11, regulates dealings under the Act, section 71O, including with respect to conversion factors.

40 Assignment of rights dealings

- (1) The following assignment of rights under the Act, section 71Q, in the same water source are prohibited—
 - (a) an assignment from an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source to an access licence that nominates a water supply work in that same location,
 - (b) an assignment from an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source to an access licence with an extraction component that specifies the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (c) an assignment from an access licence with an extraction component that specifies a management zone in the Campbells River Water Source to an access licence with an extraction component that specifies a different management zone in the Campbells River Water Source,
 - (d) an assignment from an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone, the Carinda Management Zone or the Binghi Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source,
 - (e) an assignment from an access licence with an extraction component that specifies the Gum Cowal Management Zone, the Carinda Management Zone or the Binghi Management Zone in the Lower Macquarie River Water Source to an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
 - (f) an assignment from an access licence with an extraction component that specifies the Gum Cowal Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Gum Cowal Management Zone upstream of the water supply work nominated by that access licence, and
 - (g) an assignment from an access licence with an extraction component that specifies the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source to another access licence which nominates a water supply work located in the Lower Macquarie River Upstream Management Zone upstream of the water supply work nominated by that access licence.
 - (h) an assignment from an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management zone in the Macquarie River

- above Burrendong Water Source to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (i) an assignment from an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source to an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
 - (j) an assignment an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source to an access licence that nominates a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,
 - (k) an assignment from an access licence with an extraction component that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence with an extraction component that specifies another management zone in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (l) an assignment from an access licence that does not nominate a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (m) an assignment from an access licence that does not nominate a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source to an access licence that nominates a water supply work located within the Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source, and
 - (n) an assignment from an access licence that does not nominate a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source to an access licence that nominates a water supply work located on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source.
- (2) An assignments of rights under the Act, section 71Q, is prohibited if it is an assignment between water sources in the same water management area from an access licence in a water source to which this Plan does not apply.
- (3) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment to an access licence that nominates a water supply work—
- (a) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (b) within a WSP prescribed wetland,
- unless the assignment is from an access licence that nominates a water supply work—
- (c) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (d) within the same WSP prescribed wetland.
- (4) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment from an unregulated river (special additional high flow) access licence to an access licence that specifies a different management zone or water source,

- (5) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment from an unregulated river (special additional high flow) access licence in the Lower Bogan River Water Source to another unregulated river (special additional high flow) access licence in the same water source unless that access licence has a zero share component.

41 Amendment of share component dealings—change of water source

- (1) The following dealings under the Act, section 71R are prohibited—
- (a) the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies,
 - (b) any dealing involving an unregulated river (special additional high flow) access licence,
 - (c) the granting of an access licence with a share component that specifies one of the following water sources—
 - (i) Backwater Boggy Cowal Water Source, if it would cause the sum of share components in the water source to exceed 3,021 ML,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,
 - (xiii) Pipeclay Creek Water Source,
 - (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source, or
 - (xx) Winburndale Rivulet Water Source,
 - (d) the cancellation of an access licence to grant an access licence that specifies the Bell River Water Source, unless—
 - (i) the new access licence does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and
 - (ii) the share component of the cancelled access licence specified the Molong Creek Water Source,

- (e) the cancellation of an access licence to grant an access licence that specifies the Bulbodney Grahway Creek Water Source, unless—
 - (i) the extraction component of the new access licence specifies the Bulbodney Grahway Management Zone, and
 - (ii) the share component of the cancelled access licence specified the Lower Bogan River Water Source or the Upper Bogan River Water Source,
- (f) the cancellation of an access licence to grant an access licence with a share component that specifies the Burrendong Dam Tributaries Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Macquarie River above Burrendong Water Source,
 - (iv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (v) Summerhill Creek Water Source,
 - (vi) Turon Crudine River Water Source,
 - (vii) Winburndale Rivulet Water Source,
- (g) the cancellation of an access licence to grant an access licence with a share component that specifies the Campbells River Water Source, unless—
 - (i) the extraction component of the new access licence specifies the Campbells River Downstream Management Zone, and
 - (ii) the extraction component of the cancelled access licence specified the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (h) the cancellation of an access licence to grant an access licence with a share component that specifies the Lower Bogan River Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Upper Bogan River Water Source,
- (i) the cancellation of an access licence to grant an access licence with a share component that specifies the Lower Macquarie River Water Source, unless—
 - (i) the extraction component of the new access licence specifies the Carinda Management Zone or the Binghi Management Zone,
 - (ii) the share component of the cancelled access licence specified the Marthaguy Creek Water Source,
- (j) the cancellation of an access licence to grant an access licence with a share component that specifies the Lower Talbragar River Water Source, unless—
 - (i) the access licence only nominates a water supply work located on the main trunk of the Talbragar River, and
 - (ii) the share component of the cancelled access licence specified the Upper Talbragar River Water Source,

- (k) the cancellation of an access licence to grant an access licence with an extraction component that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Campbells River Water Source,
 - (ii) Fish River Water Source,
 - (iii) Queen Charlottes Vale Evans Plain Creek Water Source,
 - (iv) Summerhill Creek Water Source,
 - (v) Turon Crudine River Water Source,
 - (vi) Winburndale Rivulet Water Source,
- (l) the cancellation of an access licence to grant an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source, unless the extraction component of the cancelled access licence specified the Campbells River Downstream Management Zone in the Campbells River Water Source,
- (m) the cancellation of an access licence to grant an access licence with a share component that specifies the Marthaguy Creek Water Source, unless the extraction component of the cancelled access licence specified the Gum Cowal Management Zone, the Carinda Management Zone or the Binghi Management Zone in the Lower Macquarie River Water Source,
- (n) the cancellation of an access licence to grant an access licence with a share component that specifies the Upper Bogan River Water Source, unless the share component of the cancelled access licence specified one of the following water sources—
 - (i) Bulbodney Grahway Creek Water Source,
 - (ii) Lower Bogan River Water Source.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with the Act, section 71R, does not carry over the extraction component from the cancelled access licence.

42 Amendment of extraction component dealings

The following dealings under the Act, section 71S(1)(b), are prohibited—

- (a) the extraction component of an access licence being amended to specify an area or location being within, or within 3km upstream of, a declared Ramsar wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within, or within 3km upstream of, the same declared Ramsar wetland,
- (b) the extraction component of an access licence being amended to specify an area or location being within a WSP prescribed wetlands an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within the same WSP prescribed wetland,

- (c) the extraction component of an unregulated river (special additional high flow) access licence being amended to specify a different management zone,
- (d) the extraction component of an access licence that specifies a management zone in the Campbells River Water Source being amended to specify another management zone in the same water source,
- (e) the extraction component of an access licence that specifies the Bulbodney Grahway Management Zone in the Bulbodney Grahway Creek Water Source being amended to specify the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the same water source,
- (f) the extraction component of an access licence that specifies the Lower Macquarie River Upstream Management Zone, the Carinda Management Zone or the Binghi Management Zone in the Lower Macquarie River Water Source being amended to specify the Gum Cowal Management Zone in the same water source,
- (g) the extraction component of an access licence that specifies the Gum Cowal Management Zone, the Carinda Management Zone or the Binghi Management Zone in the Lower Macquarie River Water Source being amended to specify the Lower Macquarie River Upstream Management Zone in the same water source,
- (h) the extraction component of an access licence that specifies the Macquarie River between Bathurst and Evans Plains Creek Management Zone or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water source being amended to specify the Macquarie River above Bathurst Management Zone in the same water source, or
- (i) the extraction component of an access licence that specifies the Queen Charlottes Vale Evans Plains Creek Tributaries Management Zone in the Queen Charlottes Vale Evans Plains Creek Water Source being amended to specify another management zone in the same water source.

Note— The *Access Licence Dealing Principles Order 2004*, clause 16, regulates dealings under the Act, section 71S(1)(a).

43 Assignment of water allocations dealings

The following assignments of water allocations under the Act, section 71T, are prohibited—

- (a) an assignment from an access licence with an extraction component that specifies a management zone to an access licence with an extraction component that specifies a different management zone in the same water source as follows—
 - (i) from the Bulbodney Grahway Management Zone to the Upper Nyngan Weir Pool Management Zone or the Lower Nyngan Weir Pool Management Zone in the Bulbodney Grahway Creek Water Source,
 - (ii) from one management zone to another in the Campbells River Water Source,
 - (iii) from the Lower Macquarie River Upstream Management Zone, the Carinda Management Zone or the Binghi Management Zone to the Gum Cowal Management Zone in the Lower Macquarie River Water Source,
 - (iv) from the Gum Cowal Management Zone, the Carinda Management Zone or the Binghi Management Zone to the Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source, or

- (v) from the Macquarie River between Bathurst and Evans Plains Creek Management zone or the Macquarie River Tributaries Management Zone to the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source,
- (b) an assignment from an access licence with an extraction component that specifies one of the following management zones to another access licence which nominates a water supply work located upstream of the water supply work nominated by that access licence—
 - (i) Gum Cowal Management Zone in the Lower Macquarie River Water Source, or
 - (ii) Lower Macquarie River Upstream Management Zone in the Lower Macquarie River Water Source,
- (c) an assignment from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the same location—
 - (i) upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
 - (ii) upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,
- (d) an assignment from an access licence in a different water source to an access licence that nominates a water supply work located in the following water sources—
 - (i) Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
 - (ii) Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source, or
 - (iii) On the pool created by Rylstone Dam in the Upper Cudgegong River Water Source,
- (e) an assignment from an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source to an access licence that does nominate a water supply work in the same location,
- (f) an assignment from an access licence that does not nominates a water supply work located upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source to an access licence that does nominate a water supply work in the same location,
- (g) an assignment from an access licence in a water source to which this Plan does not apply,
- (h) an assignment to an access licence that nominates a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a WSP prescribed wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or

- (iv) within the same WSP prescribed wetland,
- (i) an assignment from an unregulated river (special additional high flow) access licence to an access licence in another category, management zone, or water source,
- (j) an assignment from an unregulated river (special additional high flow) access licence with a share component that specifies the Lower Bogan River Water Source to another unregulated river (special additional high flow) access licence in the same water source unless that access licence has a zero share component,
- (k) an assignment to an access licence in the following water sources from a different water source—
 - (i) Backwater Boggy Cowal Water Source, if it would cause the sum of share components in the water source to exceed 3,021 ML,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cooyal Wialdra Creek Water Source,
 - (iv) Ewenmar Creek Water Source,
 - (v) Fish River Water Source,
 - (vi) Goolma Creek Water Source,
 - (vii) Lawsons Creek Water Source,
 - (viii) Little River Water Source,
 - (ix) Marra Creek Water Source,
 - (x) Maryvale Geurie Creek Water Source,
 - (xi) Molong Creek Water Source,
 - (xii) Piambong Creek Water Source,
 - (xiii) Pipeclay Creek Water Source,
 - (xiv) Queen Charlottes Vale Evans Plains Creek Water Source,
 - (xv) Summerhill Creek Water Source,
 - (xvi) Turon Crudine River Water Source,
 - (xvii) Upper Cudgegong River Water Source,
 - (xviii) Upper Talbragar River Water Source,
 - (xix) Wambangalong Whylandra Creek Water Source,
 - (xx) Winburndale Rivulet Water Source,
- (l) an assignment of water allocation to an access licence with a share component specifying a management zone or water source in Column 1 of Table 1, unless the assignment meets the circumstances outlined in the corresponding row in Column 2 of Table 1—

Table 1—Assignment of allocations dealings

Column 1	Column 2
Water source or management zone	Conditions
Bell River Water Source	unless the assignment—

	i. is to an access licence that does not nominate a water supply work located upstream of the confluence of Molong Creek and the Bell River, and ii. is from an access licence with a share component that specifies the Molong Creek Water Source.
Bulbodney Grahway Creek Water Source	unless the assignment— i. is to an access licence with an extraction component that specifies the Bulbodney Grahway Management Zone, and ii. is from an access licence with a share component that specifies the Lower Bogan River Water Source or the Upper Bogan River Water Source.
Burrendong Dam Tributaries Water Source	unless the assignment is from an access licence that specifies one of the following water sources— i. Campbells River Water Source, ii. Fish River Water Source, iii. Macquarie River above Burrendong Water Source, iv. Queen Charlottes Vale Evans Plains Creek Water Source, v. Turon Crudine River Water Source, vi. Summerhill Creek Water Source, or vii. Winburndale Rivulet Water Source.
Campbells River Water Source	unless the assignment— i. is to an access licence with an extraction component that specifies the Campbells River Downstream Management Zone, and ii. is from an access licence with an extraction component that specifies the Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source.

Lower Bogan River Water Source	unless the assignment is from an access licence specifying one of the following water sources— i. Bulbodney Grahway Creek Water Source, ii. Upper Bogan River Water Source.
Lower Macquarie River Water Source	unless the assignment— i. is to an access licence with an extraction component that specifies the Carinda Management Zone or the Binghi Management Zone, and ii. is from an access licence with a share component that specifies the Marthaguy Creek Water Source.
Lower Talbragar River Water Source	unless the assignment— i. is to an access licence that nominates a water supply work located on the main trunk of the Talbragar River, and ii. is from an access licence with a share component that specifies the Upper Talbragar River Water Source.
Macquarie River between Bathurst and Evans Plains Creek Management or the Macquarie River Tributaries Management Zone in the Macquarie River above Burrendong Water Source	unless the assignment is from an access licence that specifies one of the following water sources— i. Campbells River Water Source, ii. Fish River Water Source, iii. Queen Charlottes Vale Evans Plain Creek Water Source, iv. Turon Crudine River Water Source, v. Summerhill Creek Water Source, vi. Winburndale Rivulet Water Source.
Macquarie River above Bathurst Management Zone in the Macquarie River above Burrendong Water Source	unless the assignment is from an access licence that specifies the Campbells River Downstream Management Zone in the Campbells River Water Source.
Marthaguy Creek Water Source	unless the assignment is from an access licence that specifies the Gum Cowal Management Zone, the Carinda Management Zone or the Binghi

	Management Zone in the Lower Macquarie River Water Source.
Upper Bogan River Water Source	unless the assignment is from an access licence that specifies one of the following water sources— i. Bulbodney Grahway Creek Water Source, ii. Lower Bogan River Water Source.

44 Interstate access licence transfer prohibited

Dealings under the Act, section 71U, are prohibited.

45 Interstate assignment of water allocations dealings prohibited

Dealings under the Act, section 71V, are prohibited.

46 Prohibited nominations of water supply works dealings

The following dealings under the Act, section 71W, are prohibited—

- (a) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply,
- (b) an access licence being amended to nominate a water supply work located in a different management zone,
- (c) an access licence being amended to nominate a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a WSP prescribed wetland,
 unless the access licence being amended nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same WSP prescribed wetland,
 and, in the Minister's opinion there will be no more than minimal harm to the wetland concerned.
- (d) an access licence which nominates a water supply work specifying the following locations being amended to nominate a water supply work on a different lot and DP located upstream of the water supply work originally nominated—
 - (i) Gum Cowal Management Zone in the Lower Macquarie River Water Source, or
 - (ii) Lower Macquarie River Upstream Management Zone
- (e) an access licence that does not nominate a water supply work in the following locations being amended to nominate a water supply work in those same locations—
 - (i) upstream of the confluence of Molong Creek and the Bell River in the Bell River Water Source,
 - (ii) upstream of the confluence of Molong Creek and Borenore Creek in the Molong Creek Water Source,

- (iii) Evans Plains Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source,
- (iv) Queen Charlottes Vale Creek catchment in the Queen Charlottes Vale Evans Plains Creek Water Source, or
- (v) on the pool created by Rylstone Dam in the Upper Cudgegong River Water Source,
- (f) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources are prohibited.
- (g) A dealing under section 71W of the Act is prohibited if it involves an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

Note—The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under the Act, section 71W, including with respect to amending an access licence to nominate works in another water source or location.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

47 Definitions

In this Part—

Logbook means a written record kept in hard copy or electronic form.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

48 General conditions

Each access licence must be subject to the following mandatory conditions—

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 29,
- (b) the relevant access rules for the taking of water specified in Part 6, Division 4,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (d) before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply,
- (e) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 49.

49 Record-keeping conditions

The licence holder must keep any information required that was to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Division 3 Water supply work approvals

50 General conditions

Each water supply work approval must be subject to the following mandatory conditions—

- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
- (c) before a water supply work is used to take water, the approval holder must confirm a cease-to-take condition does not apply,
- (d) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 51.

51 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.

- (2) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Part 10 Amendment of this Plan—the Act, s 17(d)

52 Amendments

- (1) This Plan may be amended as follows—
- (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) to add or modify flow classes, flow reference points and surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 and Schedule 1,
 - (e) to add or modify provisions relating to the following—
 - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (ii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (iii) stormwater harvesting,
 - (iv) total daily extraction limits,
 - (v) individual daily extraction components,
 - (vi) floodplain harvesting (unregulated river) access licences,
 - (f) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (h) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water sources, the *Macquarie and Cudgegong Regulated Rivers Water Source* and the *Castlereagh Unregulated River Water Sources*.
 - (i) to add, modify or remove a definition,
 - (j) to modify Schedule 2 or 3 to add or remove an access licence,
 - (k) to review access rules for the following locations when suitable flow records are established—
 - (i) Fish River Water Source,
 - (ii) Campbells River Downstream Management Zone
 - (iii) Macquarie River above Bathurst Management Zone

- (l) to review access conditions in the Binghi Management Zone when sufficient flow records are established at the Macquarie River at Binghi Bridge gauge (42100200).
 - (m) to review access conditions in the Lower Macquarie Upstream Management Zone if changes to the operation and infrastructure result in significant changes in hydrology.
 - (n) to review water sharing arrangements for the Upper Nyngan Weir Pool Management Zone and the Lower Nyngan Weir Pool Management Zone.
 - (o) after year 5 of this Plan, to add, modify or remove access rules for the following water sources or management zones, for the purpose of improving protection of water dependent ecosystems and connectivity between water sources—
 - (i) Burrendong Dam Tributaries Water Source,
 - (ii) Coolbaggie Creek Water Source,
 - (iii) Cudgegong River Downstream Management Zone,
 - (iv) Little River Water Source,
 - (v) Lower Talbragar River Water Source,
 - (vi) Macquarie River between Bathurst and Evans Plains Creek Management Zone,
 - (vii) Queen Charlottes Evans Plains Creek Water Source,
 - (viii) Turon Crudine River Water Source,
 - (ix) Upper Bogan River Water Source,
 - (x) Upper Marthaguy Creek Management Zone,
 - (xi) Upper Talbragar River Water Source,

Any such amendment will be informed by a review of those access rules that was completed in the first 5 years of the plan. In carrying out this review, the Minister is to consider the following, among any other matters the Minister considers relevant—

 - (xii) new information on gauge suitability or methods for managing extraction,
 - (xiii) water requirements of relevant species,
 - (xiv) water usage data (where available), and
 - (xv) associated cultural, social and economic implications of any changes to access rules,
 - (p) to make amendments consequential on an amendment to the Act or regulations.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).
- (3) By 2026, the Minister is to review the rules for the following water sources and consider the flows required to support connectivity to northern basin major tributaries and flows required to protect the water source and its dependent ecosystems across a range of flow conditions, including base and fresh flows—
- (a) Lower Bogan River Water Source,
 - (b) Lower Macquarie River Water Source,
 - (c) Marra Creek Water Source, and

(d) Marthaguy Creek Water Source.

The Minister may amend this Plan based on that review.

Schedule 1 Flow classes

sections 31 and 52(1)(d)

Table A—Very Low Flow

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Macquarie River above Burrendong	Macquarie River Tributaries	Very Low Flow	Less than or equal to 2 ML/day	Macquarie River at Long Point (421192)
Upper Cudgegong River	Cudgegong River Upstream	Very Low Flow	Less than or equal to 1 ML/day	Cudgegong River upstream Rylstone (421184)
Lower Bogan River		Very Low Flow	Less than or equal to 5 ML/day	Bogan River at Gongolgon (421023)
Lower Macquarie River	Carinda	Very Low Flow	Less than or equal to 50 ML/day	Macquarie River at Bells Bridge gauge (421012)
	Lower Macquarie River Upstream	Very Low Flow	Less than or equal to 93 ML/day	Macquarie River at Gibson Way gauge (421116)
Marthaguy Creek	Lower Marthaguy Creek	Very Low Flow	Less than or equal to 50 ML/day	Marthaguy Creek at Carinda (421011)

Schedule 2 Access licences exempt from specified access rules

sections 35(3)(a), 35(3)(d) and 52(1)(j)

Table A—Access licences used to take surface water other than for town water supply purposes

Water Source	Management Zone	Access licence numbers
Bell River Water Source		33884
Bell River Water Source		33871
Bell River Water Source		35257
Burrendong Dam Tributaries Water Source		35244
Cooyal Wialdra Creek Water Source		34125
Cooyal Wialdra Creek Water Source		34110
Cooyal Wialdra Creek Water Source		34116
Macquarie River above Burrendong Water Source	Macquarie River Tributaries	34519
Molong Creek Water Source		35243
Molong Creek Water Source		35266
Molong Creek Water Source		35247
Molong Creek Water Source		35262
Molong Creek Water Source		34658
Molong Creek Water Source		34607
Molong Creek Water Source		34608
Molong Creek Water Source		34675
Molong Creek Water Source		34715
Molong Creek Water Source		34609
Molong Creek Water Source		35226
Molong Creek Water Source		35227
Molong Creek Water Source		34661
Molong Creek Water Source		34685
Summerhill Creek Water Source		34886
Summerhill Creek Water Source		34873
Summerhill Creek Water Source		34830
Summerhill Creek Water Source		35245
Summerhill Creek Water Source		35258
Summerhill Creek Water Source		35250
Summerhill Creek Water Source		35221
Winburndale Rivulet Water Source		35186

Table B—Local water utility access licences and access licences of subcategory ‘town water supply’

Water Source	Management Zone	Access licence numbers
Bell River Water Source		33984
Bell River Water Source		33906
Bell River Water Source		33891
Bulbodney Grahway Creek Water Source		35220
Bulbodney Grahway Creek Water Source		37180
Cooyal Wialdra Creek Water Source		37530, 37531
Fish River Water Source		34273
Little River Water Source		34339
Macquarie River above Burrendong Water Source		34452
Molong Creek Water Source		34580
Molong Creek Water Source		34669
Summerhill Creek Water Source		36161
Upper Bogan River Water Source		35321
Upper Bogan River Water Source		35316
Upper Cudgegong River Water Source		35228
Winburndale Rivulet Water Source		36892

Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement

section 34(20)

Table A — Access licences subject to cease-to-take conditions relating to the taking of water from pools

Column 1	Column 2	Column 3
Access licence	Water Source	Cease-to-take condition
33880	Bell River	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 80% of full capacity.
34729	Piambong Creek	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 50% of full capacity.
34951	Turon Crudine River	Water must not be taken from an in-river pool when the water level of that in-river pool is less than 50% of full capacity.
35004	Upper Cudgegong River	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.
34994	Upper Cudgegong River	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.
35001	Upper Cudgegong River	Water must not be taken when the level of water in Rylstone Dam storage is at or below 1.22 metres below the top of the spillway.

Table B — Access rules for unregulated river (special additional high flow) access licences

Column 1	Column 2	Column 3
Access licence	Water Source	Cease-to-take condition
35305	Lower Bogan River	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day.
35272	Lower Bogan River	Water must not be taken unless the discharge of the Bogan River at the Gongolgon weir is greater than 160 megalitres per day
35311	Lower Bogan River	Water must not be taken unless the Bogan River flow exceeds 300 megalitres per day at Monkey Bridge and 160 megalitres per day at the Gongolgon weir.
35306	Lower Bogan River	Water must not be taken unless the Bogan River flow exceeds 300 megalitres per day at Monkey Bridge and 160 megalitres per day at the Gongolgon weir gauge.

Table C — Access licences subject to cease-to-take conditions relating to the taking of water other than from pools

Column 1	Column 2	Column 3	Column 3
Access licence	Approval	Water Source	Cease-to-take condition
33806 33821	80CA716975 80CA716989	Backwater Boggy Cowal	When there is a flow in Beleringar Creek the licensed work shall not be used for the purpose of irrigation until such flow has

			reached the junction of the said Beleringar Creek and Gunningbar Creek.
33811 33810 33818	80CA716982 80CA717004	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused by other than gravitational diversion of water into the creek from the Macquarie River near T.S.R. 34257, parish of Egelebra and Gungalgang, county of Oxley or from local run-off, the licensed work shall not be used for the purpose of irrigation.
33811 33810 33820 33814	80CA716982 80CA716996	Backwater Boggy Cowal	When there is a flow of water in Beleringar Creek entering the storage of the dam authorised by this licence, the pump shall not be used until such flow has reached the junction of the said Beleringar Creek and Gunningbar Creek or unless a flow is released into Beleringar Creek downstream of the said dam equivalent to the flow entering the storage for the time being.
33820 33814	80CA716996	Backwater Boggy Cowal	When a flow of water in Beleringar Creek is caused by other than gravitational diversion of water into the Creek from the Macquarie River near T.S.R. 34257, Parish of Egelebra and Gungalgang, County of Oxley or from local run-off or tailwater from existing licensed or authorised areas of irrigation, the licensed work shall not be used for the purpose of irrigation.
33807	80CA716998	Backwater Boggy Cowal	The licensed work shall not be used for the purpose of irrigation or to fill the storage unless there is a visible flow in the Boggy Cowal equal to or greater than 150 mm in depth over the sill of the road culvert under the Farrandale road located on the northern boundary of Portion 51, Parish of Backwater, County of Narromine.
33970	80WA717835	Bell River	The authorised work shall not be used for the purpose of irrigation unless the flow in the Bell River (measured at the Tantallon Road bridge over the Bell River adjacent to lot 319 DP 46481 parish of Gamboola, county of Wellington) is 50 megalitres per day assumed to correspond to a reading of 0.19m on the gauge located immediately upstream of the Belgravia Road crossing adjacent to lot 53 DP 756883, parish of Gamboola, county of Wellington.
33867	80CA717884	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible surface flow in Store Creek at the Buck Swamp road crossing located at the northern boundary of lot 122 DP 756875, parish of Cooper, county of Wellington.
33928	80CA717894	Bell River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Jenny Lind Creek at or near the western boundary of lot 3 DP 585277, parish of March county of Wellington.
35235	80CA719410	Bell River	Diversion of water from Ploughmans Creek by way of the licensed work shall not be carried out unless there is a visible flow in the creek immediately downstream of the old weir located just downstream of the licensed works. The weir being located on lot 1 DP 816985, parish of Orange and lot 207 DP 1018862, parish of Borenore, both county of Wellington.
33960	80CA717938	Bell River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Bell River corresponds to a reading of 0.00 metres on the gauge located on the right bank immediately upstream of the Tantallon bridge adjacent to lot 319 DP 46481, parish of Mulyan, county of Wellington.
34004	80CA718134	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless there is in the Bogan River either: 1) a discharge of not less than 85 megalitres per day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.46 metres or such other readings as may be determined from time to time), or 2) a visible flow at the south eastern boundary of lot 6 DP 751320, parish of Grahweed, county of Canbelego, being a point about 3200 metres upstream of the junction of Gunningbar Creek with the Bogan River.
35265	80CA719419	Bulbodney Grahway Creek	The licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Neurie Plains gauge exceeds 635 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.77 metres or such other reading as may be determined from time to time).
33994 37417	80CA718145	Bulbodney Grahway Creek	The authorised pump shall not be used for the purpose of irrigation unless there is a visible flow in the Bogan River passing over the weir located on Lot 31 DP 755315, Parish of Wera, County of Oxley, and Lot 23 DP 752897, Parish of Murrabudda, County of Flinders (known locally as Thora Weir).
34066	80CA717057	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Gilmandyke Creek at, or immediately upstream of the Rockley Rockley-Burruga road crossing within part 98, Parish of Rockley, County of Georgiana

Water Sharing Plan for the Macquarie/Wambuil Bogan Unregulated Rivers Water Sources 2025 [NSW]
Schedule 3 Access licences subject to cease-to-take condition of a former entitlement

34080	80CA717061	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a flow of water in the Campbells River, leaving the licensees property at the north-western corner of Lot 15 DP 750400, Parish of Oakley, County of Bathurst
34081	80CA717063	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Gilmandyke Creek at the road crossing in the north-eastern corner of Lot 1 DP 1034678, Parish of MT. Lawson and also at or immediately upstream of the Rockley-Burruga road crossing within Lot 4 DP 258535, Parish of Rockley, both in the County of Georgiana.
34051	80CA717065	Campbells River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the Rockley town weir on Peppers Creek located within lot 7001 DP 1028627, parish of Arkell, county of Bathurst and authorised by licence 80WA717012.
34073 34042	80CA717072	Campbells River	The pump shall not be used to abstract water from Wiseman's Creek unless there is a flow equal to, or greater than, a reading of 0.15 m (or such other reading as may be determined from time to time) on a gauge installed in the said Creek at the Mayfield road bridge crossing, located at the south eastern corner of Portion 216, Parish of Jocelyn, County of Westmoreland
34112 34099 34109	80CA716185 80CA716197 80CA716203	Cooyal Wialdra Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible surface flow in Cooyal Creek in the immediate vicinity of the concrete ford on the Spring Creek road, located in the northern corner of portion 193, parish of Gulgong, county of Phillip.
34113	80CA716191	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow of water at the concrete road crossing on Slapdash Creek located between the southern boundary of portion 187, parish of Puggoon, county of Bligh and the southern boundary of portion 26, parish of Stubbo, county of Bligh.
34103	80CA716205	Cooyal Wialdra Creek	The pump shall not be used to irrigate any part of the authorised area unless there is a visible flow in Cooyal Creek at the concrete road crossing on Lindburn road at the eastern boundary of Portion 50, Parish of Cooyal, County of Phillip.
34117	80CA716210	Cooyal Wialdra Creek	The work shall not be used for the purpose of irrigation unless there is a visible surface flow in Cooyal Creek on the downstream side of the bridge on Henry Lawson drive located in the northern corner of part Portion 67, Parish of Eurundury, County of Phillip, equivalent to a depth of 0.20 m and a width of 0.6 m.
34235	80CA716256	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the crest of the weir located on the Duckmaloi River on lot 4 DP 264133, parish of Duckmaloi, and lot 2 DP 632183, parish of Norway, county of Westmoreland
34279	80WA716304	Fish River	The licensed work shall not be used for the purpose of irrigation unless there is a flow present in Racecourse Creek at the northwest corner of portion 108, parish of Norway, county of Westmoreland, equivalent to a depth of 0.05 metres
34304	80CA716383	Lawsons Creek	The licensed work shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.54 on the gauge installed immediately upstream of the concrete causeway located in Lot 12 DP 721239, formerly Portion 45, Parish of Bumberra, County of Phillip.
34299 34315	80CA716402	Lawsons Creek	The licensed work on Lawsons Creek shall not be used for the purpose of irrigation unless there is a flow in Lawsons Creek corresponding to a reading of 0.1 metres on the staff gauge installed on the upstream side of the Battens road culvert located adjacent to lot 1 deposited plan 758365, parish of Dungerey, county of Phillip.
34336	80CA717498	Little River	The licensed works shall not be used for the purpose of irrigation unless the three pipes under the road crossing on Buckinbah Creek located within Portion 14, Parish of Ganoo, County of Gordon and Portion 41, Parish of Obley, County of Gordon are flowing at full capacity.
34346	80CA717519	Little River	The licensed work shall not be used for the purpose of irrigation unless the 100 mm pipe through a crossing constructed in Bulrudgery Creek, located in Lot 59, DP 753256, Parish of Warraberry, County of Gordon and Lot 2, DP 763256, Parish of Wagstaff, County of Gordon is flowing at full capacity.
34354	80CA717523	Little River	The licensed work shall not be used for the purpose of irrigation when the discharge of the Little River at the Obley gauge is less than 5 ML/day (such discharge corresponding to a reading on the

			said gauge of 0.80 m or such other reading as may be determined from time to time).
41944	80CA717127	Lower Bogan River	Except for the period of 1 May to 31 October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 ML/day and at the Monkey bridge gauge is greater than 60 ML/day (such readings corresponding respectively to readings of 0.95 m and 0.56 m on the said gauges or such other reading as may be determined from time to time).
41944	80CA717127	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation or filling the off creek storage from the Bogan River, unless the discharge at the Broomfield gauge is greater than 200 megalitres per day (corresponding to a reading of 1.17 metres on the said gauge or such other reading as may be determined from time to time)
34402	80CA717137	Lower Bogan River	Except for the period of 1 May to 31 October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 ML/day and at the Mulgawarrina Homestead gauge is greater than 60 ML/day (such discharges corresponding, respectively, to readings of 0.95 m and 0.56 m on the said gauges or such other readings as may be determined from time to time)
34402	80CA717137	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.20 metres or such other reading as may be determined from time to time)
34396	80CA717141	Lower Bogan River	The licensed work shall not be used to divert water from the Bogan River for the purpose of irrigation unless there is in the Bogan River either: (A) a discharge of not less than 85 ML/day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.46 m or such other reading as may be determined from time to time), or (B) a visible flow at the south eastern boundary of Lot 6 DP 751320, Parish of Grahweed, County of Canbelego, being a point about 3200 m upstream of the junction of Gunningbar Creek with the Bogan River.
34403 34362 34404	80CA717143 80CA717166	Lower Bogan River	Except for the period of 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 125 megalitres per day and at the Mulgawarrina homestead gauge is greater than 60 megalitres per day (such discharges corresponding, respectively, to readings of 0.95 metres and 0.56 metres on the said gauges or such other readings as may be determined from time to time).
34403 34362 34404	80CA717143 80CA717166	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Broomfield gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 1.17 metres or such other reading as may be determined from time to time).
34385 34377 34387	80CA717146 80CA717150 80CA717154	Lower Bogan River	Except for the period of 1 May to 31 October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey bridge gauge is greater than 125 ML/day (such discharges corresponding to a reading of 0.68 m on the said gauge or such other reading as may be determined from time to time)
34385 34377 34387	80CA717146 80CA717150 80CA717154	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 200 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.79 metres or such other reading as may be determined from time to time).
34369	80CA717148	Lower Bogan River	The authorised work shall not be used for the purpose of irrigating the area authorised or any part thereof unless the discharge of the Monkey bridge gauge exceeds 370 ML/day (such discharge corresponding to a reading on the said gauge of 0.98 m or such other reading as may be determined from time to time).

Water Sharing Plan for the Macquarie/Wambool Bogan Unregulated Rivers Water Sources 2025 [NSW]
Schedule 3 Access licences subject to cease-to-take condition of a former entitlement

34388	80CA717156	Lower Bogan River	Except for the period of 1 May to 31 October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey bridge gauge is greater than 130 ML/day (such discharges corresponding to a reading of 0.54 m on the said gauge or such other reading as may be determined from time to time).
34388	80CA717156	Lower Bogan River	During the period 1st May to 31st October next following, the authorised work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Monkey Bridge gauge is greater than 205 megalitres per day (corresponding to a reading of 0.68 metres on the said gauge or such other reading as may be determined from time to time).
34360	80WA717159	Lower Bogan River	The licensed work shall not be used unless there is in the Bogan River either:- (1) a discharge of not less than 85 ML/day at the gauge on the Mitchell highway road bridge (such discharge corresponding to a reading on the said gauge of 2.583 m or such other reading as may be determined from time to time), or (2) a visible flow at the south-eastern boundary of Portion 6, Parish of Grahweed, County of Canbelego, being a point about 3200 m upstream of the junction of Gunningbar Creek with the Bogan River.
34378 34379 34397 34363 34389 34371 34390 34392 34366	85CA752885 85CA752887 85CA752889 85CA752891 85CA752898 85CA752908 85CA752915	Lower Bogan River	Except for the period of 1 May to 31 October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 ML/day (corresponding to a reading of 0.24 m on the said gauge or such other reading as may be determined from time to time).
34378 34379 34397 34363 34389 34371 34390 34391 34392 34366 34400	85CA752885 85CA752887 85CA752889 85CA752891 85CA752898 85CA752908 85CA752913 85CA752915 80CA752917	Lower Bogan River	During the period 1st May to 31st October next following, the licensed work shall not be used for the purpose of irrigation unless the discharge of the Bogan River at the Gongolgon gauge is greater than 125 megalitres per day (corresponding to a reading of 0.28 metres on the said gauge or such other reading as may be determined from time to time).
34383	85CA752919	Lower Bogan River	The licensed work shall not be used for the purpose of irrigation unless the Little Bogan River flow exceeds ten (10) megalitres per day on the gauge established at the Bourke-Llandillo road bridge.
34374	85WA752924	Lower Bogan River	The authorised work shall not be used for domestic, experimental, and teaching purposes unless the discharge of the Bogan River at the Gongolgon gauge is greater than 50 megalitres per day (corresponding to a reading of 0.23 metres on the said gauge or other such reading as may be determined from time to time).
	80WA716419	Lower Macquarie River	The authorised work must not be used to take water unless the flow of water in Marthaguy Creek exceeds 30 megalitres per day at the Carinda gauge.
34443	80CA718188	Lower Talbragar River	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in the Talbragar River at Cobbora bridge adjacent to Lot 48 DP 754301, Parish of Cobbora, County of Lincoln.
34543 34499	80CA716668 80CA716676	Macquarie River above Burrendong	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Macquarie River at the rock bar adjacent to Lot 7005 DP 93448, Parish of Piper, County of Roxburgh, located immediately upstream of the Freemantle road bridge.
34556 34557	80CA718208	Marra Creek	The licensed work shall not be used for the purpose of irrigation unless the flow in Marra Creek at the Yarrowin gauge is in excess of 24 megalitres per day such flow being equivalent to a reading of 0.21 metres on the said gauge or such other reading as may be determined from time to time.
34560	80CA716731	Marthaguy Creek	The licensed work shall not be used to divert water unless the flow in Marthaguy Creek is 0.5 m above the concrete footing of the left bank bridge pier of the Wonbobbie bridge over the Marthaguy Creek located on Portion e35, Parish of Driel, County of Ewenmar.
34698 34687 34578 34667 34704	80CA717175 80CA717181 80CA717207 80CA717211 80CA717231	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 millimetres in depth, which represents a flow of approximately 1.05 ML per day.

Water Sharing Plan for the Macquarie/Wambuil Bogan Unregulated Rivers Water Sources 2025 [NSW]
Schedule 3 Access licences subject to cease-to-take condition of a former entitlement

34581 34648 34706 34599	80CA717241 80CA717251 80CA717258		
34615 34665 34630 34683	80CA717177 80CA717192 80CA717395 80CA717397	Molong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within Lot 5 DP750133, Parish of Bell, County of Ashburnham.
34644 34618 34668 34702 34622 34623 34719 34632	80CA717194 80CA717203 80CA717223 80CA717234 80CA717255 80CA717422 80CA717426	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless the level of the flow in Molong Creek at the road bridge located within Lot 86 DP756910, Parish of Towac, County of Wellington, is at least 50 mm above the sill level of the said bridge, as indicated by the gauge plate attached to a pier of the bridge on the upstream side and there is a visible flow of water over the spillway section of the Lake Canobolas Dam.
34666 34645	80CA717196 80CA717225	Molong Creek	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow of water in Molong Creek under the road bridge on the Molong-Wellington road located within portion 5, parish of Bell, county of Ashburnham.
34646	80CA717238	Molong Creek	The licensed work shall not be used to extract water from Heifer Station Creek for irrigation purposes unless there is a visible flow equal to, or greater than, 1.50 ML/day such discharge corresponding to a reading of 0.36 m (or such other reading as may be determined from time to time) on a gauge established on the left bank of Molong Creek, within T.S. and C.R. 111, Parish of Borenore, County of Wellington and the flow of water through the v-notch weir located within Portion 96, Parish of Borenore, County of Wellington, on Molong Creek, is in excess of 150 mm in depth, which represents a flow of approximately 1.00 ML/day.
34647	80WA717249	Molong Creek	The licensed work shall not be used to supply water to the occupiers of Lot 1 DP 1054393, Lots 2 - 4 DP 1065466 and to the lots in the proposed subdivision of Lots 18 19 20 section j DP 977127 unless the flow of water through the v-notch weir located behind the Molong railway station is in excess of 150 mm in depth, which represents a flow of approximately 1.05 ML/day.
34724 34735	80CA716757	Piambong Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water passing under the road bridge on Ben Buckley road, located in the south-eastern corner of Portion 26, Parish of Biraganbil, County of Wellington.
34744	80CA716790	Pipeclay Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in that section of Eurundury Creek, fronting lot 95 DP 755418, parish of Bumberra, county of Phillip.
34766 34795 34801 34789	80CA717539 80CA717585 80CA717553 80CA717610	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a clearly visible flow in Georges Plains Creek immediately upstream of Native Home bridge on the Newbridge road.
34766 34801 34795 34789	80CA717539 80CA717553 80CA717585 80CA717610	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow of 8 litres per second is maintained through the 300 mm pipe under the concrete road crossing located on the property Native Home, at the south east corner of Portion Lot 24 DP750385, Parish of Gratham, County of Bathurst.
34768	80CA717581	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at the Bathurst-Orange road bridge located within portion 2 rem, parish of Mount Pleasant, county of Bathurst.
34777 34788	80CA717594 80CA717605	Queen Charlottes Vale Evans Plains Creek	The licensed pump shall not be used for irrigation unless there is a visible flow in the Evans Plains Creek at the concrete road bridge at the south west corner of Portion 49, Parish of Cole, County of Bathurst.
34762 34763	80CA717608	Queen Charlottes Vale Evans Plains Creek	The licensed works shall not be used for the purpose of irrigation or to supply stock and domestic water to the occupiers of lots 1 to 8, DP 817711 unless there is a visible flow under the road bridge located on the mid-western highway adjacent to Lot 5 DP 750397, Parish of Mount Pleasant, County of Bathurst.
35203	80CA717614	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow under the road bridge located on the mid-western highway adjacent to Lot 72, DP 192661, Parish of Mount Pleasant, County of Bathurst.
34792	80CA717642	Queen Charlottes Vale Evans Plains Creek	The licensed work shall not be used for the purpose of irrigation unless a flow in Evans Plains Creek of at least 50 mm in depth is passing through the pipe crossing located within Lot 8 DP 46484 in the Parish of Mount Pleasant, County of Bathurst.

34826 34912	80CA718240	Summerhill Creek	Water shall not be diverted by means of the authorised work when the level of the storage of the City of Orange water supply dam, on Gosling Creek near the north-eastern corner of Portion 58, Parish of Huntley, County of Bathurst, is lower than 3.04 m below the level of the crest of the sillway of the said dam, provided that, if the council of the City of Orange restricts the water supply to the residents of the City of Orange before the said storage falls below that level, the use of the authorised work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens, on agricultural lands within the boundaries of that city, water shall not be diverted by means of the authorised work.
35231	80CA719494	Summerhill Creek	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the said unnamed watercourse at the road crossing immediately upstream from the great western railway, Portion 34, Parish Huntley, County Bathurst.
35214	80CA719414	Summerhill Creek	Water shall not be diverted by means of the licensed work when the level of the storage of the City of Orange water supply dam, near the north-eastern corner of Portion 58, Parish of Huntley, County of Bathurst, is lower than 1.00 m below the level of the crest of the spillway of the said dam, provided that, if the council of the City of Orange restricts the water supply to the residents of the City of Orange before the said storage falls below that level, the use of the licensed work shall be restricted to a period not exceeding 4 hours on each alternate day, provided further that, if the said council prohibits the use of water for commercial purposes, such as market gardens, on agricultural lands within the boundaries of that city, water shall not be diverted by means of the licensed work. The licensed work shall not be used for the purpose of diverting water from Spring Creek for the purpose of irrigation unless there is a visible flow in Spring Creek under the Huntley road crossing on the western boundary of Portion 268, Parish of Huntley, County of Bathurst.
34942	80CA716824	Turon Crudine River	The pump shall not be used unless there is a visible flow in Cunninghams Creek at the bridge on the Mudgee-Lithgow highway, adjacent to Lot 1 DP 1067368 and Lot 2 DP 703120, Parish of Warranguina, County of Roxburgh.
34943 34948	80CA716828 80CA716843	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow at or immediately downstream of the road crossing at the south western corner of Lot 2 DP 795858, Parish of Tunnabidgee, County of Wellington.
34381	80CA717139	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete ford across the Turon River between Portion 57, Parish of Dulabree and Portion 50, Parish of Stewart, County of Roxburgh.
34947	80CA716841	Turon Crudine River	The licensed work shall not be used for the purpose of irrigation unless the flow in the Crudine River exceeds a depth of 25 mm across a rock bar located at the downstream boundary being the south - western corner of Lot 2 DP 740568, Parish of Crudine, County of Roxburgh.
34959 34962	80CA718436	Upper Bogan River	The pump on the Bogan River shall not be used unless there is a flow in the Bogan River at the Dandaloo bridge.
34969 34976	80CA718446	Upper Bogan River	The licensed work shall not be used to extract water from the Bogan River for irrigation purposes unless there is a flow equal to, or greater than 50 ML per day. Such discharge corresponding to a reading of 0.73 m (or such other reading as may be determined from time to time) on a gauge on a bridge pier (oak bridge) within a road reserve adjacent to Portion 38, Parish of Graddle County of Kennedy.
34968	80WA718456	Upper Bogan River	The authorised work shall not be used to extract water from the Bogan River when the level of water stored in the overshot dam is lower than reduced level 249.02 m (standard height datum) which is equivalent to a level 1.5 m below the crest of the spillway of the said dam.
34996	80CA717697	Upper Cudgegong River	The authorised work shall not be used for the purpose of irrigation from the storage of the dam known as the great western dam, unless there is an inflow into the said dam at the time of pumping.
35021	80CA717714	Upper Cudgegong River	The licensed works shall not be used for the purpose of irrigation unless there is a visible flow present in Cox's Creek at the rock bar on the downstream side of the bridge on Cox's Creek road located in lot 22 DP 621310, parish of Dabee, county of Phillip.

35152	80CA717743	Upper Talbragar River	The authorised work shall not be used for the purpose unless there is a visible flow in the Coolaburragundy River at or near Lot 133 DP 750744, Parish of Collielblue, County of Bligh.
35154 35157	80CA717745 80CA717750	Upper Talbragar River	The licensed work shall not be used for irrigation unless there is a visible flow in the Coolaburragundy River at the Orana road crossing, within Lot 8 DP 750745, Parish of Collier, County of Bligh.
35153	80CA717747	Upper Talbragar River	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the Talbragar River at the flood warning gauging station located at the village of Uarbry.
35186	80CA717774	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire Creek at or near its junction with Wiagdon Creek in Lot 7 DP 755804, Parish of Windburn, County of Roxburgh.
35174 35193	80CA717776 80CA717794	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a flow in Winburndale Rivulet at the road crossing at the north-western corner of Portion 31, Parish of Winburn, County of Roxburgh, equivalent to a depth of 0.05 m and a width of 0.91 m.
35167	80CA717782	Winburndale Rivulet	The subject pump shall not be used for the purpose of irrigation unless there is a visible flow in Clear Creek over a rock bar located approximately 180 m upstream from the limekilns road bridge and within ts&cr 53270, Parish of Peel, County of Roxburgh.
35178	80CA717784	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow of water in Wiagdon Creek in remainder of camping and water reserve 14505, Parish of Millah Murrah, County of Roxburgh.
35179	80CA717790	Winburndale Rivulet	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Cheshire or Jesse Creek at or near its junction with Wiagdon Creek in Portion 7, Parish of Winburn, County of Roxburgh.
35170 35194	80CA717799 80CA717801	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in the Winburndale Rivulet under the bridge on limekilns road at the north-eastern corner of Lot 2 DP 196810 Parish of peel, County of Roxburgh.
35175	80CA717805	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation or to fill the storages numbered 1 & 2 as specified on the licence, unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of Portion 31, Parish of Winburn, County of Roxburgh, is flowing at a level greater than 1.68 m below the upstream right bank concrete abutment to the said bridge.
35168	80CA717807	Winburndale Rivulet	The licensed work shall not be used for the purpose of irrigation unless the water level in the Winburndale Rivulet at the bridge at the north-western corner of Portion 31, Parish of Winburn, County of Roxburgh, is flowing at a level greater than 1.83 m below the upstream right bank concrete abutment to the said bridge.

Schedule 4 Dictionary

section 6(1)

5-year average extraction—see section 18.

annual extraction—see section 18.

average annual extraction—see section 18.

Basin Plan—see section 18.

cease-to-take condition means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

declared Ramsar wetland has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

extraction management unit means an extraction management unit established under section 5.

Fish River water supply scheme has the same meaning as in the *Water NSW Act 2014*.

flood-runner means a stream or part of a stream that only flows during a flood.

former entitlement has the same meaning as in the Act, Schedule 10, clause 2.

full capacity means the volume of water impounded in a pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of the pool, lagoon or lake would stop.

in-river dam means a dam located in a river.

in-river dam pool means the water impounded by an in-river dam, but does not include water in an in-river pool.

in-river pool means a natural pool, lagoon or lake within a river or stream, but does not include—

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

kl/day means kilolitres per day.

Logbook—see section 47.

LTAAEL—see section 18.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

ML/unit share means megalitres per unit share.

ML/day means megalitres per day.

ML/year means megalitres per year.

off-river pool means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on—

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

Plan Map means the *Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated Rivers Water Sources 2025 Plan Map [WSO026-version 3]*.

Note—The Plan Map is available on the Department's website.

planning approval means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4,
- (b) a State significant infrastructure approval under that Act, Part 5.2, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

Note—The *Environmental Planning and Assessment Act 1979*, Schedule 6A has been transferred to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

plantation forestry—see section 18.

reduced available water determination—see section 18.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff.

Note—Minor stream is defined in the *Water Management (General) Regulation 2018*, clause 3.

SDL—see section 18.

surface water means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map.

the Act means the *Water Management Act 2000*.

the water sources—see section 3.

third or higher order stream means a stream identified as a third or higher order stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 47.

water year means a period of 1 year commencing on 1 July.

WSP prescribed wetland means a wetland shown on the WSP prescribed wetlands Map.

WSP Prescribed Wetlands Map means the *Water Sharing Plan for the Macquarie/Wambuul Bogan Unregulated Rivers Water Sources 2025* WSP prescribed wetlands Map ([insert wetlands map reference])

Note— The WSP prescribed wetlands Map is available on the Department's website.