

Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources Amendment Order 2020

under the

Water Management Act 2000

I, Melinda Pavey, the Minister for Water, Property and Housing, in pursuance of section 45 (1) of the *Water Management Act 2000*, make the following Order to amend the *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012*.

Dated 29th June 2020

MELINDA PAVEY, MP
Minister for Water, Property and Housing

Explanatory note

This Order is made under section 45 (1) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for Energy and Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

1 Name of Order

This Order is the *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources Amendment Order 2020*.

2 Commencement

This Order commences on 1 July 2020.

Schedule 1 Amendment of *Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012*

[1] Part 1 Introduction

Omit the note. Insert instead:

Notes.

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

[2] Clause 1 Name of this Plan

Omit “and Alluvial”. Insert instead “River”.

[3] Clause 3 Commencement of this Plan

Insert at the end of the note:

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

[4] Clause 4 Application of this Plan

Omit subclause (1). Insert instead:

- (1) This Plan applies to the following water sources known as the NSW Border Rivers Unregulated River Water Sources (hereafter *these water sources*) within the Border Rivers Water Management Area:
 - (a) Inverell Water Source,
 - (b) Glen Innes Water Source,
 - (c) Kings Plains Water Source,
 - (d) Mole River Water Source,
 - (e) Ottleys Creek Water Source,
 - (f) Beardy River Water Source,
 - (g) Reedy Creek Water Source,
 - (h) Bonshaw Water Source,
 - (i) Yetman Water Source,

- (j) Croppa Creek and Whalan Creek Water Source,
- (k) Camp Creek Water Source,
- (l) Campbells Creek Water Source, and
- (m) Tenterfield Creek Water Source,

Note. The Border Rivers Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

[5] Clause 4 (2)

Omit “Plan Map (WSP020_Version 1) Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012”. Insert instead “*Plan Map (WSP020_Version 2) Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2012*”.

[6] Clause 4 (2)

Insert “held by the Department” after “(hereafter the *Plan Map*)” in the subclause.

[7] Clause 4 (2), Note

Omit the note. Insert instead:

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

[8] Clause 4 (3)

Omit “the NSW Border Rivers Unregulated Water Sources” wherever occurring in the subclause. Insert instead “these water sources”.

[9] Clause 4 (4) and Note

Omit the subclause and note.

[10] Clause 4 (5)

Omit the subclause. Insert instead:

- (4) These water sources do not include water:
 - (a) contained in the Border Rivers Regulated River Water Source to which the *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2009* applies,
 - (b) contained in the Barwon River downstream of the Mungindi Weir,
 - (c) contained in the water source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies, or
 - (d) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

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

[11] Clause 5 Extraction management units in these water sources

Omit “section of the watercourse specified in Column 2 of Schedule 1” from subclause (2). Insert instead “water source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies”.

[12] **Clause 5, Note 1**

Omit Note 1 after clause 5 (3). Insert instead:

- 1 A long-term average annual extraction limit and a long-term average sustainable diversion limit are established in Part 6 of this Plan for each extraction management unit. The long-term average annual extraction limit and long-term average sustainable diversion limit determines the maximum volume of water that may be extracted under access licences and pursuant to basic landholder rights from all water sources within each extraction management unit on a long-term average annual basis.

[13] **Clause 5, Table A – Extraction management units, Note**

Omit the note after Table A.

[14] **Clause 7 Interpretation**

Insert after clause 7 (4):

(4A) The Plan Map forms part of this Plan.

(4B) A number in brackets following the name of a gauge is the gauge number.

[15] **Part 2 Vision, objectives, strategies and performance indicators**

Omit the Part. Insert instead:

Part 2 Vision, objectives, strategies and performance indicators

Notes.

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

7A Acknowledgment

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

8 Vision statement

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

- (a) the health and enhancement of these water sources and their water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,

- (d) the social and cultural benefits to urban and rural communities that result from surface water.

9 Environmental objectives

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

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

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

Notes.

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
 - (a) native fish including eel-tailed catfish, Murray cod, purple-spotted gudgeon and olive perchlet,
 - (b) native vegetation including carex sedgeland, river redgum woodland and black box-coolibah woodland,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

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

Notes.

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

- 2 Target ecological processes in these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources. 3
Connectivity may be within or between these water sources or between these water sources and other water sources.
- (iii) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.
- Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the NSW Border Rivers Water Resource Plan area SW16 and the NSW State Water Quality Assessment and Monitoring Plan.
- (b) to protect significant identified lagoons and wetlands specified in Schedule 5 and the wetlands specified in Schedule 6.
- Note.** The wetlands in Schedule 6 form part of the Upland Wetlands of the Drainage Divide of the New England Tablelands Bioregion endangered ecological community.
- (3) The strategies for reaching the targeted environmental objectives of this Plan are as follows:
- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,
- Note.** Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit.
- (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
- Notes.** *Flow regimes* is defined in the Dictionary.
- (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
- Notes.**
- 1 *In-river pool* and *off-river pool* are defined in the Dictionary.
- 2 The provisions in clause 44 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.
- (d) restrict or prevent water supply work approvals for certain works on third order or higher streams and water supply work approvals for works being used or proposed to be used to take water from specified lagoons, wetlands and upland wetlands of the New England Tablelands Bioregion.
- Notes.**

- 1 The provisions in Part 9 of this Plan prevent the granting of water supply work approvals for certain works on third order or higher streams, or water supply works for works used or proposed to be used to take water from lagoons or wetlands specified in Schedule 5, or the wetlands specified in Schedule 6 being wetlands which form part of the Upland Wetlands of the Drainage Divide of the New England Tablelands Bioregion endangered ecological community.
 - 2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method described in in Schedule 2 to the *Water Management (General) Regulation 2018*.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
 - (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following:
 - (a) the recorded range, extent or condition of target ecological populations,
 - (b) measurements of fish movements through priority fish passage areas,
 - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
 - (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
 - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
 - (d) the extent to which Schedule 5 and Schedule 6 have accurately identified, and the provisions in this Plan have adequately protected, environmentally significant lagoons and wetlands, and wetlands forming part of the Upland Wetlands of the Drainage Divide of the New England Tablelands Bioregion within these water sources,

- (e) the extent to which external influences on these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

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

10 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.

- (2) The targeted economic objectives of this Plan are as follows:

- (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,

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

- (b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses, and landholders,

- (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses, and landholders.

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

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

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

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

Note. The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan and the access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

- (c) provide flexibility of access to water,

Note. The individual account management rules in clause 41 of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

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

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

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan as assessed using one or more of the following:
 - (a) the economic benefits of water extraction and use,
 - (b) the economic benefits of water trading as demonstrated by:
 - (i) the annual number or volume of share components of access licences transferred or assigned,
 - (ii) the weighted average unit price of share components of access licences transferred or assigned,
Note. *Weighted average unit price* is defined in the Dictionary.
 - (iii) the annual volume of water allocations assigned,
 - (iv) the weighted average unit price of water allocations assigned,
 - (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
 - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which strategies in subclause (3) support achievement of the economic objectives,

- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

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

11 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
 - (a) to provide access to water in the exercise of native title rights,
 - (b) to provide access to water for Aboriginal cultural use, including fishing,
 - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
 - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
 - (a) manage access to water consistently with the exercise of native title rights,
 - (b) provide for water associated with Aboriginal cultural values and uses,
Note. The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.
 - (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity.
Note. The provisions in clause 44 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
 - (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.

Note. The provisions in clause 44 of this Plan ensure that a portion of natural flows are protected from extraction.

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

- (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.

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

11A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
 - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,
 - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
 - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
 - (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
 - (d) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for

reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following:

- (a) the social and cultural uses of water during the term of this Plan by measuring factors including:
 - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
 - (ii) the extent to which major utility access licence and local water utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the extent to which external influences on surface water-dependant social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

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

[16] Clause 12 Bulk access regime

Omit “Division 1 of” from subclause (2) (a).

[17] Clause 12 (2) (b)

Insert “are” after “determinations” in the subclause.

[18] Clause 12 (2) (b)

Omit “Division 2 of” from the subclause.

[19] **Clause 12 (2)(d)**

Omit “contained in Division 1 of Part 6 of this Plan”. Insert instead “and long-term average sustainable diversion limit, contained in Part 6 of this Plan”.

[20] **Clause 13 Climatic variability**

Omit “and groundwater levels in these water sources by provisions that:”. Insert instead “in these water sources by having provisions that:”.

[21] **Clause 13 (a) and (b)**

Omit “in these water sources” from the subclauses.

[22] **Clause 13 (a)**

Omit “reduction”. Insert instead “reductions”.

[23] **Clause 13 (a)**

Omit “contained in Division 1 of”. Insert instead “and long-term average sustainable diversion limit, contained in”

[24] **Clause 13, Note**

Insert “for” after “manage” in the note.

[25] **Part 4 Planned environmental water provisions**

Omit the notes after the Part heading. Insert instead:

Note. This Part is made in accordance with sections 8 of the Act.

[26] **Clause 15 Commitment and identification of planned environmental water**

Omit “, excluding the NSW Border Rivers Upstream Keetah Bridge Alluvial Groundwater Source,” from subclause (1).

[27] **Clause 15 (1) (a)**

Omit “these water sources”. Insert instead “the water source”.

[28] **Clause 15 (2)**

Omit the subclause.

[29] **Clause 16 Establishment and maintenance of planned environmental water and Note**

Omit the clause. Insert instead:

16 Establishment and maintenance of planned environmental water

(1) This Plan establishes planned environmental water in these water sources as follows:

- (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

Note. The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

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

Note. The provisions in Part 6 of this Plan ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limits and the long-term average sustainable diversion limits. The provisions in Part 6 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limits or the long-term average sustainable diversion limits have been assessed to have been exceeded.

[30] Clause 17 Application

Omit “Division 1 of” from subclause (3).

[31] Clause 17, Note (a)

Omit “grant” from the note. Insert instead “granting”.

[32] Clause 18 Domestic and stock rights

Omit “6.23 megalitres per day (hereafter *ML/day*)”. Insert instead “5.19 ML/day”.

[33] Clause 18 (m)-(p)

Omit the subclauses.

[34] Clause 19 Native title rights

Omit the clause. Insert instead:

19 Native title rights

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

- (a) the native title determination for the Western Bundjalung People (Parts A and B, National Native Title Tribunal references NCD2017/002 and NCD2018/001), and
- (b) any other determination of native title, and

(c) any indigenous land use agreement.

Notes.

- 1 A map of the native title determination area can be viewed by searching the National Native Title Tribunal website at www.nntt.gov.au.
- 2 This Plan may be amended if there is an additional or change to a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 This Plan may be amended if consultation with native title holders identifies more specific requirements for water to satisfy native title rights.
- 4 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

[35] Clause 20 Harvestable rights

Omit “The water requirements of persons entitled to harvestable rights in these water sources are”. Insert instead “The requirements for water under harvestable rights in these water sources is equal to”.

[36] Clause 21 Share components of domestic and stock access licences

Omit subclauses (m)-(p).

[37] Clause 22 Share components of local water utility access licences

Omit “2,059”. Insert instead “2,014”.

[38] Clause 22 (c)-(d)

Omit the subclauses.

[39] Clause 23 Share components of unregulated river access licences

Omit the note to the clause.

[40] Clause 25 Share components of aquifer access licences

Omit the clause.

[41] Clause 26 Share components of aquifer (high security) access licences

Omit the clause.

[42] Part 6 Limits to the availability of water

Omit the Part. Insert instead:

Part 6 Limits to the availability of water

Notes.

- 1 This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction:
 - (a) a long-term average annual extraction limit for each extraction management unit,
 - (b) a long-term average sustainable diversion limit.

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

Division 1 Calculations under this Part

27 Exclusions, inclusions and variations in calculations

(1) This clause applies to the calculation of the following:

- (a) the long-term average annual extraction limits under clause 28,
- (b) the annual extraction under clause 29,
- (c) the annual permitted take under clause 30B,
- (d) the annual actual take under clause 30B.

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

(2) The calculations by the Minister to which this clause applies must:

(a) exclude the following:

- (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
- (ii) in relation to annual extraction under clause 29 only, water committed as licensed environmental water under section 8F of the Act, and

(b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.

(3) The calculation by the Minister of the long-term average annual extraction limits under clause 28 must be adjusted by a volume that appropriately reflects the following:

- (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
- (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limits

28 Calculation of the long-term average annual extraction limits

(1) This clause establishes a long-term average annual extraction limit for each of the extraction management units.

(2) The long-term average annual extraction limit for the Border Rivers Unregulated Extraction Management Unit is the sum of:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the Border Rivers Unregulated Extraction Management Unit, plus
- (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
 - (i) Inverell Water Source,
 - (ii) Glen Innes Water Source,
 - (iii) Kings Plains Water Source,
 - (iv) Mole River Water Source,
 - (v) Ottleys Creek Water Source,
 - (vi) Beardy River Water Source,
 - (vii) Reedy Creek Water Source,
 - (viii) Bonshaw Water Source,
 - (ix) Yetman Water Source,
 - (x) Camp Creek Water Source,
 - (xi) Campbells Creek Water Source, plus
- (c) the annual water requirements pursuant to basic landholder rights from the Tenterfield Creek Water Source at the commencement of the *Water Sharing Plan for the Tenterfield Creek Water Source 2003*, plus
- (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the Border Rivers Unregulated Extraction Management Unit, plus
- (e) the estimated annual take of water from the Border Rivers Unregulated Extraction Management Unit by plantation forestry that existed on 30 June 2009.

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

(3) The long-term average annual extraction limit for the Croppa Creek and Whalan Creek Extraction Management Unit is the sum of:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the Croppa Creek and Whalan Creek Extraction Management Unit, plus
- (b) the annual water requirements pursuant to basic landholder rights from the Croppa Creek and Whalan Creek Extraction Management Unit at the commencement of this Plan, plus
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the Croppa Creek and Whalan Creek Extraction Management Unit, plus
- (d) the estimated annual take of water from the Croppa Creek and Whalan Creek Extraction Management Unit by plantation forestry that existed on 30 June 2009.

29 Calculation of annual extraction

Following the end of each water year, the Minister is to calculate the total annual extraction from each of the extraction management units based on the following:

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

30 Assessment of compliance with the long-term average annual extraction limits

- (1) Following the calculation under clause 29, the Minister is to compare the average of the total annual extraction for each extraction management unit over the preceding three water years against the respective long-term average annual extraction limits.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *NSW Border Rivers SDL resource unit* is defined in the Dictionary.

30A Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation under subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the NSW Border Rivers SDL resource unit as calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

Notes. 1 *Baseline diversion limit* is defined in the Dictionary.

2 The long-term average sustainable diversion limit for the NSW Border Rivers SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the NSW Border Rivers Regulated River Water Source and the NSW Border Rivers Unregulated River Water Sources.

30B Calculation of annual permitted and annual actual take for the water year

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

Notes.

1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as they fall outside the definition of take for consumptive use.

2 *Consumptive use* and *take* are defined in section 4 of the *Water Act 2007* of the Commonwealth.

31 Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 30B after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

Division 4 Compliance with extraction and diversion limits

31A Action following non-compliance

- (1) Subject to subclause (2) to (4), if an assessment under clauses 30 or 31 demonstrates non-compliance with either a long-term average annual extraction limit for an extraction management unit or the long-term average sustainable diversion limit, the Minister is to take one or both of the following actions for the water year after the assessment:
 - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
 - (b) make available water determinations for unregulated river (special additional high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take one or both of the actions specified in subclause (1) (a) and (1) (b) if an assessment under clause 31 would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:
 - (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in the extraction management unit to the respective long-term average annual extraction limit,
 - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
 - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (4) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source:
 - (a) have caused non-compliance with the long-term average sustainable diversion limit, or

- (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

Division 5 Available water determinations

32 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
 - (a) a percentage of the share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
 - (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) (Repealed)

33 Available water determinations for domestic and stock access licences

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

34 Available water determinations for local water utility access licences

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

35 Available water determinations for unregulated river access licences

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

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit for the respective extraction management unit has been assessed to have been exceeded.

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

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

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river (special additional high flow) access that are less than 1 ML per unit of share component where the long-term average annual extraction limit or the long-term average sustainable diversion limit for the respective extraction management unit has been assessed to have been exceeded.

37-38 (Repealed)

[43] Part 7 Rules for granting access licences

Omit the notes after the Part heading. Insert instead:

Notes.

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

[44] Clause 39 Specific purpose access licences

Insert after the clause heading:

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

[45] Clause 39 (1), Note

Omit the note.

[46] Clause 40 Granting of access licences as a result of controlled allocation

Omit the clause.

[47] Part 8, Division 1 Water allocation account management rules

Omit the note after the Division heading. Insert instead:

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

[48] Clause 41 Individual access licence account management rules for the NSW Border Rivers Unregulated Water Sources

Omit the clause heading. Insert instead:

41 Individual access licence account management rules

[49] Clause 41 (1)

Omit “the NSW Border Rivers Unregulated Water Sources”. Insert instead “these water sources.”

[50] Clause 41

Insert “or 71V” after “71T” wherever occurring.

[51] Clause 42 Individual access licence account management rules for the NSW Border River Alluvial Groundwater Sources

Omit the clause.

[52] Clause 44 Access rules for the taking of surface water

Omit “the NSW Border Rivers Unregulated Water Sources” from subclause (1). Insert instead “from these water sources”

[53] Clause 44 (4)

Insert “of water” after “volume” in the subclause.

[54] Clause 44 (9)

Insert “and circumstances” after “flows” wherever occurring in the subclause.

[55] Clause 44 (9) (a)

Omit “in the conditions” in the subclause.

[56] Clause 44 (9) (b)

Insert “on the *Water Act 1912* entitlement” after “specified” in the subclause.

[57] Clause 44 (10) (c) and Note

Omit the subclause and note.

[58] Clause 45 Total daily extraction limits

Omit the notes. Insert instead:

Notes.

- 1 TDELs are an assessment tool only and will be used by the Department to determine which access licences (if any), may require individual daily extraction limits. Where TDELs have been established continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 46.
- 2 ***Total daily extraction limit*** is defined in the Dictionary.

[59] Part 9, Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works that take surface water

Omit the Division heading.

[60] Clause 47 General

Omit “the NSW Border Rivers Unregulated Waters Sources” from the clause. Insert instead “these water sources”.

[61] Clause 48 Granting or amending water supply work approvals

Omit subclause (1).

[62] Clause 48 (1A), Note

Omit “(2)” in the note. Insert instead “(1A)”.

[63] Clause 48 (4), Note

Omit the note.

[64] Part 9, Divisions 2- 3

Omit the Divisions.

[65] Clause 57 General

Insert note after subclause (2):

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

[66] Clause 57 (3)

Omit “maps in Schedule 9 of this Plan”. Insert instead “Plan Map”.

[67] Clause 57 (3), Notes

Omit the notes. Insert instead:

Notes.

- 1 Overview maps of the trading zones are shown in Appendix 2.
- 2 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 3 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

[68] Clause 61 Assignment of water allocations dealings

Omit subclause (1) (k). Insert instead:

- (k) an access licence that nominates a water supply work located in a trading zone in the Croppa Creek and Whalan Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Croppa Creek and Whalan Creek Water Source, or

[69] Clause 62 Interstate transfer of access licences and assignment of water allocation

Omit “by the States” wherever occurring. Insert instead “by, NSW and the other State or Territory”.

[70] Clause 63 Nomination of water supply works dealings

Omit “by the States” from subclause (3). Insert instead “by, NSW and the other State or Territory.”

[71] Clause 63 (4)

Omit the subclause. Insert instead:

- (4) 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.
- [72] **Clause 64 General**
Omit “Appendix 4”. Insert instead “Schedule 7”.
- [73] **Clause 64 (a)**
Omit “the Department’s Advisory Service, Water Regulation”. Insert instead “enquiries on the Department’s website”
- [74] **Clause 64 (a), Note**
Omit “the Department’s Advisory Service, Water Regulation” from the note. Insert instead “enquiries on the Department’s website”.
- [75] **Clause 64 (c)**
Insert “person” after “same” in the subclause.
- [76] **Clause 65 (1) and (2)**
Omit “where required” from the subclauses.
- [77] **Clause 65 General**
Omit subclause (2) (b) (v).
- [78] **Clause 65**
Omit “the NSW Border Rivers Unregulated Water Sources” wherever occurring. Insert instead “these water sources”.
- [79] **Clause 65 (2) (b) (viii)**
Omit the subclause.
- [80] **Clause 65 (4)**
Omit the subclause. Insert instead:

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

Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in these water sources by 1 December 2021.
- (5) Subclauses (2), (3) and (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- [81] **Clause 66 General**
Omit “conditions” from subclause (1) (h). Insert instead “condition”.
- [82] **Clause 66 (1)**

Insert after the subclause:

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

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

[83] Clause 66 (2)

Omit “except for”. Insert instead “excluding”.

[84] Clause 66 (2)

Omit ‘where required’ from the subclause.

[85] Clause 66 (3)

Insert after the subclause:

- (3A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3B) Subclauses (2), (3) and (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

[86] Clause 66 (5)

Omit the subclause. Insert instead:

- (5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
- (a) a dealing under section 71Q or 71W of the Act,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of an access licence under section 77A (6) of the Act,

- (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.

[87] Clause 66 (6)

Omit the subclause. Insert instead:

- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 48 (4).

[88] Clause 67 Water supply works authorised to take water from the NSW Border Rivers Alluvial Groundwater Sources

Omit the clause.

[89] Clause 69 Part 1

Omit the note after subclause (b).

[90] Clause 70 Part 4

Omit the clause.

[91] Clause 71 Part 6

Omit the clause. Insert instead:

71 Part 6

- (1) Part 6 may be amended to specify that reductions to available water determinations for unregulated river (special additional high flow) access licences may be made prior to, or at a rate greater than, reductions for unregulated river access licences.
- (2) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may amend clause 28 to vary the long-term average annual extraction limit that applies to the respective extraction management unit.
- (3) Division 3 of Part 6 may be amended to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for these water sources and the NSW Border Rivers Regulated River Water Source.

[92] Clause 72 Part 8

Omit “Division 2 of” from the clause.

[93] Clause 72 (c)

Omit the subclause.

[94] Clause 73 Part 9

Omit the clause. Insert instead:

73 Part 9

Part 9 may be amended to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on a third or higher order stream.

[95] Clause 73A

Insert after clause 73:

73A Part 10

Part 10 may be amended to permit conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

[96] Clause 74 Part 11

Omit the clause. Insert instead:

74 Part 11

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

[97] Clause 76 Schedules

Omit subclause (1).

[98] Clause 76 (6)

Omit “a contamination source”. Insert instead “an office”.

[99] Clause 76 (7)

Omit the subclause.

[100] Clause 77 Other

Omit subclause 77 (1) (a) and the note.

[101] Clause 77 (1) (g)

Omit the subclause.

[102] Clause 77 (4)

Omit the subclause. Insert instead:

(4) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.

[103] Dictionary, Note

Omit “regulations” from the note after the heading. Insert instead “Regulations”.

[104] Dictionary

Omit the following terms:

alluvial sediments, drawdown, fractured rock, grazeable area, groundwater dependent ecosystems, high environmental value areas, in-river pool, Minimum Construction Requirements for Water Bores in Australia, off-river pool, porous rock, recharge, stream order and Year 6 of this Plan.

[105] **Dictionary**

Insert the following in alphabetical order:

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

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

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

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

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

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

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

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

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

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

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

NSW Border Rivers SDL resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

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

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

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

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

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

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

[106] Dictionary

In the *runoff harvesting dam* definition, omit the words “an order”. Insert instead “harvestable rights orders”.

[107] Dictionary

In the *runoff harvesting* definition, omit “53”. Insert instead “54”.

[108] Dictionary

In the *trading zone* definition, omit the words “in Schedule 9 of this Plan”. Insert instead “on the Plan Map”.

[109] Schedule 1 Sections of watercourses to which this Plan does not apply

Omit the Schedule.

[110] Schedule 1A Access licences subject to the cease to take action condition specified in clause 44 (3)

Omit “replace”. Insert instead “replaced”.

[111] Schedule 1A, Table

Omit “will be” from Column 1 of the table. Insert instead “were”.

[112] Schedule 2, Clause 1 General

Omit “replaces”. Insert instead “replaced”.

[113] Schedule 2, Clause 1, Table

Omit “will be” from Column 1 of the table. Insert instead “were”.

[114] Schedule 3 Access rules for unregulated river (special additional high flow) access licences subject to clause 44 (6)

Omit “replaces”. Insert instead “replaced”.

[115] Schedule 3, Table

Omit “will be replaced” from Column 1 of the table. Insert instead “were replaced by access licences”.

[116] Schedule 4, Clause 1 General

Omit “replaces” from the clause. Insert instead “replaced”.

[117] Schedule 4, Clause 1, Table

Omit “will be” from the table. Insert instead “were”.

[118] Schedule 4, Clause 2 Local water utility access licences and access licences of the subcategory “Town water supply”

Omit “replaces” from the clause. Insert instead “replaced”.

[119] Schedule 4, Clause 2, Table

Omit “will be” from the table. Insert instead “were”.

[120] Schedule 7 Contamination in these water sources

Omit the Schedule including the heading. Insert instead:

Schedule 7 Office

Department of Planning, Industry and Environment, Water
PO Box 486
MOREE NSW 2400

[121] Schedule 8 High priority groundwater dependent ecosystems

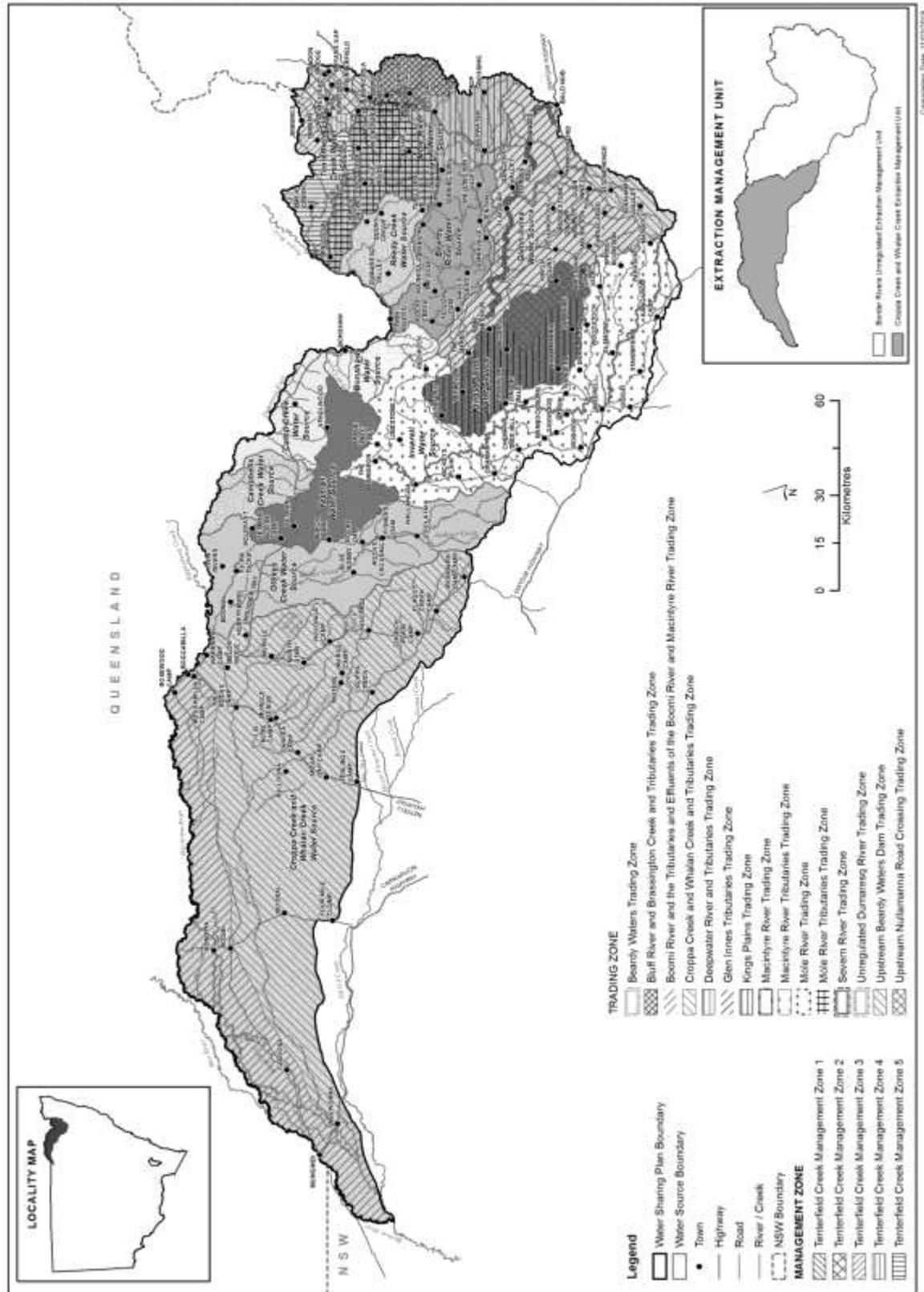
Omit the Schedule, including the heading.

[122] Schedule 9 Trading zones

Omit the Schedule.

[123] Appendix 1 Overview of the Plan Map

Omit “**Plan Map (WSP020_Version 2) Water Sharing Plan for the NSW Border Rivers Unregulated and Alluvial Water Sources 2012**”. Insert instead “*Plan Map (WSP020_Version 2) Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2012*”.



[124] Appendix 2 Inspection of the Plan Map

Omit the appendix. Insert instead:

Appendix 2 Overview maps of the trading zones

Map of the trading zones in the Inverell Water Source



Map of the trading zones in the Glen Innes Water Source



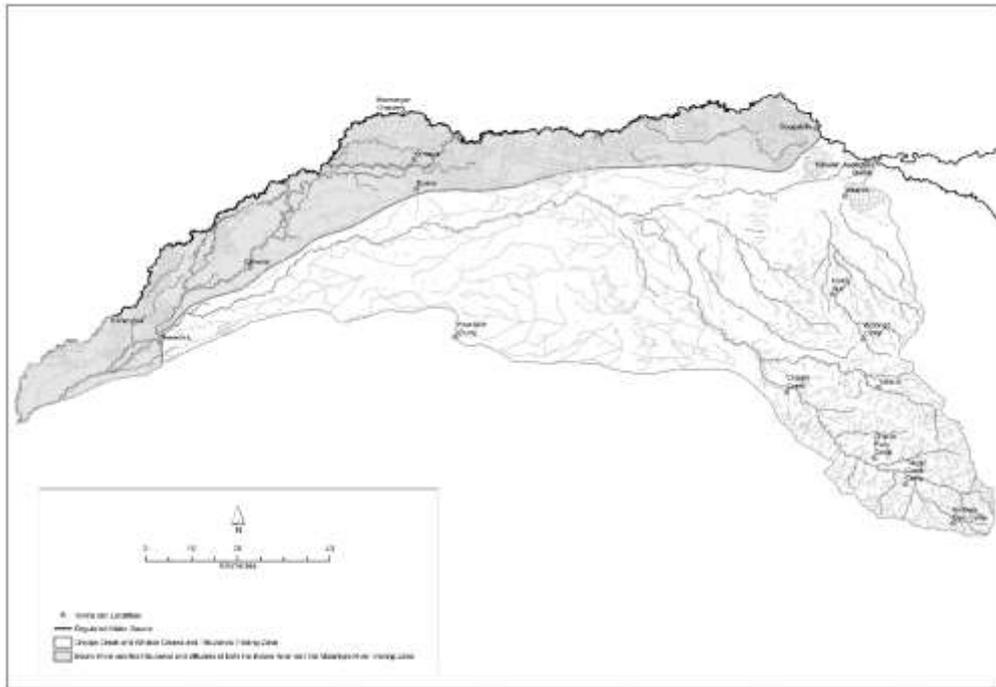
Map of the trading zones in the Kings Plains Water Source



Map of the trading zones in the Mole River Water Source



Map of the trading zones in the Croppa Creek and Whalan Creek Water Source



[125] **Appendix 4 Office**
Omit the appendix.