



New South Wales

# **Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023**

under the

Water Management Act 2000

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

Minister for Lands and Water

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## Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023

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 South East Water Management Area.

#### 1 Name of Plan

This Plan is the *Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023*.

#### 2 Commencement

This Plan commences on 1 July 2023.

#### 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 South East Water Management Area—
  - (a) the Barragoot Lake Tributaries Water Source,
  - (b) the Bega and Brogo Regulated Rivers Water Source,
  - (c) the Bega River Area Coastal Floodplain Alluvial Groundwater Source,
  - (d) the Bega River Estuary and Tributaries Water Source,
  - (e) the Bermagui River Water Source,
  - (f) the Bobundra Creek Water Source,
  - (g) the Candelo Creek Water Source,
  - (h) the Cuttagee Lake Tributaries Water Source,
  - (i) the Dignams Creek Water Source,
  - (j) the Dry River Water Source,
  - (k) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (l) the Mid Bega River Sands Water Source,
  - (m) the Mid Bega River Tributaries Water Source,
  - (n) the Middle Lagoon Tributaries Water Source,
  - (o) the Murrah Estuary Tributaries Water Source,
  - (p) the Murrah River Water Source,
  - (q) the Narira Creek Water Source,
  - (r) the Nelson Lagoon Tributaries Water Source,
  - (s) the Sandy Creek Water Source,
  - (t) the Tantawangalo Creek Water Source,

- (u) the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (v) the Upper Bega/Bemboka Rivers Water Source,
  - (w) the Upper Brogo River Water Source,
  - (x) the Wallaga Lake Tributaries Water Source,
  - (y) the Wapengo Lagoon Tributaries Water Source,
  - (z) the Wolumla Creek Water Source.
- (2) The water sources, other than the Bega and Brogo Regulated Rivers Water Source and the Bega River Area Coastal Floodplain Alluvial Groundwater Source—
- (a) include all groundwater contained in unconsolidated sediments, other than groundwater in the Bega River Area Coastal Floodplain Alluvial Groundwater Source and Bega and Brogo Regulated Rivers Water Source, and
  - (b) do not include water to which the *Water Sharing Plan for the South Coast Groundwater Sources 2016* applies.
- (3) The water sources described in subsection (1)(a), (d), (f)–(n), (p), (q), (s)–(x) and (z) include—
- (a) surface water upstream and downstream of the mangrove limit, and
  - (b) water occurring on the surface of the ground in estuaries upstream and downstream of the mangrove limit.
- (4) The water sources described in subsection (1)(e), (o), (r) and (y) include surface water upstream of the mangrove limit.
- (5) The Bega and Brogo Regulated Rivers Water Source includes—
- (a) water contained within the regulated river, and
  - (b) all groundwater contained in unconsolidated sediments underlying the regulated river.
- (6) The Bega River Area Coastal Floodplain Alluvial Groundwater Source—
- (a) includes groundwater in unconsolidated sediments, and
  - (b) does not include surface water.
- (7) In this section—
- regulated river** means the river declared to be a regulated river for the purposes of the *Water Management Act 2000* by the Regulated River Order for the Bega and Brogo Regulated Rivers 2018.

**Note**— See the *Water Management Act 2000*, Schedule 12, clause 53(1).

**mangrove limit** has the same meaning as in the *DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2005*, 1 September 2006, published on the Department's website.

#### 4 Management zones to which Plan applies

- (1) The Bega River Estuary and Tributaries Water Source is divided into the following management zones shown on the Plan Map—
- (a) the Upper Estuary Management Zone,
  - (b) the Lower Estuary Management Zone.
- (2) The Tantawangalo Creek Water Source is divided into the following management zones shown on the Plan Map—
- (a) the Upper Tantawangalo Creek Management Zone,
  - (b) the Lower Tantawangalo Creek Management Zone.

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

The following extraction management units are established—

- (a) the Bega and Brogo Regulated Rivers Extraction Management Unit, consisting of the Bega and Brogo Regulated Rivers Water Source,
- (b) the Bega River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Bega River Area Coastal Floodplain Alluvial Groundwater Source,
- (c) the Bega River Catchment Extraction Management Unit, consisting of the following water sources—
  - (i) the Bega River Estuary and Tributaries Water Source,
  - (ii) the Candelo Creek Water Source,
  - (iii) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (iv) the Mid Bega River Sands Water Source,
  - (v) the Mid Bega River Tributaries Water Source,
  - (vi) the Sandy Creek Water Source,
  - (vii) the Tantawangalo Creek Water Source,
  - (viii) the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (ix) the Upper Bega/Bemboka Rivers Water Source,
  - (x) the Upper Brogo River Water Source,
  - (xi) the Wolumla Creek Water Source,
- (d) the Murrah-Wallaga Extraction Management Unit, consisting of the following water sources—
  - (i) the Barragoot Lake Tributaries Water Source,
  - (ii) the Bermagui River Water Source,
  - (iii) the Bobundra Creek Water Source,
  - (iv) the Cuttagee Lake Tributaries Water Source,
  - (v) the Dignams Creek Water Source,
  - (vi) the Dry River Water Source,
  - (vii) the Middle Lagoon Tributaries Water Source,
  - (viii) the Murrah Estuary Tributaries Water Source,
  - (ix) the Murrah River Water Source,
  - (x) the Narira Creek Water Source,
  - (xi) the Nelson Lagoon Tributaries Water Source,
  - (xii) the Wapengo Lagoon Tributaries Water Source,
  - (xiii) the Wallaga Lake Tributaries Water Source.

## 6 Interpretation

- (1) The Dictionary in Schedule 5 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.



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Part 1 Introduction

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- Note—** The following maps adopted by this Plan are available on the Department's website—
- (a) the Plan Map,
  - (b) the High Priority Groundwater-Dependent Ecosystem 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.

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## 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 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 help prevent structural damage to aquifers resulting from groundwater extraction.

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

The strategies for reaching the objectives of this Plan include the following—

- (a) reserve all water in excess of each long-term average annual extraction 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, including connectivity between tidal pools and estuaries,
- (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights and town water supply,
- (f) restrict or prevent water supply work approvals on third order or higher 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,
- (k) provide for water associated with Aboriginal cultural values and uses, and community development.

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

- (1) 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.
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister.

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## 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 3,415ML/year distributed as follows—

- (a) 8ML/year in the Barragoot Lake Tributaries Water Source,
- (b) 712ML/year in the Bega and Brogo Regulated Rivers Water Source,
- (c) 6ML/year in the Bega River Area Coastal Floodplain Alluvial Groundwater Source,
- (d) 75ML/year in the Bega River Estuary and Tributaries Water Source,
- (e) 80ML/year in the Bermagui River Water Source,
- (f) 75ML/year in the Bobundra Creek Water Source,
- (g) 167ML/year in the Candelo Creek Water Source,
- (h) 13ML/year in the Cuttagee Lake Tributaries Water Source,
- (i) 60ML/year in the Dignams Creek Water Source,
- (j) 190ML/year in the Dry River Water Source,
- (k) 544ML/year in the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
- (l) 11ML/year in the Mid Bega River Sands Water Source,
- (m) 140ML/year in the Mid Bega River Tributaries Water Source,
- (n) 31ML/year in the Middle Lagoon Tributaries Water Source,
- (o) 103ML/year in the Murrah Estuary Tributaries Water Source,
- (p) 25ML/year in the Murrah River Water Source,
- (q) 238ML/year in the Narira Creek Water Source,
- (r) 6ML/year in the Nelson Lagoon Tributaries Water Source,
- (s) 256ML/year in the Sandy Creek Water Source,
- (t) 157ML/year in the Tantawangalo Creek Water Source,
- (u) 158ML/year in the Upper Bega/Bemboka Rivers Tributaries Water Source,
- (v) 13ML/year in the Upper Bega/Bemboka Rivers Water Source,
- (w) 4ML/year in the Upper Brogo River Water Source,
- (x) 58ML/year in the Wallaga Lake Tributaries Water Source,
- (y) 41ML/year in the Wapengo Lagoon Tributaries Water Source,
- (z) 244ML/year in the Wolumla Creek Water Source.

#### 13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is estimated to be 0ML/year.

**Note 1—** 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.

**Note 2—** On the commencement of this Plan, no determinations of native title had been made in relation to the water sources.

## 14 Harvestable rights

[Not applicable]

**Note**— 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 are estimated to be a total of 448.1ML/year distributed as follows—
  - (a) 53.5ML/year in the Bega and Brogo Regulated Rivers Water Source,
  - (b) 5ML/year in the Bega River Estuary and Tributaries Water Source,
  - (c) 37.5ML/year in the Bermagui River Water Source,
  - (d) 67ML/year in the Bobundra Creek Water Source,
  - (e) 43ML/year in the Candelo Creek Water Source,
  - (f) 2ML/year in the Dignams Creek Water Source,
  - (g) 46.5ML/year in the Dry River Water Source,
  - (h) 41.1ML/year in the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (i) 23ML/year in the Mid Bega River Sands Water Source,
  - (j) 6ML/year in the Mid Bega River Tributaries Water Source,
  - (k) 6.5ML/year in the Middle Lagoon Tributaries Water Source,
  - (l) 12.5ML/year in the Narira Creek Water Source,
  - (m) 17.5ML/year in the Sandy Creek Water Source,
  - (n) 26ML/year in the Tantawangalo Creek Water Source,
  - (o) 11.5ML/year in the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (p) 10.5ML/year in the Upper Bega/Bemboka Rivers Water Source,
  - (q) 7.5ML/year in the Wapengo Lagoon Tributaries Water Source,
  - (r) 31.5ML/year in the Wolumla Creek Water Source,
  - (s) 0ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 4,306ML/year distributed as follows—
  - (a) 2,640ML/year in the Mid Bega River Sands Water Source,
  - (b) 1,500ML/year in the Tantawangalo Creek Water Source,
  - (c) 66ML/year in the Upper Bega/Bemboka Rivers Water Source,
  - (d) 100ML/year in the Wallaga Lakes Tributaries Water Source.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 29,091.9 unit shares distributed as follows—
  - (a) 0 unit shares in the Barragoot Lake Tributaries Water Source,
  - (b) 174 unit shares in the Bega River Estuary and Tributaries Water Source,
  - (c) 778.5 unit shares in the Bermagui River Water Source,
  - (d) 344 unit shares in the Bobundra Creek Water Source,
  - (e) 1,677 unit shares in the Candelo Creek Water Source,
  - (f) 20 unit shares in the Cuttagee Lake Tributaries Water Source,

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Part 3 Requirements for water

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- (g) 173 unit shares in the Dignams Creek Water Source,
  - (h) 1,684.2 unit shares in the Dry River Water Source,
  - (i) 1,509 unit shares in the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (j) 3,225 unit shares in the Mid Bega River Sands Water Source,
  - (k) 52 unit shares in the Mid Bega River Tributaries Water Source,
  - (l) 8.3 unit shares in the Middle Lagoon Tributaries Water Source,
  - (m) 0 unit shares in the Murrah Estuary Tributaries Water Source,
  - (n) 113 unit shares in the Murrah River Water Source,
  - (o) 829.4 unit shares in the Narira Creek Water Source,
  - (p) 0 unit shares in the Nelson Lagoon Tributaries Water Source,
  - (q) 1,394.5 unit shares in the Sandy Creek Water Source,
  - (r) 3,417 unit shares in the Tantawangalo Creek Water Source,
  - (s) 2,351.5 unit shares in the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (t) 9,401 unit shares in the Upper Bega/Bemboka Rivers Water Source,
  - (u) 0 unit shares in the Upper Brogo River Water Source,
  - (v) 15 unit shares in the Wallaga Lake Tributaries Water Source,
  - (w) 144.5 unit shares in the Wapengo Lagoon Tributaries Water Source,
  - (x) 1,781 unit shares in the Wolumla Creek Water Source.
- (4) On the commencement of this Plan, the share components of unregulated river (B Class) and unregulated river (C Class) access licences are estimated to be a total of 0ML/year in all water sources.
- (5) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 875 unit shares distributed as follows—
- (a) 0 unit shares in the Bega River Area Coastal Floodplain Alluvial Groundwater Source,
  - (b) 70 unit shares in the Bega River Estuary and Tributaries Water Source,
  - (c) 25 unit shares in the Bobundra Creek Water Source,
  - (d) 750 unit shares in the Mid Bega River Sands Water Source,
  - (e) 30 unit shares in the Wolumla Creek Water Source.
- (6) On the commencement of this Plan, the share components of regulated river (high security) access licences are estimated to be a total of 1,113.5 unit shares in the Bega and Brogo Regulated Rivers Water Source.
- (7) On the commencement of this Plan, the share components of regulated river (general security) access licences are estimated to be a total of 13,907 unit shares in the Bega and Brogo Regulated Rivers Water Source.
- (8) On the commencement of this Plan, the share components of supplementary water access licences are estimated to be a total of 1,300 unit shares in the Bega and Brogo Regulated Rivers Water Source.
- 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

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Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
Part 3 Requirements for water

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- (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.

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## Part 4 Limits to the availability of water—the Act, s 20(1)(e)

### Division 1 Available water determinations

#### 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—1ML/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 is in the public interest—
  - (a) for domestic and stock access licences—100%,
  - (b) for local water utility access licences—100%,
  - (c) for unregulated river access licences—1ML/unit share,
  - (d) for unregulated river (A Class) access licences—1ML/unit share,  
**Note—** When this Plan was made, there were no unregulated river (A Class) access licences.
  - (e) for unregulated river (B Class) access licences—1ML/unit share,  
**Note—** When this Plan was made, there were no unregulated river (B Class) access licences.
  - (f) for unregulated river (high flow) access licences—1ML/unit share,  
**Note—** When this Plan was made, there were no unregulated river (high flow) access licences.
  - (g) for aquifer access licences—1ML/unit share,
  - (h) for regulated river (high security) access licences—at least 0.8ML/unit share,
  - (i) for supplementary water access licences—1ML/unit share.
- (3) Available water determinations for regulated river (general security) access licences may be made if the sum of available water determinations made for regulated river (high security) access licences in a water year exceeds 0.8ML/unit share.
- (4) If, after available water determinations are made at the start of a water year, additional water becomes available in the Bega and Brogo Regulated Rivers Water Source, an additional available water determination for regulated river (high security) access licences must be made as soon as practicable.
- (5) For each 0.01ML/unit share the sum of the available water determinations for regulated river (high security) access licences exceeds 0.8ML/unit share in a water year, an available water determination must be made to increase the total available water determinations made for regulated river (general security) access licences in the water year by 0.02ML/unit share.
- (6) An available water determination for a regulated river (general security) access licence must not be made unless there will be sufficient water available for the determination after providing for water losses associated with holding and delivering water to meet existing allocations in the regulated river water source.
- (7) This section is subject to sections 22 and 26.  
**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.



- (8) In this section—
- existing water allocation** means an unused water allocation in a water allocation account arising from—
- (a) water allocations carried over from the previous water year,
  - (b) water allocations assigned under the Act, s 71T,
  - (c) water allocations recredited to the account under the Act, s 76,
  - (d) available water determinations made in the water year.

## Division 2 Extraction limits

### 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 as planned environmental water.

#### 18 Definitions

In this Division—

**3-year average higher flow extraction** means the average of the annual higher flow extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**3-year average standard extraction** means the average of the annual standard extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**annual higher flow extraction** means the sum of the volume of water taken from an extraction management unit under all higher flow extraction licences within the extraction management unit.

**Note—** The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

**annual higher flow extraction limit** means the annual higher flow extraction limit established by section 23.

**annual standard extraction** means the volume of water taken from an extraction management unit—

- (a) under an access licence, excluding extractions under a higher flow extraction licence, or
- (b) in the exercise of basic landholder rights.

**Note—** The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

**higher flow extraction licence** means the following—

- (a) an unregulated river (B Class) access licence,
- (b) an unregulated river (C Class) access licence,
- (c) an unregulated river (high flow) access licence,
- (d) an access licence of the subcategory Aboriginal community development,
- (e) a higher flow specific purpose access licence,
- (f) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

**higher flow specific purpose access licence** means a specific purpose access licence granted after the commencement of this Plan, which permits the extraction of water from high flows only.

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

**standard LTAAEL** means a standard long-term average annual extraction limit established by section 19.

## Subdivision 2 Standard LTAAELs

### 19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) for the Bega and Brogo Regulated Rivers Extraction Management Unit—16,624ML/year,
- (b) for the Bega River Catchment Extraction Management Unit—
  - (i) all access licence share components on the commencement of this Plan,
  - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 1 April 2011,
  - (iii) an estimate of the volume of water that may be captured under a harvestable right in accordance with the 2006 Harvestable Rights Order as of 1 April 2011,
- (c) for the Murrah-Wallaga Extraction Management Unit—
  - (i) all access licence share components on the commencement of this Plan,
  - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 17 December 2010,
  - (iii) an estimate of the volume of water that may be captured under a harvestable right in accordance with the 2006 Harvestable Rights Order as of 17 December 2010,
- (d) for the Bega River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—429ML/year.

**Note—** The standard LTAAELs are 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 standard extraction

As soon as practicable after the end of a water year, the annual standard extraction of each extraction management unit must be calculated for the water year.

### 21 Assessment of compliance with standard LTAAELs

- (1) As soon as practicable after the end of a water year, the following must be compared against the standard LTAAEL for the extraction management unit for the water year—
  - (a) for the Bega and Brogo Regulated Rivers Extraction Management Unit and the Bega River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—the annual standard extraction for the extraction management unit for the water year,
  - (b) for each other extraction management unit—the 3-year average standard extraction for the extraction management unit for the water year.

- (2) In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the standard LTAAEL—
  - (a) the share components of an access licence cancelled to grant a higher flow extraction licence after the commencement of this Plan,
  - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is noncompliance with the standard LTAAEL if the annual standard extraction or the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more.

## 22 Compliance with standard LTAAELs

- (1) This section applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made as follows—
  - (a) for the Bega and Brogo Regulated Rivers Extraction Management Unit—
    - (i) first, for supplementary water access licences, and
    - (ii) second, for regulated river (general security) access licences,
  - (b) otherwise—for one or both of—
    - (i) unregulated river access licences,
    - (ii) aquifer access licences.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

**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.

## Subdivision 3 Annual higher flow extraction limits

### 23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit is as follows—

- (a) for the Bega and Brogo Regulated Rivers Extraction Management Unit and the Bega River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—no limit,
- (b) for the Bega River Catchment Extraction Management Unit and the Murrumbidgee-Wallaga Extraction Management Unit—the largest sum of the share components of all higher flow extraction licences within the extraction management unit occurring within a water year.

**Note—** The annual higher flow extraction limits are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

### 24 Calculation of annual higher flow extraction

As soon as practicable after the end of a water year, the annual higher flow extraction of each extraction management unit must be calculated for the water year.

## 25 Assessment of compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average higher flow extraction for each extraction management unit must be compared against the higher flow extraction limit for the extraction management unit.
- (2) In determining the annual higher flow extraction limit for the water year, the share components of an access licence must be excluded from the annual higher flow extraction limit if—
  - (a) the access licence was cancelled for an environmental purpose during the water year, and
  - (b) before its cancellation, the access licence was in the extraction management unit.
- (3) There is non-compliance with the annual higher flow extraction limit if the 3-year average higher flow extraction exceeds the limit by 5% or more.

## 26 Compliance with annual higher flow extraction limits

- (1) This section applies to an extraction management unit if there is noncompliance with the annual higher flow extraction limit for the extraction management unit.
- (2) On 1 July in the following water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations must be made for one or more of the following categories of licences—
  - (a) an unregulated river (B Class) access licence,
  - (b) an unregulated river (C Class) access licence,
  - (c) an unregulated river (high flow) access licence,
  - (d) an Aboriginal community development access licence,
  - (e) a higher flow specific purpose access licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

**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.

## Subdivision 4 Total daily extraction limits

### 27 Application of total daily extraction limits

- (1) The following total daily extraction limits (*TDELs*) apply to unregulated river access licences in the Upper Bega/Bemboka Rivers Water Source—
  - (a) in A Class flows—29.6ML/day,
  - (b) in B Class flows—61.6ML/day.
- (2) A TDEL of 0.2ML/day applies to domestic and stock access licences in the Upper Bega/Bemboka Rivers Water Source in A Class flows and B Class flows.
- (3) The following TDELs apply to access licences in the Mid Bega River Sands Water Source—
  - (a) 0.15ML/day for a domestic and stock access licence,
  - (b) in Low Flows—
    - (i) 5.79ML/day for an unregulated river access licence, and
    - (ii) 1.36ML/day for an aquifer access licence,

- (c) in A1 Class Flows—
    - (i) 5.79ML/day for an unregulated river access licence, and
    - (ii) 1.36ML/day for an aquifer access licence,
  - (d) in A2 Class Flows—
    - (i) 9.72ML/day for an unregulated river access licence, and
    - (ii) 2.28ML/day for an aquifer access licence,
  - (e) in B Class Flows—
    - (i) 19.85ML/day for an unregulated river access licence, and
    - (ii) 4.65ML/day for an aquifer access licence.
- (4) If a TDEL applying to an access licence is exceeded, the extraction component of the access licence may be amended to impose an individual daily extraction component on the access licence.

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

### 28 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
  - (a) an aquifer (Aboriginal cultural) access licence,
  - (b) an unregulated river (Aboriginal cultural) access licence,
  - (c) an aquifer (Aboriginal community development) access licence, if—
    - (i) the licence is in the Bega River Area Coastal Floodplain Alluvial Groundwater Source, and
    - (ii) the total share components of all aquifer access licences in the Bega River Area Coastal Floodplain Alluvial Groundwater Source will be no more than 343ML/year,
  - (d) an unregulated river (Aboriginal community development) access licence for the taking of water from B Class flows or C Class flows if—
    - (i) for the taking of water from B Class flows—the licence is in a relevant water source, and
    - (ii) for the taking of water from C Class flows—the licence is in the Lower Tantawangalo Creek Management Zone, and
    - (iii) the total share components of all unregulated river (Aboriginal community development) licences in the relevant water source and the Lower Tantawangalo Creek Management Zone will be no more than 500ML/year,
  - (e) an unregulated river (Aboriginal community development) access licence for the taking of water from B Class flows in the Dry River Water Source or Narira Creek Water Source if the total share components of all unregulated river (B Class) access licences and unregulated river (Aboriginal community development) access licences in the water source concerned will be no more than 220ML/year.

**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 10ML/year, and
  - (b) the licence is only 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) recreational, cultural and ceremonial purposes.
- (4) In this section—

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

***relevant water source*** means the following—

- (a) the Candelo Creek Water Source,
- (b) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
- (c) the Mid Bega River Tributaries Water Source,
- (d) the Sandy Creek Water Source,
- (e) the Upper Bega/Bemboka Rivers Tributaries Water Source,
- (f) the Wolumla Creek Water Source.

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## **Part 6 Operation of water allocation accounts and managing access licences**

### **Division 1 Preliminary**

#### **29 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 2–5—commits water as planned environmental water by reference to the water that is not committed under the commitments to basic landholder rights and for sharing and extraction under any other rights have been met, and
- (c) in Divisions 3–5—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)**

#### **30 Water allocation account debiting**

- (1) The Minister must debit from the water allocation account of an access licence the volume of water extracted by a water supply work nominated by the access licence.
- (2) The volume of water debited from the water allocation account of an unregulated river access licence must not be more than the relevant sum during a period of 3 consecutive water years.
- (3) The volume of water debited from a regulated river access licence in the Bega and Brogo Regulated Rivers Water Source must not be more than the sum of the following in a water year—
  - (a) the water allocations credited to the water allocation account from available water determinations,
  - (b) the water allocations carried over from the previous water year under section 31,
  - (c) the amount of water that may be taken from uncontrolled flows under section 35,
  - (d) the amount of water allocations assigned to or from the water allocation account under the Act, section 71T,
  - (e) the water allocations recredited to the water allocation account under the Act, section 76.
- (4) The volume of water debited from the water allocation account of an aquifer access licence in the Bega River Area Coastal Floodplain Alluvial Groundwater Source must not be more than the sum of the following in a water year—
  - (a) the water allocations credited to the water allocation account from available water determinations,
  - (b) the amount of water allocations assigned to or from 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.
- (5) 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,
- (b) the amount of 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.

### 31 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an aquifer access licence in the Bega River Area Coastal Floodplain Alluvial Groundwater Source or a supplementary water access licence in the Bega and Brogo Regulated Rivers Water Source—must not be carried over from one water year to the next water year, or
- (b) for a regulated river access licence in the Bega and Brogo Regulated Rivers Water Source—must not be carried over from one water year to the next water year unless—
  - (i) the licence is a regulated river (high security) access licence, and
  - (ii) the available water determination made at the commencement of the following water year will be less than 0.8 ML per unit share, and
  - (iii) the volume carried over does not exceed an amount equivalent to 0.1 ML per unit share of access licence share component, or
- (c) 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

### 32 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—
  - (a) the flow class applies to a water source when the water source flow meets the flow specified under the flow class threshold for the water source as measured or observed at the flow reference point specified, and
  - (b) a reference to a flow includes the following—
    - (i) a water flow,
    - (ii) a surface water level,
    - (iii) a groundwater level.

### 33 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 and 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) reading 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 21(a)**

### **Subdivision 1 Regulated surface water**

#### **34 General**

- (1) This Subdivision applies to the Brogo Regulated Rivers Water Source.
- (2) If the extraction component of an access licence does not specify a rate of extraction as a share of supply capability or a volume per unit of time, the following priority of extraction applies when supply capability is insufficient to satisfy orders for water in a section of the water source—
  - (a) water must first be supplied to the following licences that have placed orders for water—
    - (i) first—domestic and stock access licences,
    - (ii) second—local water utility access licences,
    - (iii) third—regulated river (high security) access licences,
  - (b) remaining water must be shared between regulated river (general security) access licences that have placed orders for water, in the same shares as the share components specified on the access licences.
- (3) The rate or unit shares specified in the amended extraction component of an access licence must—
  - (a) for a domestic and stock, local water utility or regulated river (high security) access licence—be the amount the Minister considers sufficient to satisfy the maximum daily water requirement of the access licence, or
  - (b) for a regulated river (general security) access licence—be the same rate or number of unit shares specified in the share component of the access licence.

#### **35 Specific access rules—uncontrolled flows**

- (1) This section applies to the taking of water from uncontrolled flows under a regulated river (general security) access licence—
  - (a) with a share component that specifies the Bega and Brogo Regulated Rivers Water Source, and
  - (b) that nominates a metered work.
- (2) Water must not be taken unless—
  - (a) the take is from a river reach specified in Schedule 1A, and
  - (b) WaterNSW has published a notice on its website confirming that, for a specified period in which the water is taken (an *uncontrolled flow event*)—

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- (i) uncontrolled flows within the river reach are available to be taken by access licence holders, and
  - (ii) the flows are in excess of the flows necessary to satisfy—
    - (A) the operational rules for the Brogo Dam in Part 8A, Division 2, and
    - (B) the access rules specified for the river reach in the table to this section.
- (3) During an uncontrolled flow event, a holder of a regulated river (general security) access licence may take no more than a proportion of uncontrolled flows equal to the proportion of all share components specified in regulated river (general security) access licences that the share component specified in the licence holder's access licence represents.
- Note—** For example, if the share component specified in a regulated river (general security) access licence accounts for 2% of all share components specified in regulated river (general security) access licences, the licence holder may take no more than 2% of the volume of uncontrolled flows.
- (4) In a water year, no more than an amount of uncontrolled flow equal to the difference between the following may be taken under a regulated river (general security) access licence—
- (a) the sum of available water determinations for the water year for regulated river (general security) access licences,
  - (b) 1ML/unit share.
- (5) If the total amount of uncontrolled flow taken under an access licence exceeds the limit specified in subsection (4), a volume equivalent to the exceedance must be debited from the water allocation account for the access licence in the water year.

**Table—Access rules for uncontrolled flows**

River reach	Access rule for commencing take of water
1A	Either— <ul style="list-style-type: none"><li>(a) the discharge over the Brogo Dam spillway in the immediately preceding 24 hour period has been more than 50ML/day on a rising river and 20ML/day on a falling river, or</li><li>(b) a discharge through the control valves of the Brogo Dam in the immediately preceding period has prevented a spillage over the spillway.</li></ul>
1B	Both— <ul style="list-style-type: none"><li>(a) the access rule specified for river reach 1A is satisfied, and</li><li>(b) the flows at the North Brogo gauge (219013) have exceeded 50ML/day for at least 24 hours on a rising river and 20ML/day on a falling river.</li></ul>
1C	The flow must be sufficient to ensure that the flows at the Angledale gauge (219025) exceed 50ML/day for at least 24 hours on a rising river and 20ML/day on a falling river.
2	Either— <ul style="list-style-type: none"><li>(a) the river flows at the Angledale gauge (219025) have exceeded 50ML/day for at least 24 hours on a rising river and 20ML/day on a falling river, or</li><li>(b) the flows at the Kanoona gauge (219032) have exceeded 65 ML/day for at least 24 hours.</li></ul>

## 35A Specific access rules—supplementary flows

- (1) This section applies to the taking of water under a supplementary water access licence.
- (2) Water must not be taken unless—
  - (a) the take is from a river reach specified in Schedule 1A, and
  - (b) the take complies with the access rules for the river reach specified in the table to this section, and
  - (c) WaterNSW has published a notice on its website confirming that, for the period in which the water is taken, flows in the water source are in excess of the flows necessary to satisfy—
    - (i) the operational rules for the Brogo Dam in Part 8A, Division 2, and
    - (ii) the volume required to supply water for basic landholder rights and higher priority access licences, within the meaning of the Act, s 58, in the water source.

**Table—Access rules for supplementary flows**

River reach	Access rule for commencing take of water
1A	Either— <ol style="list-style-type: none"><li>(a) the discharge over the Brogo Dam spillway in the immediately preceding 24 hour period has been in excess of 100ML/day, or</li><li>(b) a discharge through the control valves in the immediate preceding 24 hour period has prevented a spillage over the spillway.</li></ol>
1B	Both— <ol style="list-style-type: none"><li>(a) the access rule specified for river reach 1A is satisfied, and</li><li>(b) the flows at the North Brogo gauge (219013) have exceeded 100ML/day for at least 24 hours.</li></ol>
1C	The flow must be sufficient to ensure that the flows at the Angledale gauge (219025) exceed 100ML/day for at least 24 hours.
2	Either— <ol style="list-style-type: none"><li>(a) the river flows at the Angledale gauge (219025) have exceeded 100ML/day for at least 24 hours, or</li><li>(b) the flows at the Kanoona gauge (219032) have exceeded 160ML/day for at least 24 hours.</li></ol>

## 36 Exceptions

[Not applicable]

## Subdivision 2 Unregulated surface water

### 36A General

- (1) This Subdivision does not apply to the Bega and Brogo Regulated Rivers Water Source or the Bega River Area Coastal Floodplain Alluvial Groundwater Source.
- (2) Surface water must not be taken—
  - (a) if there is no visible flow at the location from which the water is taken, or

- (b) for an access licence or works approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3—when flows are at or less than the flows specified in the cease-to-take condition if, in the Minister’s opinion—
  - (i) the cease-to-take condition is more restrictive than the upper limit of the relevant Very Low Flow Class for the water source or management zone of the access licence, or
  - (ii) the cease-to-take condition is more restrictive than the access rules specified in section 36B, or
- (c) from—
  - (i) an in-river pool below full capacity, or
  - (ii) an off-river pool below 50% of full capacity, or
  - (iii) an in-river dam pool unless—
    - (A) the in-river dam pool is at or above full capacity, or
    - (B) the take is otherwise permitted under the water supply work approval for the in-river dam pool.
- (3) Subsection (2)(a) does not apply to the following—
  - (a) an in-river pool,
  - (b) an off-river pool,
  - (c) an in-river dam pool,
  - (d) the Dignams Creek Water Source.

## **36B Specific access rules**

- (1) Surface water must not be taken if flows in the water source concerned are in the Very Low Flow Class.
- (2) Surface water must not be taken under the following access licences if flows are in the A Class—
  - (a) an access licence of the subcategory Aboriginal community development,
  - (b) an access licence in the Upper Bega/Bemboka Rivers Water Source specified in Schedule 3, Table C.
- (3) Surface water must not be taken under an unregulated river (B Class) access licence unless flows in the water source are in the B Class or higher.
- (4) Surface water must not be taken under an unregulated river (C Class) access licence unless flows in the water source are in the C Class or higher.
- (5) If flows in the following water sources and management zone have been in the Very Low Flow Class for 30 or more consecutive days, surface water must not be taken under an access licence in the water source or management zone for 24 hours after flows next exceed the upper limit of the Very Low Flow Class—
  - (a) the Bermagui River Water Source,
  - (b) the Candelo Creek Water Source,
  - (c) the Dry River Water Source,
  - (d) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (e) the Lower Tantawangalo Creek Management Zone,
  - (f) the Mid Bega River Sands Water Source,
  - (g) the Mid Bega River Tributaries Water Source,
  - (h) the Murrumbidgee River Water Source,

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- (i) the Narira Creek Water Source,
  - (j) the Sandy Creek Water Source,
  - (k) the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (l) the Upper Bega/Bemboka Rivers Water Source,
  - (m) the Wolumla Creek Water Source.
- (6) If flows in the following water sources and management zone have been in the A Class class or lower for 30 or more consecutive days, surface water must not be taken under an access licence in the water source or management zone for 24 hours after flows next exceed the upper limit of the A class—
- (a) the Candelo Creek Water Source,
  - (b) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
  - (c) the Mid Bega River Tributaries Water Source,
  - (d) the Sandy Creek Water Source,
  - (e) the Upper Bega/Bemboka Rivers Tributaries Water Source,
  - (f) the Wolumla Creek Water Source.
- (7) If flows in the following water sources and management zone have been in the B Class or lower for 30 or more consecutive days, surface water must not be taken under an access licence in the water source for 24 hours after flows next exceed the upper limit of the B class—
- (a) the Lower Tantawangalo Creek Management Zone,
  - (b) the Mid Bega River Sands Water Source,
  - (c) the Upper Bega/Bemboka Rivers Water Source.
- (8) Surface water must not be taken from the Upper Bega/Bemboka Rivers Water Source under access licence 23756 when flows are in the A Class or the B Class unless the total volume of water taken is no more than 0.2ML/day.
- (9) Surface water must not be taken from the Upper Tantawangalo Creek Management Zone under access licence 23486 unless—
- (a) if flows are less than 5ML/day at the Candelo Dam Site gauge—no more than 0.2ML/day is taken,
  - (b) if flows at the Tantawangalo Creek gauge are less than 0.4ML/day—no more than 50% of the flow is taken,
  - (c) if flows at the Tantawangalo Creek gauge are at least 0.4ML/day but no more than 2.2ML/day—no more than 0.2ML/day is taken,
  - (d) if flows at the Tantawangalo Creek gauge are at least 2.2ML/day—no more than the lesser of the following is taken—
    - (i) 50% of the flow, up to a maximum of 5ML/day, or
    - (ii) the daily flow, minus 2ML.
- (10) In the Dignams Creek Water Source surface water must not be taken when there is no visible flow at the nearest rock bar downstream of the location at which the water is taken.
- (11) In this section—
- Candelo Dam Site gauge*** means the Tantawangalo Creek at Candelo Dam Site gauge (219022).
- Tantawangalo Creek dam site gauge*** means the Tantawangalo Creek at Tantawangalo Mountain site gauge (219006).

## 36C Exceptions

- (1) Sections 36A and 36B 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 20kl/day or a lower amount specified by the Minister is taken—
    - (i) fruit and vegetable washing,
    - (ii) cleaning of dairy plant and equipment for the purposes of hygiene,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) for domestic consumption under a domestic and stock access licence if no more than 1kl/day is taken,
  - (c) from a runoff harvesting dam,
  - (d) under an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
  - (e) under access licence 23542 or 23755, if the take is for the purposes of power generation.
- (2) An access rule specified in section 36A or 36B does not apply to the take of surface water under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
  - (a) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
  - (b) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned.

## Division 5 Access rules for take of groundwater—the Act, s 21(a)

### 37 General

- (1) This Division does not apply to the Bega and Brogo Regulated Rivers Water Source or the Bega River Area Coastal Floodplain Alluvial Groundwater Source.
- (2) Groundwater must not be taken in the following circumstances—
  - (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater,
  - (b) if the location closest to the water supply work being used to take groundwater is a pool that is below full capacity,
  - (c) if flows in the water source are in the Very Low Flow Class,
  - (d) for an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3—when flows are at or less than the flows specified in a cease-to-take condition if, in the Minister's opinion—
    - (i) the cease-to-take condition is more restrictive than the upper limit of the relevant Very Low Flow Class for the water source or management zone of the access licence, or
    - (ii) the cease-to-take condition is more restrictive than the access rules specified in this section.

## 38 Specific access rules

- (1) Groundwater must not be taken under an access licence of the subcategory Aboriginal community development if flows are in the A Class.
- (2) Groundwater must not be taken from the Mid Bega River Sands Water Source under local water utility access licence 43652 if—
  - (a) flows are in the Very Low Flow Class, unless the total volume of water taken is not more than 3.5ML/day,
  - (b) flows are in the Low Flow Class or A1 Flow Class, unless the total volume of water taken is not more than 4.7ML/day,
  - (c) flows are in A2 Class, unless the total volume of water taken is not more than 6.7ML/day,
  - (d) flows are in B Class, unless the total volume of water taken is not more than 12.8ML/day.

## 39 Exceptions

- (1) Sections 37 and 38 do not apply to the take of groundwater in the following circumstances—
  - (a) under access licence 23580 in the Bega River Estuary and Tributaries Water Source, if—
    - (i) no more than 20kl/day or a lower amount specified by the Minister is taken, and
    - (ii) the take is for the following purposes—
      - (A) fruit and vegetable washing,
      - (B) cleaning of dairy plant and equipment for the purposes of hygiene,
      - (C) poultry watering and misting,
      - (D) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) for domestic consumption under a domestic and stock access licence, if no more than 1kl/day is taken.
- (2) An access rule specified in section 37 or 38 does not apply to the take of groundwater under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
  - (a) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
  - (b) 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).

### **Division 1 Preliminary**

#### **40 Application of Part**

- (1) Division 2 applies to a water supply work used to take surface water.
- (2) Division 3 applies to a water supply work used to take groundwater.
- (3) 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.

### **Division 2 Water supply works taking surface water**

#### **41 In-river dams**

An in-river dam on a third order or higher stream must not be constructed within the following water sources—

- (a) the Barragoot Lake Tributaries Water Source,
- (b) the Bega and Brogo Regulated Rivers Water Source,
- (c) the Bega River Estuary and Tributaries Water Source,
- (d) the Bermagui River Water Source,
- (e) the Bobundra Creek Water Source,
- (f) the Candelo Creek Water Source,
- (g) the Cuttagee Lake Tributaries Water Source,
- (h) the Dignams Creek Water Source,
- (i) the Dry River Water Source,
- (j) the Mid Bega River Sands Water Source,
- (k) the Middle Lagoon Tributaries Water Source,
- (l) the Murrah Estuary Tributaries Water Source,
- (m) the Murrah River Water Source,
- (n) the Narira Creek Water Source,
- (o) the Nelson Lagoon Tributaries Water Source,
- (p) the Sandy Creek Water Source,
- (q) the Tantawangalo Creek Water Source,
- (r) the Upper Bega/Bemboka Rivers Water Source,
- (s) the Upper Brogo River Water Source,
- (t) the Wallaga Lake Tributaries Water Source,
- (u) the Wapengo Lagoon Tributaries Water Source.

## 42 Wetlands

A water supply work must not be constructed on land 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 200m upstream of, or within, coastal wetlands.

## Division 3 Water supply works taking groundwater

### 43 Replacement groundwater work

- (1) In this Division, *replacement groundwater work* means a water supply work that—
  - (a) replaces a water supply work authorised by a water supply work approval (the *replaced water supply work*), and
  - (b) is constructed to extract water—
    - (i) from the same water source as the replaced water supply work, and
    - (ii) from the same depth as the replaced water supply work, and
  - (c) is located—
    - (i) within 20m of the replaced water supply work, and
    - (ii) if the replaced water supply work is located within 40m of the top of the high bank of a river—at the same or a further distance from the top of the high bank of the river, and
  - (d) has an internal diameter or excavation footprint the same as or less than the existing water supply work unless—
    - (i) if the replaced water supply work is no longer manufactured—the internal diameter of the water supply work will not exceed 120% of the internal diameter of the replaced water supply work, or
    - (ii) if the internal diameter of the replaced water supply work is less than 100mm—the internal diameter of the water supply work will not exceed 100mm.
- (2) A water supply work that does not meet the requirements in subsection (1)(b)(ii) or (c)(i) is taken to be a replacement groundwater work if, in the Minister's opinion, the water supply work is not likely to—
  - (a) result in a greater adverse impact than the replaced water supply work on the following—
    - (i) a water source,
    - (ii) a high priority groundwater-dependent ecosystem,
    - (iii) public health and safety,
    - (iv) a groundwater-dependent culturally significant area, and
  - (b) adversely affect the ability of another person to take water using an existing water supply work.
- (3) In this section—

*excavation footprint* means the authorised dimensions of an unlined excavation constructed only for the purposes of water supply only.

*internal diameter* means the diameter of the inside of the casing of a water bore.

### 44 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—

- (a) 200m of a water supply work—
    - (i) located on another landholding, and
    - (ii) authorised to take water solely for basic landholder rights from the same water source,
  - (b) 200m of a water supply work—
    - (i) located on another landholding, and
    - (ii) nominated by another access licence to take water from the same water source,
  - (c) 100m of the boundary of the landholding on which the water supply work is located unless the owner of the landholding adjoining the boundary has provided written consent,
  - (d) 500m of a water supply work nominated by a local water utility access licence or a major utility access licence authorised to take water from the same water source unless the holder of the licence has provided written consent,
  - (e) 100m of a Government monitoring or observation bore.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
  - (d) the location of the water supply work at a lesser distance than that specified in subsection (1) would result in no more than a minimal detrimental effect on the water available for take using an existing water supply work.

#### **45 Contamination sources**

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 500m of a contamination source,
  - (b) 250m of the edge of a plume associated with a contamination source,
  - (c) between 250m and 500m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250m of the plume.
- (2) Subsection (1) does not apply if, in the Minister’s opinion—
- (a) the location of the water supply work is adequate to protect the water source, the environment, and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work must not be constructed on land within 250m of an on-site sewage disposal system unless the water supply work is—
- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20m from the ground surface, and
  - (b) located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.
- (4) The Minister may reduce the depth requirement in subsection (3)(a) if—
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or

- (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this section—  
**contamination source** means a contamination source specified in Schedule 4.

#### 46 High priority groundwater-dependent ecosystems

- (1) A water supply work must not be constructed on land within the following areas—
  - (a) 40m of the top of the high bank of a river,
  - (b) 200m of a high priority groundwater-dependent ecosystem,
  - (c) 200m of a wetland,
  - (d) 500m of a karst,
  - (e) 200m of a spring.
- (2) Subsection (1) does not apply if—
  - (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) Subsection (1)(b) does not apply if, in the Minister’s opinion—
  - (a) there is not a high probability of groundwater dependence for the ecosystem concerned, or
  - (b) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem concerned.
- (4) Subsection (1)(c)–(e) does not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the wetland, karst or spring concerned.

#### 47 Potential acid sulfate soils

- (1) A water supply work must not be constructed on land within an area classed as having a high probability of occurrence of acid sulfate soils on the Acid Sulfate Soil Risk Map.
- (2) Subsection (1) does not apply if there is not likely to be a significant risk of acidification of the water sources as a result of the construction and location of the water supply work.
- (3) In this section—  
**Acid Sulfate Soil Risk Map** means an Acid Sulfate Soil Risk Map authorised by the Department and published on the Department’s website.  
**acid sulfate soils** means naturally occurring sediments and soils containing iron sulphides, principally pyrite, or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulphuric acid, for example, by drainage or excavation.

#### 48 Groundwater-dependent culturally significant areas

- (1) A water supply work must not be constructed on land within 200m of a groundwater-dependent culturally significant area.  
**Note**— Groundwater-dependent culturally significant areas may be identified after the commencement of this Plan.
- (2) Subsection (1) does not apply if—

- (a) the water supply work is used only for basic landholder rights, or
- (b) the water supply work is a replacement groundwater work, or
- (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
- (d) the location of the water supply work at a lesser distance would result in no more than minimal harm to a groundwater-dependent culturally significant area.

#### **49 Water supply works used only for basic landholder rights**

- (1) A water supply work used only for basic landholder rights must not be constructed on land within the following areas—
  - (a) 100m of a Government monitoring or observation bore,
  - (b) 40m of the top of the high bank of a river,
  - (c) 100m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion—
    - (i) there is not a high probability of groundwater dependence for the relevant ecosystem, and
    - (ii) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem,
  - (d) 100m of a groundwater-dependent culturally significant area unless, in the Minister’s opinion, the water supply work is likely to cause no more than minimal harm to the groundwater-dependent culturally significant area,
  - (e) 200m of a wetland,
  - (f) 500m of a karst,
  - (g) 200m of a spring.
- (2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.

### **Division 4 Water supply work approvals**

#### **49B Granting or amending water supply work approvals**

- (1) A water supply work approval must not be granted for a water supply work being used to take water in the following—
  - (a) the Barragoot Lake Tributaries Water Source,
  - (b) the Murrah Estuary Tributaries Water Source,
  - (c) the Nelson Lagoon Tributaries Water Source,
  - (d) the Upper Brogo River Water Source,
  - (e) the Upper Tantawangalo Creek Management Zone.
- (2) This section does not apply to water supply works used solely to take water under—
  - (a) an access licence of the subcategory Aboriginal cultural, or
  - (b) basic landholder rights.

## 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.

### 50 Conversion of access licence to new category dealings

A dealing under the Act, section 71O is prohibited unless the conversion is from—

- (a) an unregulated river access licence to an aquifer access licence in the same water source, or
- (b) an unregulated river access licence to an unregulated river (C Class) access licence in the Lower Tantawangalo Creek Management Zone, if the dealing will not result in the total share components of unregulated river (C Class) access licences exceeding 770ML/year in the management zone, or
- (c) an unregulated river access licence to an unregulated river (C Class) access licence in the Upper Bega/Bemboka Rivers Water Source or the Mid Bega River Sands Water Source, if the dealing will not result in the total share components of unregulated river (C Class) access licences exceeding 1,760ML/year in the water source, or
- (d) a regulated river (general security) access licence to a regulated river (high security) access licence, if the dealing will not result in the volume of water in the regulated river (general security) access licence water allocation account being less than the share component volume of the licence, or
- (e) a regulated river (high security) access licence to a regulated river (general security) access licence, if the dealing will not result in the total volume of share components in all regulated river (general security) access licences exceeding 13,907 unit shares.

**Note**— The *Access Licence Dealing Principles Order 2004*, section 11(3) contains restrictions relating to dealings under the Act, section 71O.

**Explanatory note**— The following conversion factors are intended to be included in a new *Access Licence Dealing Principles Order*, to commence on 1 July 2023—

- (a) for a conversion from an unregulated river access licence to an unregulated river (C Class) access licence—1:3,
- (b) for a conversion from an unregulated river access licence to an aquifer access licence—1:1.

### 51 Assignment of rights dealings

- (1) The following assignments rights under the Act, section 71Q are prohibited—
  - (a) an assignment from an access licence in a management zone to an access licence in another management zone in the same water source,
  - (b) an assignment to or from an access licence in a different water source in the same extraction management unit.
- (2) The following assignments of rights under the Act, section 71Q between water sources in the same water management area are prohibited—
  - (a) an assignment to an access licence in a different extraction management unit,
  - (b) an assignment from an access licence in a water source to which this Plan does not apply,
  - (c) an assignment between access licences of the same category but different subcategories,
  - (d) an assignment to or from a supplementary water access licence, other than an assignment between supplementary water access licences,
  - (e) an assignment to or from the following access licences, other than an assignment between the following access licences—

- (i) WAL23787,
- (ii) WAL23797,
- (iii) WAL23721,
- (iv) WAL23752,
- (v) WAL23774,
- (vi) WAL23764,
- (vii) WAL23751.

## **52 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 to grant an access licence in a water source in a different extraction management unit,
  - (b) 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,
  - (c) the cancellation of an access licence in the following extraction management units to grant an access licence in a different water source in the same extraction management unit—
    - (i) the Murrah-Wallaga Extraction Management Unit, or
    - (ii) the Bega River Catchment Extraction Management Unit.
- (2) Subsection (1)(c)(i) does not apply if—
  - (a) the granted licence is an unregulated river (B Class) access licence in the Narira Creek Water Source or the Dry River Water Source, and
  - (b) the grant of the licence will not result in the total share components of all unregulated (B Class) access licences and unregulated river (Aboriginal community development) access licences in the Narira Creek Water Source or the Dry River Water Source exceeding 220ML/year.
- (3) Subsection (1)(c)(ii) does not apply to the following—
  - (a) the cancellation of an unregulated river access licence in the Mid Bega River Sands Water Source and replacement with a new unregulated river (B Class) access licence in the Mid Bega River Tributaries Water Source, if the granting of the new access licence will not result in the total share components of unregulated river (B Class) access licences in the Mid Bega River Tributaries Water Source exceeding 616ML/year,
  - (b) the cancellation of an unregulated river access licence in the Upper Bega/Bemboka Rivers Water Source and replacement with an unregulated river (B Class) access licence in the Upper Bega/Bemboka Rivers Tributaries Water Source, if the granting of the new access licence will not result in the total share components of unregulated river (B Class) access licences in the Upper Bega/Bemboka Rivers Tributaries Water Source exceeding 616ML/year,
  - (c) the cancellation of an unregulated river access licence and replacement with an unregulated river (B Class) access licence in another water source, if—
    - (i) the share component of the new access licence specifies the following water sources—
      - (A) the Candelo Creek Water Source,
      - (B) the Lower Bega/Lower Brogo Rivers Tributaries Water Source,
      - (C) the Sandy Creek Water Source,

- (D) the Wolumla Creek Water Source, and
- (ii) the granting of the new access licence will not result in the total share components of all unregulated river (B Class) access licences exceeding—
  - (A) in the Candelo Creek Water Source—308ML/year,
  - (B) in the Lower Bega/Lower Brogo Rivers Tributaries Water Source—616ML/year,
  - (C) in the Sandy Creek Water Source—308ML/year,
  - (D) in the Wolumla Creek Water Source—308ML/year,
- (d) the cancellation of an unregulated river access licence and replacement with an unregulated river (C Class) access licence in the Lower Tantawangalo Creek Management Zone, if the granting of the new access licence will not result in the total share components of all unregulated river (C Class) access licences in the zone exceeding 770ML/year.
- (4) 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.

### **53 Amendment of extraction component dealings**

A dealing under the Act, section 71S is prohibited.

### **54 Assignment of water allocations dealings**

- (1) The following assignments of water allocations under the Act, section 71T are prohibited—
  - (a) an assignment from an access licence in a management zone to an access licence in another management zone in the same water source,
  - (b) an assignment to or from an access licence in a different water source in the same extraction management unit.
- (2) The following assignments of water allocations under the Act, section 71T between water sources in the same water management area are prohibited—
  - (a) an assignment to an access licence in a different extraction management unit,
  - (b) an assignment from an access licence in a water source to which this Plan does not apply,
  - (c) an assignment between access licences of the same category but different subcategories,
  - (d) an assignment to or from a supplementary water access licence, other than an assignment between supplementary water access licences,
  - (e) an assignment to or from the following access licences, other than an assignment between the following access licences—
    - (i) WAL23787,
    - (ii) WAL23797,
    - (iii) WAL23721,
    - (iv) WAL23752,
    - (v) WAL23774,
    - (vi) WAL23764,
    - (vii) WAL23751.



**55 Interstate access licence transfer and assignment of water allocations dealings prohibited**

Dealings under the Act, sections 71U and 71V are prohibited.

**56 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 different management zone than the zone specified in the extraction component of the licence,
- (b) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence,
- (c) an access licence being amended to nominate a water supply work outside of the State.

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## Part 8A Rules for major utility and other storages—the Act, s 21(a)

### Division 1 Preliminary

#### 56A Definitions

In this Part—

**Brogo Dam** means the dam in the Bega and Brogo Regulated Rivers Water Source.

**Cochrane Dam** means the dam in the Upper Bega/Bemboka Rivers Water Source.

**dam operator** means the holder of a water supply work approval relating to the Brogo Dam or the Cochrane Dam.

**Cochrane Dam Drought Reserve**—see section 56F(1).

**Cochrane Dam Drought Reserve Account** means an account of the water credited to and debited from the Cochrane Dam Drought Reserve.

### Division 2 Brogo Dam

#### 56B Application

- (1) This Division applies to the Bega and Brogo Regulated Rivers Water Source.
- (2) The dam operator for the Brogo Dam must operate the dam in accordance with this Division.

#### 56C Storage and release of water in Brogo Dam

- (1) Sufficient volumes of water must be held in the Brogo Dam to satisfy the following rights and available water determinations in the water source through a repeat of the worst period of low inflows to the water source based on historical flow information held by the Department when this Plan commenced—
  - (a) native title rights,
  - (b) domestic and stock rights,
  - (c) available water determinations of 100% of access licence share component for—
    - (i) domestic and stock access licences, and
    - (ii) local water utility access licences,
  - (d) available water determinations of 0.8ML/unit share of share component for regulated river (high security) access licences.
- (2) When the volume of water in Brogo Dam is 20% of full supply level or more, the daily inflow to the dam must be released, up to a maximum of 15ML/day.
- (3) A release under subsection (2) must not be used to meet a water order or a basic landholder rights requirement in river reach 1A.
- (4) At the end of a flood or spilling of water, the level in the Brogo Dam must be at least the full supply level, unless that level would be unsafe.

### Division 3 Cochrane Dam

#### 56D Application

- (1) This Division applies to the Upper Bega/Bemboka Rivers Water Source.
- (2) The dam operator for the Cochrane Dam must operate the dam in accordance with this Division.

## 56E Release of water from Cochrane Dam

- (1) Between 1 October and 31 March in each water year, the lesser of the following must be released on a daily basis—
  - (a) 3.5ML/day,
  - (b) the inflow to Cochrane Dam on that day, as measured at the Cochrane Dam storage gauge (219033).
- (2) Subsection (1) does not apply on a day that water is released from Cochrane Dam Drought Reserve.

## 56F Water that must be credited to the Cochrane Dam Drought Reserve account

- (1) The following water (the *Cochrane Dam Drought Reserve*) must be set aside in Cochrane Dam and credited to the Cochrane Dam Drought Reserve Account in each water year—
  - (a) 500ML, on 30 June, if—
    - (i) the Combined Drought Indicator indicates a Drought or an Intense Drought Phase for the Bega Valley Area of South East NSW, and
    - (ii) inflows to the Cochrane Dam for the 3 months before 31 March are less than 639ML,
  - (b) 800ML, on 1 October, if—
    - (i) the Combined Drought Indicator indicates a Drought or an Intense Drought Phase for the Bega Valley Area of South East NSW, and
    - (ii) inflows to the Cochrane Dam for the 3 months before 30 June are less than 839ML,
  - (c) 500ML, on 1 October, if water is not set aside under paragraph (a) or (b).
- (2) If subsection (1)(a) applies and subsection (1)(b) does not apply, water must not be released from Cochrane Dam until there is sufficient water in Cochrane Dam to satisfy subsection (1)(a).
- (3) If subsection (1)(a) applies and subsection (1)(b) does not apply, but the volume of water in Cochrane Dam is insufficient to satisfy subsection (1)(a)—
  - (a) the next 500ML of inflows to Cochrane Dam, minus the volume of water already in Cochrane Dam, must be set aside and credited instead, and
  - (b) water must not be released from Cochrane Dam until the water has been credited.
- (4) If subsection (1)(b) applies, water must not be released from Cochrane Dam from 1 July to 30 September, unless there is sufficient water in Cochrane Dam to satisfy subsection (1)(b).
- (5) If subsection (1)(b) applies but the volume of water in Cochrane Dam is insufficient to satisfy the paragraph—
  - (a) the next 800ML of inflows to Cochrane Dam, minus the volume of water already in the Cochrane Dam Drought Reserve account, must be set aside and credited for the purposes of satisfying subsection (1)(b), and
  - (b) water must not be released from Cochrane Dam until the water has been credited.
- (6) If subsection (1)(b) or (5) apply and the drought declaration is removed before 31 March of the water year, the volume of water in the Cochrane Dam Drought Reserve account must be reduced to equal—
  - (a) 500ML, minus

- (b) a volume equivalent to water already released from Cochrane Dam Drought Reserve under section 56H(1) since 1 October of the water year.
- (7) In this section—  
***Combined Drought Indicator*** means the Combined Drought Indicator developed by the Department of Primary Industries to provide detailed seasonal conditions information for NSW primary producers.

## **56G Cochrane Dam Drought Reserve Account**

The dam operator must keep the Cochrane Dam Drought Reserve Account on a publicly accessible website.

## **56H Release of water**

- (1) Despite section 56F, water may be released from Cochrane Dam for a specified purpose.
- (2) If water is released under subsection (1), the volume of the released water must be debited from the Cochrane Dam Drought Reserve Account.
- (3) Water must not be released from Cochrane Dam Drought Reserve unless, in the Minister's opinion, the release is for a specified purpose.
- (4) In this section—  
***specified purpose*** means the following purposes—
  - (a) to meet the requirements of an access licence specified in Schedule 2,
  - (b) to maintain river connectivity between Cochrane dam and Kanoona gauge (219032),
  - (c) to satisfy basic landholder rights,
  - (d) town water supply,
  - (e) another purpose the Minister considers essential.

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

### Division 1 General

#### 57 Definitions

In this Part—

*AS 4747* has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

*Logbook*, in relation to an access licence or a water supply work approval, means a record in the form approved by the Minister that is notified on the Department's website.

*Minimum Construction Requirements for Water Bores in Australia* means the document titled *Minimum Construction Requirements for Water Bores in Australia*, ISBN 978-0-646-81881-8, published by the National Uniform Drillers Licensing Committee, 2020.

*operational meter* means an operational meter that complies with AS 4747.

*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

#### 58 General conditions

- (1) 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 30,
  - (b) the relevant access rules for the taking of water specified in Part 6, Divisions 4 and 5,
  - (c) on becoming aware of a breach of a condition of the access licence, the licence holder must—
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification is not provided in writing, give the Minister written notice within 7 days of becoming aware of the breach,
  - (d) the Minister must be given written notice to the email address for enquiries specified on the Department's website,
  - (e) other conditions required to implement the provisions of this Plan.
- (2) An access licence in the Bega and Brogo Regulated Rivers Water Source must be subject to a mandatory condition prohibiting a take of water unless it is ordered in accordance with procedures established by the Minister.
- (3) Subsection (2) does not apply to—
  - (a) a supplementary water access licence, or
  - (b) a take from uncontrolled flows in accordance with section 35.

#### 59 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must—
  - (a) confirm a cease-to-take condition does not apply, and

- (b) record the confirmation, including the way in which the confirmation was established, in a Logbook whenever the water supply work does not have an operational meter or an operational data logger.
- (2) Subsection (1) does not apply to a holder of—
  - (a) a regulated river (general security) access licence, or
  - (b) a regulated river (high security) access licence, or
  - (c) a supplementary water access licence.
- (3) Each access licence must have mandatory conditions to give effect to the following—
  - (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have both an operational meter and an operational data logger—
    - (i) the date, start-time and end-time during which water was taken under the licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purposes for which the water was taken on that date,
    - (v) the volume of water taken in a water year compared with the water account debit permitted under section 30 for the licence,
  - (b) the licence holder must keep the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (4) Subsection (3)(a) is repealed on 1 December 2023.  
**Note—** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2023.

## **59A Notification of meter readings for regulated river (general security) access licences**

If the holder of a regulated river (general security) access licence takes water from uncontrolled flows under section 35, the holder must, within 7 days of the end of the take, provide Water NSW with—

- (a) a meter reading taken immediately before commencing the take, and
- (b) a meter reading taken immediately after the end of the take.

## **Division 3 Water supply work approvals**

### **60 General conditions**

- (1) Each water supply work approval must be subject to the following mandatory conditions—
  - (a) on becoming aware of a breach of a condition of the approval, the approval holder must—
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification is not provided in writing, give the Minister written notice within 7 days of becoming aware of the breach,
  - (b) the Minister must be given written notice to the email address for enquiries specified on the Department's website,
  - (c) other conditions required to implement the provisions of this Plan.
- (2) A water supply work approved for the purpose of monitoring, an environmental remediation activity or emergency services must be used only for that purpose.

## 61 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) Before a water supply work is used to take water, the approval holder must—
  - (a) confirm a cease-to-take condition does not apply, and
  - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook whenever the water supply work does not have an operational meter or an operational data logger.
- (3) Subsection (2) does not apply if the water is taken under a regulated river access licence.
- (4) The approval holder must—
  - (a) record the following information in a Logbook whenever the water supply work does not have an operational meter or an operational data logger—
    - (i) the date, start-time and end-time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
    - (iv) the purposes for which the water was taken on that date,
    - (v) details of cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
    - (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running times, pump power usage or pump fuel usage, pump start-times, pump stop-times and pump capacity per unit of time, and
  - (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.
- (5) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.
- (6) Subsections (4)(a) and (5) are repealed on 1 December 2023.  
**Note—** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2023.

## 62 Metering conditions

- (1) This section applies to water supply works used to take water under an access licence.
- (2) The approval holder must install metering equipment that complies with AS 4747, if directed by the Minister.
- (3) If directed to install metering equipment under subsection (2), the approval holder must ensure the following—
  - (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,

- (b) the metering equipment is operated and maintained in a proper and efficient way at all times,
  - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.
- (4) This section is repealed on 1 December 2023.

**Note**— The *Water Management (General) Regulation*, clause 230 provides that the mandatory metering equipment condition applies to all access licences and approvals from 1 December 2023.

## Division 4 Water supply work approvals for groundwater

### 63 Application of Division

- (1) This Division sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.
- (2) This Division does not apply to a water supply work approval for an excavation up to 3m in depth in the Mid Bega River Sands Water Source.

### 64 Water supply work construction conditions

- (1) The holder of a water supply work approval (the **approval holder**) must ensure the water supply work to which the approval relates is constructed as follows—
  - (a) the water supply work must be constructed in the location authorised in the approval,
  - (b) water must be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work,
  - (c) the water supply work must be sealed off from all other water sources,
  - (d) construction of the water supply work must comply with the construction standards for the type of bore, as prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
  - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
  - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed to monitor or remediate contaminated water, the approval holder must—
  - (a) within 48 hours of becoming aware of the contaminated water, give the Minister written notice, and
  - (b) take all reasonable steps to minimise contamination and environmental harm, and
  - (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
  - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
  - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—
  - (a) within 60 days of completion of the construction of the water supply work, or



- (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.
- (4) The approval holder must ensure—
  - (a) the construction of the water supply work is completed within 3 years of the approval being granted (the *relevant period*), and
  - (b) the water supply work is not used unless construction is completed within the relevant period.
- (5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.
- (6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 43(1)(b)–(d).

**Note**— For the definition of *replacement groundwater work*—see section 43.

## 65 Water quality condition

The approval holder must, if directed by the Minister by written notice, provide a report in the form specified in the notice detailing the quality of water obtained using the water supply work within the time frame, if any, specified in the notice.

## 66 Water supply work decommissioning condition

- (1) An approval holder must, at least 60 days before decommissioning a water supply work, give written notice to the Minister of the intention to decommission the water supply work.
- (2) The written notice must include a work plan for the decommission.
- (3) The work plan must be prepared in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.
- (4) The Minister must, within 60 days of receiving notice under this section, give a direction that the water supply work—
  - (a) must not be decommissioned, or
  - (b) must be decommissioned in accordance with the requirements specified in the direction.
- (5) In decommissioning the water supply work, the approval holder must comply with the work plan and the requirements specified in the direction.
- (6) The approval holder must, no later than 60 days after decommissioning the water supply work, give the Minister written notice of—
  - (a) the decommissioning of the water supply work, and
  - (b) the name of the driller who decommissioned the work.

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

### 67 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 replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow,
  - (d) to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules in response to changes in water availability resulting from climate change by amending Part 6, Divisions 2–4 and Schedule 1,
  - (e) to add or modify provisions relating to the following—
    - (i) the management of waters in coastal sands,
    - (ii) managed aquifer recharge,
    - (iii) the interception of water before it reaches a stream or aquifer by plantations or other means,
    - (iv) the management of aquifer interference activities, including the granting of aquifer interference approvals,
    - (v) the protection of groundwater-dependent culturally significant areas,
    - (vi) stormwater harvesting,
    - (vii) total daily extraction limits,
    - (viii) individual daily extraction components,
  - (f) to protect water-dependent Aboriginal cultural assets, including as follows—
    - (i) identifying water-dependent Aboriginal cultural assets,
    - (ii) establishing new flow classes or access rules,
    - (iii) restricting the construction and use of water supply works,
    - (iv) establishing new access licence dealing rules,
  - (g) if, within 3 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted under the 2006 Harvestable Rights Order—to modify Part 6, Part 8 or Part 9 to protect critical environmental needs and basic landholder rights,
  - (h) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
    - (i) to add, amend or remove a definition,
    - (j) to modify Schedule 2 or Schedule 3 to add or remove an access licence,
    - (k) to add or remove a contamination source by amending Schedule 4,
    - (l) 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).

# public consultation draft

Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
Schedule 1 Flow classes

## Schedule 1 Flow classes

section 32(1)

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Bermagui River		Very Low Flow Class	No more than 1.4ML/day	Narira Creek at Cobargo gauge (219016)
		A Class	More than 1.4ML/day	
Candelo Creek		Very Low Flow Class	No more than 3ML/day	Candelo Creek at Greenmount Road gauge (219034)
		A Class	More than 3ML/day and no more than 14ML/day	
		B Class	More than 14ML/day	
Dry River		Very Low Flow Class	No more than 1.4ML/day	Murrah River at Quaama gauge (219018)
		A Class	More than 1.4ML/day and no more than 10ML/day	
		B Class	More than 10ML/day	
Murrah River		Very Low Flow Class	No more than 1.4ML/day	Murrah River at Quaama gauge (219018)
		A Class	More than 1.4ML/day and no more than 10ML/day	
		B Class	More than 10ML/day	
Narira Creek		Very Low Flow Class	No more than 1.4ML/day	Narira Creek at Cobargo gauge (219016)
		A Class	More than 1.4ML/day and no more than 10ML/day	
		B Class	More than 10ML/day	

# public consultation draft

Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
Schedule 1 Flow classes

Column 1	Column 2	Column 3	Column 4	Column 5	
Water source	Management zone	Flow class	Flow class threshold	Flow reference point	
Lower Bega/Lower Brogo Rivers Tributaries		Very Low Flow Class	No more than 2ML/day	Double Creek near Brogo gauge (219017)	
		A Class	More than 2ML/day and no more than 28ML/day		
		B Class	More than 28ML/day		
Mid Bega River Sands		Very Low Flow Class	No more than 4.5m AHD	Bega Borefield at The Ranch (GW039001)	
		Low Flow Class	More than 4.5m AHD and no more than 5.5m AHD	Bega Borefield at The Ranch (GW039001)	
		A1 Flow Class	Each of the following—		
			(a)	more than 5.5m AHD	Bega Borefield at The Ranch (GW039001)
			(b)	no more than 65ML/day	Bega River at Kanoona gauge (219032)
		(c)	no visible flow		In the Bega River downstream of the Princes Highway
			A2 Flow Class	Each of the following—	
(a)	no more than 65ML/day		Bega River at Kanoona gauge (219032)		
	(b)	visible flow		In the Bega River downstream of the Princes Highway	
B Flow Class	Each of the following—				
	(a)	more than 65ML/day and no more than 160ML/day	Bega River at Kanoona gauge (219032)		
	(b)	visible flow		In the Bega River downstream of the Princes Highway	
C Flow Class		More than 160ML/day	Bega River at Kanoona gauge (219032)		

# public consultation draft

Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
Schedule 1 Flow classes

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Mid Bega River Tributaries		Very Low Flow Class	No more than 2ML/day	Double Creek near Brogo gauge (219017)
		A Class	More than 2ML/day and no more than 28ML/day	
		B Class	More than 28ML/day	
Sandy Creek		Very Low Flow Class	No more than 3ML/day	Candelo Creek at Greenmount Road gauge (219034)
		A Class	More than 3ML/day and no more than 14ML/day	
		B Class	More than 14ML/day	
Tantawangalo Creek	Lower Tantawangalo Creek	Very Low Flow Class	No more than 5ML/day	Tantawangalo Creek at Candelo Dam Site gauge (219022)
		A Class	More than 5ML/day and no more than 60ML/day	
		B Class	More than 60ML/day and no more than 70ML/day	
		C Class	More than 70ML/day	
Upper Bega/Bemboka Rivers		Very Low Flow Class	No more than 5ML/day	Bega River at Kanoona gauge (219032)
		A Class	More than 5ML/day and no more than 65ML/day	
		B Class	More than 65ML/day and no more than 160ML/day	
		C Class	More than 160ML/day	
Upper Bega/Bemboka Rivers Tributaries		Very Low Flow Class	No more than 2ML/day	Double Creek near Brogo gauge (219017)

# public consultation draft

Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
 Schedule 1 Flow classes

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Wolumla Creek		A Class	More than 2ML/day and no more than 28ML/day	Candelo Creek at Greenmount Road gauge (219034)
		B Class	More than 28ML/day	
		Very Low Flow Class	No more than 3ML/day	
		A Class	More than 3ML/day and no more than 35ML/day	
		B Class	More than 35ML/day	

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**Schedule 1A River reaches in the Bega and Brogo Regulated Rivers Water Source**

sections 35(2)(a) and 35A(2)(a)

<b>River reach</b>	<b>Definition</b>
1A	Brogo River from the upper reaches of Brogo Dam storage to the North Brogo gauge (219025)
1B	Brogo River from the North Brogo gauge to the Angledale gauge (219025)
1C	Brogo River from the Angledale gauge (219025) to the Bega River junction
2	Bega River from the Brogo River junction to the end of the regulated river

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## Schedule 2 Access licences permitted to take from very low flows

section 36C(1)(a) and (d)

**Table A—Access licences other than town water supply**

Water Source	Management zone	Access licence numbers
Bermagui River		23129, 23123
Bobundra Creek		23136
Candelo Creek		23432, 23439
Dry River		23139, 23150, 23154, 23165, 23175
Lower Bega/Lower Brogo Tributaries		23703, 23704, 23705, 23711, 23695, 23707
Mid Bega River Sands		23459, 23469, 30030
Mid Bega River Tributaries		23391
Narira Creek		23189, 23202, 29585
Sandy Creek		24074, 24081, 24084, 30022,
Tantawangalo Creek	Lower Tantawangalo Creek	23483, 23493, 23499, 23500
Upper Bega/Upper Bemboka Rivers		23720, 23722, 23746, 23747, 23795, 23733, 23763, 23790
Upper Bega/Upper Bemboka Rivers Tributaries		23523, 23525, 23530, 23533,
Wallaga Lakes Tributaries		23206
Wolumla Creek		23398, 23422

**Table B—Local water utility access licences**

Water Source	Management zone	Access licence numbers
Mid Bega River Tributaries		43652
Wallaga Lake Tributaries		23204, 23205



### Schedule 3 Access licences subject to cease-to-take condition

sections 36A(2)(b), 36B(2)(b) and 37(2)(d)

**Table A—Access licences subject to cease-to-take conditions relating to the taking of water for the purposes of dam filling**

Access licence number	Water source or management zone	Cease-to-take condition
23143	Dry River Water Source	Water must not be taken for dam filling when flows in the Murrumbidgee River at the Quaama gauge (219018) are 10ML/day or less.
25173	Dry River Water Source	Water must not be taken for dam filling when flows in the Murrumbidgee River at the Quaama gauge (219018) are 2.5ML/day or less.
23489, 23497, 23506, 23509	Lower Tantawangalo Creek Management Zone	Water must not be taken for dam filling when flows in the Tantawangalo Creek at the Candelo dam site gauge (219002) are 25ML/day or less.
23491	Lower Tantawangalo Creek Management Zone	Water must not be taken for dam filling when flows in the Tantawangalo Creek at the Candelo dam site gauge (219002) are 85ML/day or less.
23184	Narira Creek Water Source	Water must not be taken for dam filling when— (a) flows in the Murrumbidgee River at the Quaama gauge (219018) are 2.5ML/day or less, or (b) flows in Narira Creek at the Narira Creek gauge station (219016) are 3ML/day or less.
23751, 23778	Upper Bega/Bemboka Rivers Water Source	Water must not be taken for dam filling when flows in the Bega River at the Kanoona gauge (219032) are 65ML/day or less.
23787	Upper Bega/Bemboka Rivers Water Source	Water must not be taken for dam filling when flows in the Bemboka River at the Moran's Crossing gauge (219003) are 60ML/day or less.
23398	Wolumla Creek Water Source	Water must not be taken for dam filling when flows in the Tantawangalo Creek at the Candelo dam site gauge (219002) are 100ML/day or less.

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# public consultation draft

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Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 [NSW]  
Schedule 3 Access licences subject to cease-to-take condition

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**Table B—Access licences subject to other cease-to-take conditions**

<b>Access licence number</b>	<b>Water source</b>	<b>Cease-to-take condition</b>
23160	Dry River Water Source	Water must not be taken for irrigation when flows in the Murrah River at the Quaama gauge (219018) are less than 2.6ML/day.
23455	Mid Bega River Sands Water Source	Water must not be taken when flows in the Bega River at Kanoona gauge (219032) are less than 45ML/day.
23198	Narira Creek Water Source	Water must not be taken for industrial (nursery) purposes when flows in Narira Creek at the Cobargo gauge (219016) are 6ML/day or less.
23199	Narira Creek Water Source	No more than a total of 35ML/year of licensed entitlement may be taken for irrigation or dam filling on days when flows in Narira Creek at the Cobargo gauge (219016) are 4ML/day or less.
23411	Wolumla Creek Water Source	Water must not be taken when flows in Candelo Creek at the Greenmount gauge (219034) are less than 14ML/day.

**Table C—Access licences subject to other take conditions in the Upper Bega/Bemboka Rivers Water Source**

<b>Access licence number</b>	<b>Cease-to-take condition</b>
23721, 23751, 23752, 23764, 23787, 23797	Water must not be taken for irrigation when flows in the Bemboka River at Moran's Crossing gauge site (219003) are less than 60ML/day.
23774	Water must not be taken for industrial purposes when flows in the Bega River at Kanoona gauge site (219032) are less than 70ML/day.

## Schedule 4 Contamination sources

section 45(5)

A site that has been declared to be significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

A site that has been notified to the Environment Protection Authority under the *Contaminated Land Management Act 1997*, section 60.

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## Schedule 5 Dictionary

**2006 Harvestable Rights Order** means the *Order under section 54, the Act for harvestable rights—Eastern and Central Division*, Gazette No 40, 31 March 2006, pages 1628–1630.

**3-year average higher flow extraction**—see section 18.

**3-year average standard extraction**—see section 18.

**annual higher flow extraction**—see section 18.

**annual higher flow extraction limit**—see section 18.

**annual standard extraction**—see section 18

**AHD** has the same meaning as Australian Height Datum in the *Surveying and Spatial Information Act 2002*, section 3(1).

**approved development** means—

- (a) a project approved under the *Environmental Planning and Assessment Act 1979*, Part 3A, when that Part was in force or continued in operation, or
- (b) State significant development authorised by a development consent under that Act, Division 4.7, or
- (c) State significant infrastructure approved under that Act, Division 5.2.

**AS 4747**—see section 57.

**borehole annulus** means the space between the bore casing and the wall of the borehole.

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

**coastal wetlands** means land identified as coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map.

**Coastal Wetlands and Littoral Rainforests Area map** has the same meaning as in *State Environmental Planning Policy (Coastal Management) 2018*.

**Note**— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au).

**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.

**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.

**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.

**Government monitoring or observation bore** means a bore owned or operated by or on behalf of the Minister, the Ministerial Corporation, the Department or WaterNSW and used for observation or monitoring purposes.

**groundwater** means water beneath the ground surface in a saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

**groundwater-dependent culturally significant area** means an area determined by the Minister to be a groundwater-dependent culturally significant area.

**groundwater-dependent ecosystem** means an ecosystem that has its species composition and natural ecological processes wholly or partially determined by groundwater.

**high priority groundwater-dependent ecosystem** means a high priority groundwater-dependent ecosystem identified on the High Priority Groundwater-Dependent Ecosystem Map.

**High Priority Groundwater-Dependent Ecosystem Map** means the Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 High Priority Groundwater-Dependent Ecosystem Map.

**Note**— The High Priority Groundwater-Dependent Ecosystem Map is available on the Department's website.

**higher flow extraction licence**—see section 18.

**higher flow specific purpose access licence**—see section 18.

**in-river dam pool** means the water impounded in 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.

**karst** means an area of land, including subterranean land, developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

**kl/day** means kilolitres per day.

**Logbook**—see section 57.

**Minimum Construction Requirements for Water Bores in Australia**—see section 57.

**metered work** has the same meaning as in the Act, section 91I.

**ML/unit share** means megalitres per unit share.

**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.

**operational meter**—see section 57.

**Plan Map** means the Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2023 Plan Map.

**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 5.1, 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*.

**reduced available water determinations**—see section 18.

**replacement groundwater work**—see section 43.

**river reach**—see Schedule 1A.

**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*.

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

**top of the high bank of a river** means, in relation to the location of a water supply work, the top of the higher bank on the side of the river where the work is located, unless otherwise determined by the Minister.

**visible flow** means the continuous perceptible downstream movement of water.

**water account debit**—see section 57.

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

*wetland* means either of the following—

- (a) coastal wetlands,
- (b) declared Ramsar wetland.

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