



New South Wales

Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023

under the

Water Management Act 2000

[The following enacting formula will be included if this Plan is made—]

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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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 following water management areas—

- (a) Hawkesbury Nepean Water Management Area,
- (b) Southern Sydney Water Management Area,
- (c) Southern Water Management Area,
- (d) Sydney Harbour Water Management Area.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River 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 Hawkesbury Nepean Water Management Area, Southern Sydney Water Management Area, Southern Water Management Area and Sydney Harbour Water Management Area—
 - (a) the Barbers Creek Water Source,
 - (b) the Berowra Creek and Cowan Creek Water Source,
 - (c) the Bomaderry Creek Water Source,
 - (d) the Broughton Creek Water Source,
 - (e) the Bundanoon Creek Water Source,
 - (f) the Bungonia Creek Water Source,
 - (g) the Cabramatta Creek Water Source,
 - (h) the Capertee River Water Source,
 - (i) the Cattai Creek Water Source,
 - (j) the Cooks River and Botany Bay Water Source,
 - (k) the Colo River Water Source,
 - (l) the Corang and Endrick Rivers Water Source,
 - (m) the Dharabuladh Water Source,
 - (n) the Erskine Creek and Glenbrook Creek Water Source,
 - (o) the Fitzroy Falls Water Source,

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- (p) the Georges River Catchment Water Source,
- (q) the Grose River Water Source,
- (r) the Hacking River Water Source,
- (s) the Jaspers Brush Creek and Tributaries Water Source,
- (t) the Jenolan River Water Source,
- (u) the Kangaroo River Water Source,
- (v) the Kedumba River Water Source,
- (w) the Kowmung River Water Source,
- (x) the Lake Burragorang Water Source,
- (y) the Lake Illawarra Water Source,
- (z) the Lane Cove River Water Source,
- (za) the Little River Water Source,
- (zb) the Lower Georges River and Bunbury Curran Creek Water Source,
- (zc) the Lower Hawkesbury River Water Source,
- (zd) the Lower Kangaroo River Water Source,
- (ze) the Lower Nepean River Water Source,
- (zf) the Lower Shoalhaven River Catchment Water Source,
- (zg) the Lower Shoalhaven River Water Source,
- (zh) the Lower Wollondilly River Water Source,
- (zi) the Macdonald River Water Source,
- (zj) the Macquarie Rivulet Water Source,
- (zk) the Maguires Crossing Water Source,
- (zl) the Maldon Weir Water Source,
- (zm) the Mid Nepean River Weirs Water Source,
- (zn) the Middle Harbour Water Source,
- (zo) the Minnamurra Coastal Water Source,
- (zp) the Minnamurra River Water Source,
- (zq) the Mulwaree River Water Source,
- (zr) the Nattai River Water Source,
- (zs) the Nerrimunga Creek Water Source,
- (zt) the Northern Sydney Coastal Water Source,
- (zu) the Parramatta River Water Source,
- (zv) the Prospect Creek Water Source,
- (zw) the Shoalhaven River Gorge Water Source,
- (zx) the Southern Sydney Coastal Water Source,
- (zy) the Stonequarry Creek Water Source,
- (zz) the Upper Hawkesbury River Water Source,
- (zza) the Upper Nepean Rivers Water Source,
- (zzb) the Upper Shoalhaven River Water Source,
- (zzc) the Upper Shoalhaven Tributaries Water Source,
- (zzd) the Upper Wollondilly River Water Source,

- (zze) the Warragamba River Water Source,
 - (zzf) the Werriberri Creek Water Source,
 - (zzg) the Wianamatta-South Creek Water Source,
 - (zzh) the Wingecarribee River Water Source,
 - (zzi) the Wollongong Coastal Water Source,
 - (zzj) the Woronora River Water Source,
 - (zzk) the Wywandy Water Source,
 - (zzl) the Yarrunga Creek Water Source.
- (2) The water sources include surface water upstream of the mangrove limit.
- (3) The water sources do not include the following—
- (a) water in coastal sands,
 - (b) water in unconsolidated sediments,
 - (c) water contained in fractured or porous rocks,
 - (d) surface water downstream of the mangrove limit.
- (4) In this section—
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 Mid Nepean River Weirs Water Source is divided into the following management zones shown on the Plan Map—
- (a) Brownlow Hill Weir Management Zone,
 - (b) Camden Weir Management Zone,
 - (c) Cobbity Weir Management Zone,
 - (d) Menangle Weir Management Zone,
 - (e) Mid Nepean River Catchment Management Zone,
 - (f) Mount Hunter Rivulet Weir Management Zone,
 - (g) Sharpes Weir Management Zone,
 - (h) Theresa Park Weir Management Zone,
 - (i) Wallacia Weir Management Zone.
- (2) The Parramatta River Water Source is divided into the following management zones shown on the Plan Map—
- (a) Lower Parramatta River Management Zone,
 - (b) Upper Parramatta River Management Zone.
- (3) The Upper Nepean Rivers Water Source is divided into the following management zones shown on the Plan Map—
- (a) Pheasants Nest to Nepean Dam Management Zone,
 - (b) Upper Nepean Rivers Management Zone.
- (4) The Upper Shoalhaven River Water Source is divided into the following management zones shown on the Plan Map—
- (a) Mid Shoalhaven River Management Zone,
 - (b) Upper Shoalhaven River Management Zone.

- (5) The Upper Shoalhaven Tributaries Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Boro Creek Management Zone,
 - (b) Mongarlowe River Management Zone,
 - (c) Reedy Creek Management Zone.
- (6) The Wianamatta-South Creek Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Eastern Creek Management Zone,
 - (b) Lower Wianamatta-South Creek Management Zone,
 - (c) Upper Wianamatta-South Creek Management Zone.
- (7) The Wingecarribee River Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Lower Wingecarribee River Management Zone,
 - (b) Medway Rivulet Management Zone,
 - (c) Upper Wingecarribee River Management Zone.
- (8) The Worona River Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Lower Woronora River Management Zone,
 - (b) Upper Woronora River Management Zone.

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

The following extraction management units are established—

- (a) the Hawkesbury and Lower Nepean Rivers Extraction Management Unit, consisting of the following water sources—
 - (i) the Berowra Creek and Cowan Creek Water Source,
 - (ii) the Capertee River Water Source,
 - (iii) the Cattai Creek Water Source,
 - (iv) the Colo River Water Source,
 - (v) the Erskine Creek and Glenbrook Creek Water Source,
 - (vi) the Grose River Water Source,
 - (vii) the Mid Nepean River Weirs Water Source,
 - (viii) the Lower Hawkesbury River Water Source,
 - (ix) the Lower Nepean River Water Source,
 - (x) the Macdonald River Water Source,
 - (xi) the Upper Hawkesbury River Water Source,
 - (xii) the Warragamba River Water Source,
 - (xiii) the Wianamatta-South Creek Water Source,
- (b) the Illawarra Rivers Extraction Management Unit, consisting of the following water sources—
 - (i) the Lake Illawarra Water Source,
 - (ii) the Macquarie Rivulet Water Source,
 - (iii) the Minnamurra Coastal Water Source,
 - (iv) the Minnamurra River Water Source,
 - (v) the Wollongong Coastal Water Source,

- (c) the Northern Sydney Rivers Extraction Management Unit, consisting of the following water sources—
 - (i) the Lane Cove River Water Source,
 - (ii) the Middle Harbour Water Source,
 - (iii) the Northern Sydney Coastal Water Source,
 - (iv) the Parramatta River Water Source,
- (d) the Shoalhaven River Extraction Management Unit, consisting of the following water sources—
 - (i) the Barbers Creek Water Source,
 - (ii) the Bomaderry Creek Water Source,
 - (iii) the Broughton Creek Water Source,
 - (iv) the Bundanoon Creek Water Source,
 - (v) the Bungonia Creek Water Source,
 - (vi) the Corang and Endrick Rivers Water Source,
 - (vii) the Fitzroy Falls Water Source,
 - (viii) the Jaspers Brush Creek and Tributaries Water Source,
 - (ix) the Kangaroo River Water Source,
 - (x) the Lower Kangaroo River Water Source,
 - (xi) the Lower Shoalhaven River Catchment Water Source,
 - (xii) the Lower Shoalhaven River Water Source,
 - (xiii) the Nerrimunga Creek Water Source,
 - (xiv) the Shoalhaven River Gorge Water Source,
 - (xv) the Upper Shoalhaven River Water Source,
 - (xvi) the Upper Shoalhaven Tributaries Water Source,
 - (xvii) the Yarrunga Creek Water Source,
- (e) the Southern Sydney Rivers Extraction Management Unit, consisting of the following water sources—
 - (i) the Cabramatta Creek Water Source,
 - (ii) the Cooks River and Botany Bay Water Source,
 - (iii) the Georges River Catchment Water Source,
 - (iv) the Hacking River Water Source,
 - (v) the Lower Georges River and Bunbury Curran Creek Water Source,
 - (vi) the Prospect Creek Water Source,
 - (vii) the Southern Sydney Coastal Water Source,
 - (viii) the Woronora River Water Source,
- (f) the Upper Nepean and Upstream Warragamba Extraction Management Unit, consisting of all other water sources to which this Plan applies.

6 Interpretation

- (1) The Dictionary in Schedule 5 defines words used in this Plan.
Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Plan.
- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

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

Part 2 Vision, objectives, strategies and performance indicators

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

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

- (a) the health and enhancement of the water sources and their 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 that result 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.

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

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) reserve all water volume 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 instream ecosystems, 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,
 - (l) to mitigate alterations to natural flow regimes in the water sources by ensuring the release of a portion of inflows for environmental use from the Avon Dam, Cataract Dam, Cordeaux Dam, Fitzroy Falls Reservoir, Nepean Dam, Pheasants Nest Weir, Tallowa Dam, Warragamba Dam, Wingecarribee Reservoir and Woronora Dam.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

- (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.

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 38,254.05ML/year distributed as follows—

- (a) 277.4ML/year in the Barbers Creek Water Source,
- (b) 708.1ML/year in the Berowra Creek and Cowan Creek Water Source,
- (c) 58.4ML/year in the Bomaderry Creek Water Source,
- (d) 135.1ML/year in the Broughton Creek Water Source,
- (e) 91.3ML/year in the Bundanoon Creek Water Source,
- (f) 438ML/year in the Bungonia Creek Water Source,
- (g) 135.1ML/year in the Cabramatta Creek Water Source,
- (h) 1,244.7ML/year in the Capertee River Water Source,
- (i) 704.5ML/year in the Cattai Creek Water Source,
- (j) 912.5ML/year in the Colo River Water Source,
- (k) 423.4ML/year in the Cooks River and Botany Bay Water Source,
- (l) 638.8ML/year in the Corang and Endrick Rivers Water Source,
- (m) 1,084.1ML/year in the Dharabuladh Water Source,
- (n) 726.4ML/year in the Erskine Creek and Glenbrook Creek Water Source,
- (o) 36.5ML/year in the Fitzroy Falls Water Source,
- (p) 259.2ML/year in the Georges River Catchment Water Source,
- (q) 335.8ML/year in the Grose River Water Source,
- (r) 1,036.6ML/year in the Hacking River Water Source,
- (s) 164.3ML/year in the Jaspers Brush Creek and Tributaries Water Source,
- (t) 32.9ML/year in the Jenolan River Water Source,
- (u) 382.2ML/year in the Kangaroo River Water Source,
- (v) 127.75ML/year in the Kedumba River Water Source,
- (w) 335.8ML/year in the Kowmung River Water Source,
- (x) 416.1ML/year in the Lake Burragorang Water Source,
- (y) 419.8ML/year in the Lake Illawarra Water Source,
- (z) 784.8ML/year in the Lane Cove River Water Source,
- (za) 94.9ML/year in the Little River Water Source,
- (zb) 2,003.9ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
- (zc) 1,153.4ML/year in the Lower Hawkesbury River Water Source,
- (zd) 193.5ML/year in the Lower Kangaroo River Water Source,
- (ze) 401.5ML/year in the Lower Nepean River Water Source,
- (zf) 704.5ML/year in the Lower Shoalhaven River Catchment Water Source,
- (zg) 87.6ML/year in the Lower Shoalhaven River Water Source,
- (zh) 3,146.3ML/year in the Lower Wollondilly River Water Source,

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- (zi) 821.3ML/year in the Macdonald River Water Source,
- (zj) 138.7ML/year in the Macquarie Rivulet Water Source,
- (zk) 171.6ML/year in the Maguires Crossing Water Source,
- (zl) 419.8ML/year in the Maldon Weir Water Source,
- (zm) 806.7ML/year in the Mid Nepean River Weirs Water Source,
- (zn) 700.8ML/year in the Middle Harbour Water Source,
- (zo) 215.4ML/year in the Minnamurra Coastal Water Source,
- (zp) 288.4ML/year in the Minnamurra River Water Source,
- (zq) 456.3ML/year in the Mulwaree River Water Source,
- (zr) 292ML/year in the Nattai River Water Source,
- (zs) 408.8ML/year in the Nerrimunga Creek Water Source,
- (zt) 277.4ML/year in the Northern Sydney Coastal Water Source,
- (zu) 2,295.9ML/year in the Parramatta River Water Source,
- (zv) 532.9ML/year in the Prospect Creek Water Source,
- (zw) 357.7ML/year in the Shoalhaven River Gorge Water Source,
- (zx) 43.8ML/year in the Southern Sydney Coastal Water Source,
- (zy) 281.1ML/year in the Stonequarry Creek Water Source,
- (zz) 883.3ML/year in the Upper Hawkesbury River Water Source,
- (zza) 162.1ML/year in the Upper Nepean Rivers Water Source,
- (zzb) 2,062.3ML/year in the Upper Shoalhaven River Water Source,
- (zzc) 970.9ML/year in the Upper Shoalhaven Tributaries Water Source,
- (zzd) 1,237.4ML/year in the Upper Wollondilly River Water Source,
- (zze) 14.6ML/year in the Warragamba River Water Source,
- (zzf) 164.3ML/year in the Werriberri Creek Water Source,
- (zzg) 1,230.1ML/year in the Wianamatta-South Creek Water Source,
- (zzh) 1,890.8ML/year in the Wingecarribee River Water Source,
- (zzi) 602.3ML/year in the Wollongong Coastal Water Source,
- (zzj) 430.7ML/year in the Woronora River Water Source,
- (zzk) 372.3ML/year in the Wywandy Water Source,
- (zzl) 29.2ML/year in the Yarrunga Creek Water Source.

13 Native title rights

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

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

14 Harvestable rights

[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 3,767.4ML/year distributed as follows—
- (a) 32.5ML/year in the Barbers Creek Water Source,
 - (b) 7.8ML/year in the Berowra Creek and Cowan Creek Water Source,
 - (c) 1ML/year in the Bomaderry Creek Water Source,
 - (d) 5.5ML/year in the Broughton Creek Water Source,
 - (e) 6.5ML/year in the Bundanoon Creek Water Source,
 - (f) 24ML/year in the Capertee River Water Source,
 - (g) 42ML/year in the Cattai Creek Water Source,
 - (h) 67.5ML/year in the Colo River Water Source,
 - (i) 3ML/year in the Dharabuladh Water Source,
 - (j) 10.5ML/year in the Fitzroy Falls Water Source,
 - (k) 15ML/year in the Georges River Catchment Water Source,
 - (l) 72.5ML/year in the Grose River Water Source,
 - (m) 15.5ML/year in the Jaspers Brush Creek and Tributaries Water Source,
 - (n) 70ML/year in the Jenolan River Water Source,
 - (o) 56.5ML/year in the Kangaroo River Water Source,
 - (p) 19.5ML/year in the Lake Illawarra Water Source,
 - (q) 6ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (r) 9ML/year in the Lower Hawkesbury River Water Source,
 - (s) 1ML/year in the Lower Kangaroo River Water Source,
 - (t) 72ML/year in the Lower Nepean River Water Source,
 - (u) 12ML/year in the Lower Shoalhaven River Catchment Water Source,
 - (v) 299ML/year in the Lower Wollondilly River Water Source,
 - (w) 8ML/year in the Macdonald River Water Source,
 - (x) 30ML/year in the Macquarie Rivulet Water Source,
 - (y) 26.5ML/year in the Maguires Crossing Water Source,
 - (z) 6.5ML/year in the Maldon Weir Water Source,
 - (za) 362ML/year in the Mid Nepean River Weirs Water Source,
 - (zb) 1ML/year in the Minnamurra Coastal Water Source,
 - (zc) 41.5ML/year in the Minnamurra River Water Source,
 - (zd) 17ML/year in the Mulwaree River Water Source,
 - (ze) 1ML/year in the Nattai River Water Source,
 - (zf) 4.9ML/year in the Nerrimunga Creek Water Source,
 - (zg) 0.5ML/year in the Prospect Creek Water Source,
 - (zh) 1.8ML/year in the Stonequarry Creek Water Source,
 - (zi) 380ML/year in the Upper Hawkesbury River Water Source,
 - (zj) 376.5ML/year in the Upper Shoalhaven River Water Source,

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Part 3 Requirements for water

- (zk) 1.5ML/year in the Upper Shoalhaven Tributaries Water Source,
 - (zl) 49ML/year in the Upper Wollondilly River Water Source,
 - (zm) 26ML/year in the Werriberri Creek Water Source,
 - (zn) 48.4ML/year in the Wianamatta-South Creek Water Source,
 - (zo) 27.5ML/year in the Wingecarribee River Water Source,
 - (zp) 1,503ML/year in the Wywandy Water Source,
 - (zq) 6.5ML/year in the Yarrunga Creek Water Source,
 - (zr) 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 31,280ML/year distributed as follows—
- (a) 1,000ML/year in the Bundanoon Creek Water Source,
 - (b) 1,293ML/year in the Colo River Water Source,
 - (c) 85ML/year in the Kangaroo River Water Source,
 - (d) 22,902ML/year in the Lower Shoalhaven River Catchment Water Source,
 - (e) 5,100ML/year in the Upper Wollondilly River Water Source,
 - (f) 900ML/year in the Wingecarribee River Water Source,
 - (g) 0ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 148,781.3ML/year distributed as follows—
- (a) 1,143ML/year in the Barbers Creek Water Source,
 - (b) 1,139ML/year in the Berowra Creek and Cowan Creek Water Source,
 - (c) 147.6ML/year in the Bomaderry Creek Water Source,
 - (d) 659ML/year in the Broughton Creek Water Source,
 - (e) 101.5ML/year in the Bundanoon Creek Water Source,
 - (f) 43ML/year in the Bungonia Creek Water Source,
 - (g) 228ML/year in the Cabramatta Creek Water Source,
 - (h) 514.5ML/year in the Capertee River Water Source,
 - (i) 1,378.5ML/year in the Cattai Creek Water Source,
 - (j) 2,066.5ML/year in the Colo River Water Source,
 - (k) 448ML/year in the Cooks River and Botany Bay Water Source,
 - (l) 76ML/year in the Corang and Endrick Rivers Water Source,
 - (m) 528ML/year in the Dharabuladh Water Source,
 - (n) 514ML/year in the Fitzroy Falls Water Source,
 - (o) 3,144.6ML/year in the Georges River Catchment Water Source,
 - (p) 1,548.5ML/year in the Grose River Water Source,
 - (q) 140ML/year in the Hacking River Water Source,
 - (r) 180.5ML/year in the Jaspers Brush Creek and Tributaries Water Source,
 - (s) 514ML/year in the Jenolan River Water Source,
 - (t) 4,838.5ML/year in the Kangaroo River Water Source,
 - (u) 54ML/year in the Kedumba River Water Source,
 - (v) 151ML/year in the Kowmung River Water Source,
 - (w) 44ML/year in the Lake Burrangong Water Source,

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
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- (x) 680.5ML/year in the Lake Illawarra Water Source,
 - (y) 305ML/year in the Lane Cove River Water Source,
 - (z) 56.5ML/year in the Little River Water Source,
 - (za) 790.3ML/year in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (zb) 8,366.3ML/year in the Lower Hawkesbury River Water Source,
 - (zc) 160ML/year in the Lower Kangaroo River Water Source,
 - (zd) 28,082ML/year in the Lower Nepean River Water Source,
 - (ze) 283ML/year in the Lower Shoalhaven River Catchment Water Source,
 - (zf) 125ML/year in the Lower Shoalhaven River Water Source,
 - (zg) 5,111ML/year in the Lower Wollondilly River Water Source,
 - (zh) 291ML/year in the Macdonald River Water Source,
 - (zi) 978ML/year in the Macquarie Rivulet Water Source,
 - (zj) 1,031ML/year in the Maguires Crossing Water Source,
 - (zk) 662.5ML/year in the Maldon Weir Water Source,
 - (zl) 24,724ML/year in the Mid Nepean River Weirs Water Source,
 - (zm) 122ML/year in the Middle Harbour Water Source,
 - (zn) 32ML/year in the Minnamurra Coastal Water Source,
 - (zo) 903.9ML/year in the Minnamurra River Water Source,
 - (zp) 1,209ML/year in the Mulwaree River Water Source,
 - (zq) 123ML/year in the Nattai River Water Source,
 - (zr) 277ML/year in the Nerrimunga Creek Water Source,
 - (zs) 693ML/year in the Northern Sydney Coastal Water Source,
 - (zt) 734ML/year in the Parramatta River Water Source,
 - (zu) 85.5ML/year in the Prospect Creek Water Source,
 - (zv) 5ML/year in the Shoalhaven River Gorge Water Source,
 - (zw) 678.5ML/year in the Stonequarry Creek Water Source,
 - (zx) 37,420ML/year in the Upper Hawkesbury River Water Source,
 - (zy) 213ML/year in the Upper Nepean Rivers Water Source,
 - (zz) 1,894ML/year in the Upper Shoalhaven River Water Source,
 - (zza) 547.3ML/year in the Upper Shoalhaven Tributaries Water Source,
 - (zzb) 948.5ML/year in the Upper Wollondilly River Water Source,
 - (zzc) 2,203.5ML/year in the Werriberri Creek Water Source,
 - (zzd) 6,704.4ML/year in the Wianamatta-South Creek Water Source,
 - (zze) 1,924.5ML/year in the Wingecarribee River Water Source,
 - (zzf) 439ML/year in the Wollongong Coastal Water Source,
 - (zzg) 90.8ML/year in the Woronora River Water Source,
 - (zzh) 211ML/year in the Wywandy Water Source,
 - (zzi) 74.6ML/year in the Yarrunga Creek Water Source,
 - (zzj) 0ML/year in all other water sources.
- (4) [Not applicable]

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Part 3 Requirements for water

Note— When this Plan was made, there were no unregulated river (high flow) access licences.

- (5) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 1,032,075ML/year distributed as follows—
- (a) 6,000ML/year in the Grose River Water Source,
 - (b) 329,000ML/year in the Lower Shoalhaven River Water Source,
 - (c) 20,075ML/year in the Upper Hawkesbury River Water Source,
 - (d) 620,000ML/year in the Upper Nepean Rivers Water Source,
 - (e) 25,000ML/year in the Wywandy Water Source,
 - (f) 32,000ML/year in the Woronora River Water Source,
 - (g) 0ML/year in all other water sources.

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

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

Part 4 Limits to the availability of water

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

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—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—100%,
 - (d) for unregulated river (high flow) access licences—100%,
 - (e) for major utility access licences—100%.
- (3) 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.

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

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

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

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

18 Definitions

In this Division—

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.

10-year average WaterNSW major utilities extraction means the average of the WaterNSW major utilities extractions for 10 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—
 - (i) extractions under a higher flow extraction licence, and
 - (ii) water allocations assigned under the Act, section 71T from major utility access licences held by WaterNSW in the extraction management unit, 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 (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) an access licence subject to a condition with the effect of prohibiting the take of water unless flows are above the A Class,
- (d) 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*.

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.

WaterNSW LTAAEL, for Subdivision 3A—see section 26A.

WaterNSW major utilities extraction for an extraction management unit means—

- (a) the volume of water taken from the extraction management unit under a major utility access licence held by WaterNSW, and
- (b) the volume of water—
 - (i) assigned under the Act, section 71T from a major utility access licence held by WaterNSW in the extraction management unit to another access licence, and
 - (ii) taken under the other access licence.

Subdivision 2 Standard LTAAELs

19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) for the Hawkesbury and Lower Nepean Rivers Extraction Management Unit and the Upper Nepean and Upstream Warragamba Extraction Management Unit—the sum of the following within each extraction management unit—
 - (i) the average of annual extractions from July 1993 to June 1999 under entitlements issued under the Water Act 1912, Parts 2 and 9, excluding entitlements held by the former Sydney Catchment Authority that were replaced by major utility access licences on 1 July 2011,
 - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 1 July 2011,

- (iii) an estimate of the annual volume of water available for extraction from harvestable rights dams under the 2006 Harvestable Rights Order as of 1 July 2011,
 - (iv) all access licence share components granted under the *Water Management (General) Regulation 2011*, Schedule 4, Part 2, Division 9, Subdivision 2 authorising the taking of water from a water source, including a tidal pool, for which no entitlement was required under the *Water Act 1912*.
- (b) for all other extraction management units—the sum of the following within each extraction management unit—
- (i) all access licence share components on the commencement of this Plan, other than the share components of major utility access licences held by WaterNSW,
 - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 1 July 2011,
 - (iii) an estimate of the annual volume of water available for extraction from harvestable rights dams under the 2006 Harvestable Rights Order as of 1 July 2011.

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 3-year average standard extraction for each extraction management unit must be compared against the standard LTAAEL 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 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 for an unregulated river 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 3 Annual higher flow extraction limits

23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit is 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 annual 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 noncompliance 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 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 (high flow) access licence,
 - (b) an Aboriginal community development access licence,
 - (c) 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 3A Long-term average annual extraction limits for major utility access licences held by Water NSW

26A Establishment of Water NSW LTAAELs

The Water NSW LTAAELs are as follows—

- (a) for the Hawkesbury and Lower Nepean Rivers Extraction Management Unit—6,000ML/year,
- (b) for the Shoalhaven River Extraction Management Unit—36,000ML/year,
- (c) for the Southern Sydney Rivers Extraction Management Unit—13,000ML/year,
- (d) for the Upper Nepean and Upstream Warragamba Extraction Management Unit—581,000ML/year,
- (e) 0ML/year for all other extraction management units.

Note— The Water NSW 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).

26B Calculation of annual Water NSW major utilities extraction

- (1) As soon as practicable after the end of a water year, the 10-year average Water NSW major utilities extraction for each extraction management unit must be compared against the Water NSW LTAAEL for the extraction management unit for the water year.
- (2) There is noncompliance with the Water NSW LTAAEL if the 10-year average Water NSW major utilities extraction is exceeded.

26C Compliance with annual Water NSW major utilities extraction limits

- (1) This section applies to an extraction management unit if there is noncompliance with the Water NSW LTAAEL for the extraction management unit.
- (2) In the water year occurring immediately after a noncompliance is assessed, the Minister must consider—
 - (a) the urban water supply requirements of Water NSW, and
 - (b) the impacts associated with an increase in the Water NSW LTAAEL concerned.

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 Total daily extraction limits for certain water sources and categories of access licences

[Not applicable]

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

28 Specific purpose access licences

- (1) 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.

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) A person may apply for an unregulated river (Aboriginal community development) access licence if the share components of all unregulated river (Aboriginal community development) access licences in the management zone or water source concerned do not exceed the following—

- (a) for the Boro Creek Management Zone of the Upper Shoalhaven Tributaries Water Source—268ML/year,
- (b) for the Jenolan River Water Source—40ML/year,
- (c) for the Kowmung River Water Source—40ML/year,
- (d) for the Upper Shoalhaven River Management Zone of the Upper Shoalhaven River Water Source—218ML/year.

- (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) for an unregulated river (Aboriginal cultural) access licence—the share components of all unregulated river (Aboriginal cultural) access licences in the following water sources do not exceed 40ML/year—
 - (i) the Dharabuladh Water Source,
 - (ii) the Jenolan River Water Source,
 - (iii) the Kedumba River Water,
 - (iv) the Kowmung River Water Source,
 - (v) the Wywandy Water Source, and
- (c) 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*.

29 Management of access licences

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

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

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

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

30 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 after the commitments to basic landholder rights,
- (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)

31 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 access licence must not be more than the relevant sum—
 - (a) for a major utility access licence—during a water year, or
 - (b) otherwise—during a period of 3 consecutive water years.

- (3) 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,
- (c) the water allocations recredited to the water allocation account under the Act, section 76,
- (d) for an access licence other than a major utility access licence—the water allocations carried over under section 32 from the water year immediately before the period of 3 consecutive water years.

32 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for a major utility access licence—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount that is 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

33 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, all flows are observed flows at the flow reference point specified for each water source or management zone.

34 Minister may determine flow classes in certain circumstances

- (1) If the Minister is satisfied that 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) readings at other functioning upstream and downstream gauges.
- (4) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

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

35 General

- (1) 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 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 section 36.
- (2) Surface water must not be taken from—
 - (a) an in-river pool that is below full capacity, or
 - (b) an in-river dam pool or off-river pool unless—
 - (i) the in-river dam or off-river pool is at or above full capacity, or
 - (ii) the take is otherwise permitted under the water supply work approval for the in-river dam or off-river pool.
- (3) Subsection (1)(a) does not apply to the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool,
 - (c) an in-river dam pool.

36 Specific access rules

- (1) Surface water must not be taken from the following water sources or management zones if flows are in the Very Low Flow Class—
 - (a) the Barbers Creek Water Source,
 - (b) the Berowra Creek and Cowan Creek Water Source,
 - (c) the Bundanoon Creek Water Source,
 - (d) the Cooks River and Botany Bay Water Source,
 - (e) the Corang and Endrick Rivers Water Source,
 - (f) the Dharabuladh Water Source,
 - (g) the Erskine Creek and Glenbrook Creek Water Source,
 - (h) the Fitzroy Falls Water Source,
 - (i) the Georges River Catchment Water Source,
 - (j) the Grose River Water Source,
 - (k) the Hacking River Water Source,
 - (l) the Jaspers Brush Creek and Tributaries Water Source,
 - (m) the Jenolan River Water Source,
 - (n) the Kangaroo River Water Source,
 - (o) the Kedumba River Water Source,
 - (p) the Kowmung River Water Source,
 - (q) the Lake Burragorang Water Source,
 - (r) the Lane Cove River Water Source,
 - (s) the Lower Hawkesbury River Water Source,
 - (t) the Lake Illawarra Water Source,
 - (u) the Lower Kangaroo River Water Source,
 - (v) the Lower Nepean River Water Source,
 - (w) the Lower Parramatta River Management Zone,
 - (x) the Lower Shoalhaven River Catchment Water Source,
 - (y) the Lower Wollondilly Water Source,
 - (z) the Macquarie Rivulet Water Source,
 - (za) the Maldon Weir Water Source,
 - (zb) the Mid Nepean River Water Source,
 - (zc) the Middle Harbour Water Source,
 - (zd) the Minnamurra Coastal Water Source,
 - (ze) the Nerrimunga Creek Water Source,
 - (zf) the Northern Sydney Coastal Water Source,
 - (zg) the Shoalhaven River Gorge Water Source,
 - (zh) the Southern Sydney Coastal Water Source,
 - (zi) the Stonequarry Creek Water Source,
 - (zj) the Upper Hawkesbury River Water Source,
 - (zk) the Upper Nepean Rivers Water Source,
 - (zl) the Upper Shoalhaven River Water Source,
 - (zm) the Upper Shoalhaven Tributaries Water Source,

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Part 6 Operation of water allocation accounts and managing access licences

- (zn) the Upper Woronora River Management Zone,
 - (zo) the Warragamba River Water Source,
 - (zp) the Wianamatta-South Creek Water Source,
 - (zq) the Wingecarribee River Water Source,
 - (zr) the Wollongong Coastal Water Source,
 - (zs) the Wywandy Water Source,
 - (zt) the Yarrunga Creek Water Source.
- (2) Surface water must not be taken from the following water sources or management zones unless flows have exceeded the upper limit of the Very Low Flow Class for at least 24 consecutive hours—
- (a) the Boro Creek Management Zone of the Upper Shoalhaven Tributaries Water Source,
 - (b) the Broughton Creek Water Source,
 - (c) the Bungonia Creek Water Source,
 - (d) the Cabramatta Creek Water Source,
 - (e) the Capertee River Water Source,
 - (f) the Cattai Creek Water Source,
 - (g) the Colo River Water Source,
 - (h) the Little River Water Source,
 - (i) the Lower Georges River and Bunbury Curran Creek Water Source,
 - (j) the Lower Shoalhaven River Water Source,
 - (k) the Lower Woronora River Management Zone of the Woronora River Water Source,
 - (l) the Macdonald River Water Source,
 - (m) the Maguires Crossing Water Source,
 - (n) the Minnamurra River Water Source,
 - (o) the Mulwaree River Water Source,
 - (p) the Nattai River Water Source,
 - (q) the Prospect Creek Water Source,
 - (r) the Upper Parramatta River Management Zone of the Parramatta River Water Source,
 - (s) the Upper Wianamatta-South Creek Management Zone of the Wianamatta-South Creek Water Source,
 - (t) the Upper Wingecarribee River Management Zone of the Wingecarribee River Water Source,
 - (u) the Upper Wollondilly River Water Source,
 - (v) the Werriberri Creek Water Source.
- (3) Surface water must not be taken under an access licence, held by the Penrith Lakes Development Corporation on 1 July 2011, with an extraction component specifying the Lower Nepean River Management Zone—
- (a) on a rising river when the flow in the Nepean River measured at the Yarramundi gauge (2122001) is 500ML/day or less, or
 - (b) on a falling river when the flow in the Nepean River measured at the Yarramundi gauge (2122001) is 350ML/day or less.

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- (4) Surface water must not be taken under a major utility (power generation) access licence in the Wywandy Water Source—
 - (a) from the Coxs River unless the licence holder has first used all available mine water from the holder's storages, or
 - (b) in exceedance of—
 - (i) for a water year in which the licence holder's share of the volume of water available from the Fish River Water Source under access licence number 36230 is reduced by at least 30%—an amount equal to the share component of the licence, or
 - (ii) otherwise—an amount to the share component of the licence minus 2,000ML/year.
- (5) Surface water must not be taken under a major utility (urban water) access licence in the Upper Hawkesbury River Water Source at a rate that exceeds 55ML/day when flows in the Nepean River Water Source are in A Class.
- (6) Surface water must not be taken under an unregulated river (Aboriginal community development) access licence unless flows are in the B Class in the following water sources and management zones—
 - (a) the Boro Creek Management Zone of the Shoalhaven Tributaries Water Source,
 - (b) the Jenolan River Water Source,
 - (c) the Kowmung River Water Source,
 - (d) the Upper Shoalhaven River Management Zone of the Upper Shoalhaven River Water Source.
- (7) Surface water must not be taken under an unregulated (high flow) access licence in the following water sources unless flows are in the B Class—
 - (a) the Lower Kangaroo River Water Source,
 - (b) the Lower Wollondilly River Water Source,
 - (c) the Upper Shoalhaven River Management Zone of the Upper Shoalhaven River Water Source.
- (8) Surface water must not be taken under an unregulated (high flow) access licence in the Minnamurra River Water Source unless flows are in the C Class.
- (9) Surface water must not be taken in the Upper Wollondilly River Water Source when water is being transferred between Pejar Dam and Rossi Weir for Goulburn Mulwaree town water supply.
- (10) Surface water must not be taken in the following circumstances—
 - (a) from Yarrunga Creek Water Source when flows measured at the Yarrunga Creek at Fitzroy Falls gauge (215234) are less than the environmental flows required to be released under section 57C,
 - (b) from the Lower Nepean Rivers Water Source when flows measured at the Nepean River at Yarramundi gauge (2122001) are less than the sum of the following—
 - (i) the environmental flows required to be released under section 57G multiplied by 0.7,
 - (ii) the environmental flows required to be released under section 57K,
 - (iii) flows for drinking water supply purposes under section 57M,
 - (iv) 3.3ML/day,

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- (c) from the Maldon Weir Water Source when flows measured at the Nepean River at Maldon Weir gauge (212208) are less than the environmental flows required to be released under section 57G multiplied by the following—
 - (i) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
 - (ii) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.9,
 - (iii) if total daily inflows to Avon Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.8,
- (d) from the Lower Woronora River Management Zone when flows measured at the Needles gauge (213211) are less than the environmental flows required to be released under section 57O,
- (e) from a water source specified in Column 1 of the table to this subsection when flows measured at the gauge specified opposite are less than the sum of environmental flows required to be released under section 57M multiplied by the following—
 - (i) for flows measured at the Nepean River at Menangle Weir—
 - (A) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
 - (B) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.9,
 - (C) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.8,
 - (ii) for flows measured at the Camden Weir—
 - (A) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
 - (B) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.878,
 - (C) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.761,
 - (iii) for flows measured at the Nepean River at Wallacia Weir—
 - (A) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are above the 80th percentile of total daily inflows—1,
 - (B) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are between the 80th and 95th percentile of total daily inflows—0.81,
 - (C) if total daily inflows to Avon Dam, Cataract Dam, Cordeaux Dam and Nepean Dam are less than or equal to the 95th percentile of total daily inflows—0.64,

Water source or management zone	Gauge
Menangle Weir	Nepean River at Menangle Weir
Camden Weir	Nepean River at Camden Weir

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Part 6 Operation of water allocation accounts and managing access licences

Water source or management zone	Gauge
Sharpes Weir	Nepean River at Camden Weir
Cobbity Weir	Nepean River at Wallacia Weir
Mount Hunter Rivulet Weir	Nepean River at Wallacia Weir
Brownlow Hill Weir	Nepean River at Wallacia Weir
Theresa Park Weir	Nepean River at Wallacia Weir
Wallacia Weir	Nepean River at Wallacia Weir

- (11) Surface water must not be taken from the Lower Hawkesbury River Water Source or the Upper Hawkesbury River Water Source when the relevant flows are less than the sum of the following—
- the environmental flows required to be released under section 57G multiplied by 0.7,
 - the environmental flows required to be released under section 57K,
 - 3.3ML/day,
 - flows equal to the upper limit of the Very Low Flow Class of the following water sources and management zones—
 - the Grose River Water Source,
 - the Lower Wianamatta-South Creek Management Zone,
 - the Eastern Creek Management Zone,
 - the Cattai Creek Water Source,
 - the Colo River Water Source.
- (12) Surface water must not be taken under an access licence specified in Schedule 3A when flows are at or less than the flows specified in a cease-to-take condition.
- (13) In this section—
- relevant flows** means the sum of the flows measured at the following locations—
- the Nepean River Yarramundi gauge (2122001),
 - the Grose River Water Source as measured at the Grose River at Burralow gauge (212291),
 - the Lower Wianamatta-South Creek Management Zone in the Wianamatta-South Creek Water Source as measured at the Richmond Road gauge (212297),
 - the Eastern Creek Management Zone in the Wianamatta-South Creek Water Source as measured at the Eastern Creek at Riverstone gauge (212296),
 - the Cattai Creek Water Source as measured at the Cattai Creek at Cattai Ridge Road gauge (2122951),
 - the Colo River Water Source as measured at the Colo River at Upper Colo gauge (212290).

37 Exceptions

- (1) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
- 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—
 - fruit and vegetable washing,

- (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption 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 an access licence held by the following persons as at the date of the commencement of this Plan—
 - (i) Energy Australia,
 - (ii) WaterNSW,
 - (iii) Sydney Water Corporation,
 - (iv) Origin Energy.
- (2) Sections 35 and 36(1)–(11) do not apply to the take of surface water under an access licence specified in Schedule 3A.
- (3) An access rule specified in section 35 or 36 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.

Explanatory note— The unique exemptions in the current *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011* enable certain industries access to the very low flow class, which allowed the extraction of water otherwise reserved for the environment. The exemptions provide users with access to very low flows based on particular circumstances, including temperature and crop cycles. This draft plan proposes that the exemptions be removed to minimise impacts on the environment.

To date, targeted consultation on this matter indicates significant concerns with the impact that the removal of these unique exemptions may have on licence holders in these particular industry groups. We want to continue to work with affected stakeholders to review the decisions around inclusion of these exemptions in the final replacement plan to ensure impacts on both industry and the environment are minimised. This is an important issue, and your comments are sought.

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

38 General

[Not applicable]

39 Specific access rules

[Not applicable]

40 Exceptions

[Not applicable]

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

41 Application of Part

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

42 In-river dams

- (1) An in-river dam must not be constructed within the following water sources—
 - (a) the Berowra Creek and Cowan Creek Water Source,
 - (b) the Broughton Creek Water Source,
 - (c) the Colo River Water Source,
 - (d) the Cooks River and Botany Bay Water Source,
 - (e) the Fitzroy Falls Water Source,
 - (f) the Grose River Water Source,
 - (g) the Jaspers Brush Creek and Tributaries Water Source,
 - (h) the Kangaroo River Water Source,
 - (i) the Kowmung River Water Source,
 - (j) the Lake Illawarra Water Source,
 - (k) the Lane Cove River Water Source,
 - (l) the Lower Georges River and Bunbury Curran Creek Water Source,
 - (m) the Lower Hawkesbury River Water Source,
 - (n) the Lower Kangaroo River Water Source,
 - (o) the Lower Nepean River Water Source,
 - (p) the Lower Shoalhaven River Catchment Water Source,
 - (q) the Lower Shoalhaven River Water Source,
 - (r) the Lower Wollondilly River Water Source,
 - (s) the Macquarie Rivulet Water Source,
 - (t) the Maldon Weir Water Source,
 - (u) the Mid Nepean River Weirs Water Source,
 - (v) the Minnamurra Coastal Water Source,
 - (w) the Minnamurra River Water Source,
 - (x) the Mulwaree River Water Source,
 - (y) the Nerrimunga Creek Water Source,

- (z) the Parramatta River Water Source in the Lower Parramatta River Management Zone,
 - (za) the Shoalhaven River Gorge Water Source,
 - (zb) the Upper Hawkesbury River Water Source,
 - (zc) the Upper Shoalhaven River Water Source in the Mid Shoalhaven River Management Zone,
 - (zd) the Upper Shoalhaven Tributaries Water Source,
 - (ze) the Upper Wingecarribee River Management Zone and the Lower Wingecarribee River Management Zone of the Wingecarribee River Water Source,
 - (zf) the Yarrunga Creek Water Source.
- (2) An in-river dam on a third order or higher stream must not be constructed within the following water sources—
- (a) the Cattai Creek Water Source,
 - (b) the Hacking River Water Source,
 - (c) the Little River Water Source,
 - (d) the Macdonald River Water Source,
 - (e) the Maguires Crossing Water Source,
 - (f) the Nattai River Water Source,
 - (g) the Upper Nepean Rivers Water Source,
 - (h) the Werriberri Creek Water Source.
- (3) Subsections (1) and (2) do not apply to an in-river dam used to capture or store water only in the exercise of a harvestable right.
- (4) Subsection (1) does not apply to an in-river dam proposed to be nominated by a local water utility access licence or a major utility (urban water) access licence.

43 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.

43A Construction of certain water supply works prohibited

- (1) A water supply work must not be constructed for the purpose of taking water from a lagoon located in the Hawkesbury and Lower Nepean Extraction Management Unit.
- (2) Subsection (1) does not apply to 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 from the same water source as the replaced water supply work.
- (3) A water supply work must not be constructed on land within the following areas—
 - (a) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6324000 Northing,

- (b) in the Jenolan River Water Source at Jenolan River at or above the Pheasants Nest Creek confluence,
- (c) in the Kowmung River Water Source at Mares Forest Creek at or above the confluence of Kowmung River, including Tuglow Hole Creek at or above the confluence of Tuglow Hole Creek,
- (d) in the Lower Wollondilly River Water Source at Guineacor Creek,
- (e) in the Reedy Creek Management Zone in the Upper Shoalhaven River Tributaries Water Source—
 - (i) at Sandhills Creek at or above the confluence with Mulloon Creek, or
 - (ii) at Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
- (f) in the Wingecarribee Water Source at Wingecarribee River at or below 241565 Easting and 6191498 Northing in the Lower Wingecarribee River Management Zone.

Division 3 Water supply works taking groundwater

44 Replacement groundwater work

[Not applicable]

45 Interference between water supply works

[Not applicable]

46 Contamination sources

[Not applicable]

47 High priority groundwater-dependent ecosystems

[Not applicable]

48 Potential acid sulfate soils

[Not applicable]

49 Groundwater-dependent culturally significant areas

[Not applicable]

50 Water supply works used only for basic landholder rights

[Not applicable]

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.

50A Definitions

- (1) In this Part, a share component is *not exceeded* if, as a result of an assignment or a dealing, the sum of the share components of all access licences in the following does not exceed the sum of the share components of all access licence in the water source or management zone concerned as of the date this Plan commenced—
- (a) the water source or management zone to which the rights are being assigned,
 - (b) the water source or management zone in which the licence is being granted,
 - (c) the water source or management zone in which a work is being nominated.
- (2) In this Part—

environmental flow means a release made under section 57B, 57C, 57F, 57G, 57H, 57I, 57J other than subsection (4), 57K, 57L or 57N.

upstream Upper Hawkesbury water source means the following water sources—

- (a) the Cattai Creek Water Source,
- (b) the Erskine Creek and Glenbrook Creek Water Source,
- (c) the Grose River Water Source,
- (d) the Lower Nepean River Weirs Water Source,
- (e) the Mid Nepean River Weirs Water Source,
- (f) the Wianamatta-South Creek Water Source.

51 Conversion of access licence to new category dealings

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

- (a) the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence in a water source specified in Column 1 of the table to this section, and
- (b) the conversion does not result in the sum of the share components of all unregulated river (high flow) access licences in the water source exceeding the amount specified opposite.

Water source	Share component maximum
Lower Kangaroo River Water Source	1,782 unit shares
Lower Wollondilly River Water Source	418 unit shares
Minnamurra River Water Source	220 unit shares
Upper Shoalhaven River Water Source	392 unit shares

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

52 Assignment of rights dealings

- (1) The following assignment of rights under the Act, section 71Q in the same water source are prohibited—

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- (a) an assignment of rights from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
 - (i) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
 - (ii) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
 - (iii) the catchment of the Wingecarribee River at and below 241565 Easting and 619498 Northing in the Lower Wingecarribee River Water Source,
 - (iv) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
 - (v) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
 - (vi) the catchment of Koono Bay East and Windang in the Lake Illawarra Water Source,
 - (vii) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
 - (viii) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (ix) the catchment of Crown Creek in the Capertee River Water Source,
 - (x) for the Reedy Creek Management Zone in the Upper Shoalhaven River Tributaries Water Source—
 - (A) the catchment of Sandhills Creek at or above the confluence with Mulloon Creek, or
 - (B) the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
 - (xi) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
 - (xii) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (xiii) upstream of a wild river,
 - (xiv) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
 - (xv) if the assignment will result in the sum of the share components of all access licences nominating works within the location to exceed 1,633ML/unit share—in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW,
 - (xvi) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—
 - (A) Brownlow Hill Weir,
 - (B) Camden Weir,
 - (C) Cobbity Weir,
 - (D) Menangle Weir,
 - (E) Mount Hunter Rivulet Weir,
 - (F) Penrith Weir,

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- (G) Sharpes Weir,
 - (H) Theresa Park Weir,
 - (I) Wallacia Weir,
- (b) an assignment of rights from an access licence that nominates a water supply work that is a runoff harvesting dam to an access licence that does not nominate a water supply work that is a runoff harvesting dam,
 - (c) an assignment of rights from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite.

Column 1	Column 2
Eastern Creek	Upper Wianamatta-South Creek
Lower Wingecarribee	Medway Rivulet
Lower Woronora River	Upper Woronora River
Lower Wianamatta-South Creek	Upper Wianamatta-South Creek
Pheasants Nest to Nepean Dam	Upper Nepean Rivers
Upper Nepean Rivers	Pheasants Nest to Nepean Dam
Upper Wingecarribee	Medway Rivulet
Theresa Park Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Mid Nepean River Catchment
Wallacia Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Mid Nepean River Catchment
Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Wallacia Weir	Mid Nepean River Catchment

- (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 to an access licence in the following water sources from a different water source—

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- (i) the following water sources in the Hawkesbury and Lower Nepean Extraction Management Unit—
 - (A) the Berowra Creek and Cowan Creek Water Source,
 - (B) the Capertree River Water Source,
 - (C) the Cattai Creek Water Source,
 - (D) the Colo River Water Source,
 - (E) the Erskine Creek and Glenbrook Creek Water Source,
 - (F) the Grose River Water Source,
 - (G) the Lower Hawkesbury River Water Source,
 - (H) if the assignment is not from the Mid Nepean River Weirs Water Source—the Lower Nepean River Water Source,
 - (I) the Macdonald River Water Source,
 - (J) the Mid Nepean River Weirs Water Source,
 - (K) if the assignment is not from an upstream Upper Hawkesbury water source—the Upper Hawkesbury River Water Source,
Explanatory note— The ability to trade into the Upper Hawkesbury River Water Source from an upstream Upper Hawkesbury water source is a new proposal. We seek your feedback on this proposed change.
 - (L) the Warragamba River Water Source,
 - (M) the Wianamatta-South Creek Water Source,
- (ii) all water sources in the Illawarra Rivers Extraction Management Unit,
- (iii) all water sources in the Northern Sydney Rivers Extraction Management Unit,
- (iv) the following water sources in the Shoalhaven River Extraction Management Unit—
 - (A) the Bomaderry Creek Water Source,
 - (B) the Fitzroy Falls Water Source,
 - (C) the Jaspers Brush Creek and Tributaries Water Source,
 - (D) the Kangaroo River Water Source,
 - (E) the Yarrunga Creek Water Source,
- (v) the following water sources in the Southern Sydney Rivers Extraction Management Unit—
 - (A) the Cooks River and Botany Bay Water Source,
 - (B) the Lower Georges and Bunbury Curran Water Source,
 - (C) the Hacking River Water Source,
 - (D) the Southern Sydney Coastal Water Source,
 - (E) the Woronora River Water Source,
- (vi) the following water sources in the Upper Nepean and Warragamba Extraction Management Unit—
 - (A) the Kowmung River Water Source,
 - (B) the Little River Water Source,
 - (C) if the assignment is not from the Wingecarribee River Water Source—the Lower Wollondilly River Water Source,
 - (D) the Maguires Crossing Water Source,
 - (E) the Maldon Weir Water Source,
 - (F) if the assignment is not from the Upper Wollondilly River Water Source—the Mulwaree River Water Source,

- (G) the Nattai River Water Source,
 - (H) the Stonequarry Creek Water Source,
 - (I) the Upper Nepean Rivers Water Source,
 - (J) if the assignment is not from the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
 - (K) the Wingecarribee River Water Source,
 - (L) the Werriberri Creek Water Source.
- (3) An assignments of rights under the Act, section 71Q to the following water sources from a different water source are prohibited unless the share component sum is not exceeded—
- (a) for the Shoalhaven River Extraction Management Unit—
 - (i) the Barbers Creek Water Source,
 - (ii) the Bungonia Creek Water Source,
 - (iii) the Lower Shoalhaven River Water Source,
 - (iv) the Lower Shoalhaven River Catchment Water Source,
 - (b) for the Southern Sydney Rivers Extraction Management Unit—
 - (i) the Cabramatta Creek Water Source,
 - (ii) the Georges River Catchment Water Source,
 - (iii) the Prospect Creek Water Source.

53 Amendment of share component dealings—change of water source

- (1) The following dealings under the Act, section 71R are prohibited—
- (a) the cancellation of an access licence in order to grant an access licence in a water source that is in a different extraction management unit,
 - (b) the cancellation of an access licence in a water source to which this Plan does not apply in order to grant an access licence in a water source to which this Plan applies,
 - (c) the granting of an access licence in the following water sources following the cancellation of a licence in a different water source—
 - (i) the following water sources in the Hawkesbury and Lower Nepean Extraction Management Unit—
 - (A) the Berowra Creek and Cowan Creek Water Source,
 - (B) the Capertree River Water Source,
 - (C) the Cattai Creek Water Source,
 - (D) the Colo River Water Source,
 - (E) the Erskine Creek and Glenbrook Creek Water Source,
 - (F) the Grose River Water Source,
 - (G) the Lower Hawkesbury River Water Source,
 - (H) if the licence cancelled is not in the Mid Nepean River Weirs Water Source—the Lower Nepean River Water Source,
 - (I) the Macdonald River Water Source,
 - (J) the Mid Nepean River Weirs Water Source,
 - (K) if the licence cancelled is not in an upstream Upper Hawkesbury water source—the Upper Hawkesbury River Water Source,
 - (L) the Warragamba River Water Source,
 - (M) the Wianamatta-South Creek Water Source,

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- (ii) all water sources in the Illawarra Rivers Extraction Management Unit,
 - (iii) the following water sources in the Northern Sydney Rivers Extraction Management Unit—
 - (A) the Lane Cove River Water Source,
 - (B) the Middle Harbour Water Source,
 - (C) the Northern Sydney Coastal Water Source,
 - (D) if the licence is not cancelled in the Lane Cove River Water Source—the Parramatta River Water Source,
 - (iv) the following water sources in the Shoalhaven River Extraction Management Unit—
 - (A) the Bomaderry Creek Water Source,
 - (B) the Fitzroy Falls Water Source,
 - (C) the Jaspers Brush Creek and Tributaries Water Source,
 - (D) the Kangaroo River Water Source,
 - (E) the Yarrunga Creek Water Source,
 - (v) the following water sources in the Southern Sydney Rivers Extraction Management Unit—
 - (A) the Cooks River and Botany Bay Water Source,
 - (B) if the licence is not cancelled in the Cabramatta Water Source, the Georges River Water Source, the Prospect Creek Water Source or the Woronora River Water Source—the Lower Georges and Bunbury Curran Water Source,
 - (C) the Hacking River Water Source,
 - (D) the Southern Sydney Coastal Water Source,
 - (E) the Woronora River Water Source,
 - (vi) the following water sources in the Upper Nepean and Warragamba Extraction Management Unit—
 - (A) the Kowmung River Water Source,
 - (B) the Little River Water Source,
 - (C) if the licence is not cancelled in the Wingecarribee River Water Source—the Lower Wollondilly River Water Source,
 - (D) the Maguires Crossing Water Source,
 - (E) the Maldon Weir Water Source,
 - (F) if the licence is not cancelled in the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
 - (G) the Nattai River Water Source,
 - (H) the Stonequarry Creek Water Source,
 - (I) the Upper Nepean Rivers Water Source,
 - (J) if the licence is not cancelled in the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
 - (K) the Wingecarribee River Water Source,
 - (L) the Werriberri Creek Water Source.
- (2) The cancellation of an access licence in a different water source to grant a licence in the following water sources is prohibited unless the share component sum is not exceeded—
- (a) for the Shoalhaven River Extraction Management Unit—
 - (i) the Barbers Creek Water Source,

- (ii) the Bungonia Creek Water Source,
 - (iii) the Lower Shoalhaven River Water Source,
 - (iv) the Lower Shoalhaven River Catchment Water Source,
 - (b) for the Southern Sydney Rivers Extraction Management Unit—
 - (i) the Cabramatta Creek Water Source,
 - (ii) the Georges River Catchment Water Source,
 - (iii) the Prospect Creek Water Source.
- (3) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.

54 Amendment of extraction component dealings

Dealings under the Act, section 71S are prohibited.

55 Assignment of water allocations dealings

- (1) The following assignment of allocations under the Act, section 71T in the same water source are prohibited—
- (a) an assignment of allocations from an access licence that does not nominate a water supply work in the following locations to an access licence that does nominate a water supply work in the location—
 - (i) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
 - (ii) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
 - (iii) the catchment of the Wingecarribee River at and below 241565 Easting and 619498 Northing in the Lower Wingecarribee River Water Source,
 - (iv) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
 - (v) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
 - (vi) the catchment of Koono Bay East and Windang in the Lake Illawarra Water Source,
 - (vii) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
 - (viii) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (ix) the catchment of Crown Creek in the Capertee River Water Source,
 - (x) for the Reedy Creek Management Zone in the Upper Shoalhaven River Tributaries Water Source—
 - (A) the catchment of Sandhills Creek at or above the confluence with Mulloon Creek, or
 - (B) the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
 - (xi) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
 - (xii) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,

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- (xiii) upstream of a wild river,
- (xiv) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
- (xv) if the assignment will result in the sum of the share components of all access licences nominating works within the location to exceed 1,633ML/unit share—in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW,
- (xvi) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—
 - (A) Brownlow Hill Weir,
 - (B) Camden Weir,
 - (C) Cobbity Weir,
 - (D) Menangle Weir,
 - (E) Mount Hunter Rivulet Weir,
 - (F) Penrith Weir,
 - (G) Sharpes Weir,
 - (H) Theresa Park Weir,
 - (I) Wallacia Weir,
- (b) an assignment of allocations from an access licence that nominates a water supply work that is a runoff harvesting dam to an access licence that does not nominate a water supply work that is a runoff harvesting dam,
- (c) an assignment of allocations from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite.

Management zone rights assigned from	Management zone rights assigned to
Eastern Creek	Upper Wianamatta-South Creek
Lower Wingecarribee	Medway Rivulet
Lower Woronora River	Upper Woronora River
Lower Wianamatta-South Creek	Upper Wianamatta-South Creek
Pheasants Nest to Nepean Dam	Upper Nepean Rivers
Upper Nepean Rivers	Pheasants Nest to Nepean Dam
Upper Wingecarribee	Medway Rivulet
Theresa Park Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Mid Nepean River Catchment

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Management zone rights assigned from	Management zone rights assigned to
Wallacia Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Mid Nepean River Catchment
Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Wallacia Weir	Mid Nepean River Catchment

- (2) The following assignments of 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 to an access licence in the following water sources from a different water source—
 - (i) the following water sources in the Hawkesbury and Lower Nepean Extraction Management Unit—
 - (A) the Berowra Creek and Cowan Creek Water Source,
 - (B) the Capertree River Water Source,
 - (C) the Cattai Creek Water Source,
 - (D) the Colo River Water Source,
 - (E) the Erskine Creek and Glenbrook Creek Water Source,
 - (F) the Grose River Water Source,
 - (G) the Lower Hawkesbury River Water Source,
 - (H) if the assignment is not from the Mid Nepean River Weirs Water Source—the Lower Nepean River Water Source,
 - (I) the Macdonald River Water Source,
 - (J) the Mid Nepean River Weirs Water Source,
 - (K) if the assignment is not from an upstream Upper Hawkesbury water source—the Upper Hawkesbury River Water Source,
 - (L) the Warragamba River Water Source,
 - (M) the Wianamatta-South Creek Water Source,
 - (ii) all water sources in the Illawarra Rivers Extraction Management Unit,
 - (iii) all water sources in the Northern Sydney Rivers Extraction Management Unit,
 - (iv) the following water sources in the Shoalhaven River Extraction Management Unit—
 - (A) the Bomaderry Creek Water Source,
 - (B) the Fitzroy Falls Water Source,

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- (C) the Jaspers Brush Creek and Tributaries Water Source,
- (D) the Kangaroo River Water Source,
- (E) the Yarrunga Creek Water Source,
- (v) the following water sources in the Southern Sydney Rivers Extraction Management Unit—
 - (A) the Cooks River and Botany Bay Water Source,
 - (B) the Lower Georges and Bunbury Curran Water Source,
 - (C) the Hacking River Water Source,
 - (D) the Southern Sydney Coastal Water Source,
 - (E) the Woronora River Water Source,
- (vi) the following water sources in the Upper Nepean and Warragamba Extraction Management Unit—
 - (A) the Kowmung River Water Source,
 - (B) the Little River Water Source,
 - (C) if the assignment is not from the Wingecarribee River Water Source—the Lower Wollondilly River Water Source,
 - (D) the Maguires Crossing Water Source,
 - (E) the Maldon Weir Water Source,
 - (F) the Medway Rivulet Water Source,
 - (G) if the assignment is not from the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
 - (H) the Nattai River Water Source,
 - (I) the Stonequarry Creek Water Source,
 - (J) the Upper Nepean Rivers Water Source,
 - (K) if the assignment is not from the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
 - (L) the Wingecarribee River Water Source,
 - (M) the Werriberri Creek Water Source.
- (3) An assignment to the following water sources from a different water source is prohibited unless the share component sum is not exceeded—
 - (a) for the Shoalhaven River Extraction Management Unit—
 - (i) the Barbers Creek Water Source,
 - (ii) the Bungonia Creek Water Source,
 - (iii) the Lower Shoalhaven River Water Source,
 - (iv) the Lower Shoalhaven River Catchment Water Source,
 - (b) for the Southern Sydney Rivers Extraction Management Unit—
 - (i) the Cabramatta Creek Water Source,
 - (ii) the Georges River Catchment Water Source,
 - (iii) the Prospect Creek Water Source.

56 Interstate access licence transfer and assignment of water allocations dealings prohibited

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

57 Nomination of water supply works dealings

- (1) The following dealings under the Act, section 71W are prohibited—

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- (a) an access licence being amended to nominate a water supply work located in a different extraction management unit to that specified in the extraction component of the licence,
- (b) an access licence being amended to nominate a water supply work outside of the State,
- (c) an access licence being amended to nominate a water supply work located in an off-river pool in the Kangaroo River Water Source,
- (d) an access licence being amended to nominate a water supply work, other than a run-off harvesting dam, if the access licence nominates a water supply work that is a run-off harvesting dam,
- (e) an access licence being amended to nominate a water supply work located in the following locations if the access licence does not nominate a water supply work in the same location—
 - (i) a lagoon in a water source in the Hawkesbury and Lower Nepean Rivers Extraction Management Unit,
 - (ii) the catchment of Mares Forest Creek at and above the confluence of Guineacor Creek in the Lower Wollondilly Water Source,
 - (iii) the catchment of the Wingecarribee River at and below 241565 Easting and 619498 Northing in the Lower Wingecarribee River Water Source,
 - (iv) the catchment of the Jenolan River at and above the confluence with Pheasants Nest Creek in the Jenolan River Water Source,
 - (v) the catchment of the Kowmung River, including Tuglow Hole Creek at and above the confluence with Tuglow Hole Creek in the Kowmung River Water Source,
 - (vi) the catchment of Koona Bay East and Windang in the Lake Illawarra Water Source,
 - (vii) the catchment of Flat Rock Creek and Yalwal Creek in the Lower Shoalhaven River Catchment Water Source,
 - (viii) the catchment of Harris Creek and Williams Creek in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (ix) the catchment of Crown Creek in the Capertee River Water Source,
 - (x) for the Reedy Creek Management Zone in the Upper Shoalhaven River Tributaries Water Source—
 - (A) the catchment of Sandhills Creek at or above the confluence with Mulloon Creek, or
 - (B) the catchment of Mulloon Creek, excluding Mulloon Creek at or above the confluence with Sandhills Creek,
 - (xi) above the Burrier town water supply pumping station in the Lower Shoalhaven River Water Source,
 - (xii) the catchment of the Georges River above the Georges River at Liverpool Weir gauge (213400) in the Lower Georges River and Bunbury Curran Creek Water Source,
 - (xiii) upstream of a wild river,
 - (xiv) in the Colo River Water Source at Crown Creek at or above 231306 Easting and 6234000 Northing,
 - (xv) if the nomination will result in the sum of the share components of all access licences nominating works within the location to exceed 1,633ML/unit share—in the Kangaroo River Water Source in the escarpment zone below the 500m contour on 1:25,000 topographic

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- maps Kangaroo Valley 9028-4-S, Robertson 9028-4-N and Bundanoon 8928-1-S prepared by Land and Property NSW,
- (xvi) upstream of a dam or weir nominated by a major water utility access licence or local water utility access licence, other than in relation to the following—
- (A) Brownlow Hill Weir,
 - (B) Camden Weir,
 - (C) Cobbity Weir,
 - (D) Menangle Weir,
 - (E) Mount Hunter Rivulet Weir,
 - (F) Penrith Weir,
 - (G) Sharpes Weir,
 - (H) Theresa Park Weir,
 - (I) Wallacia Weir,
- (f) an access licence in a different water source being amended to nominate a water supply work in the following water sources—
- (i) the following water sources in the Hawkesbury and Lower Nepean Extraction Management Unit—
 - (A) the Berowra Creek and Cowan Creek Water Source,
 - (B) the Capertree River Water Source,
 - (C) the Cattai Creek Water Source,
 - (D) the Colo River Water Source,
 - (E) the Erskine Creek and Glenbrook Creek Water Source,
 - (F) the Grose River Water Source,
 - (G) the Lower Hawkesbury River Water Source,
 - (H) if the nomination is not from the Mid Nepean River Weirs Water Source—the Lower Nepean River Water Source,
 - (I) the Macdonald River Water Source,
 - (J) the Mid Nepean River Weirs Water Source,
 - (K) if the access licence being amended is not in an upstream Upper Hawkesbury water source—the Upper Hawkesbury River Water Source,
 - (L) the Warragamba River Water Source,
 - (M) the Wianamatta-South Creek Water Source,
 - (ii) all water sources in the Illawarra Rivers Extraction Management Unit,
 - (iii) all water sources in the Northern Sydney Rivers Extraction Management Unit,
 - (iv) the following water sources in the Shoalhaven River Extraction Management Unit—
 - (A) the Bomaderry Creek Water Source,
 - (B) the Fitzroy Falls Water Source,
 - (C) the Jaspers Brush Creek and Tributaries Water Source,
 - (D) the Kangaroo River Water Source,
 - (E) the Yarrunga Creek Water Source,
 - (v) the following water sources in the Southern Sydney Rivers Extraction Management Unit—
 - (A) the Cooks River and Botany Bay Water Source,

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- (B) the Lower Georges and Bunbury Curran Water Source,
- (C) the Hacking River Water Source,
- (D) the Southern Sydney Coastal Water Source,
- (E) the Woronora River Water Source,
- (vi) the following water sources in the Upper Nepean and Warragamba Extraction Management Unit—
 - (A) the Kowmung River Water Source,
 - (B) the Little River Water Source,
 - (C) if the access licence being amended is not in the Wingecarribee River Water Source—the Lower Wollondilly River Water Source,
 - (D) the Maguires Crossing Water Source,
 - (E) the Maldon Weir Water Source,
 - (F) if the access licence being amended is not in the Upper Wollondilly River Water Source—the Mulwaree River Water Source,
 - (G) the Nattai River Water Source,
 - (H) the Stonequarry Creek Water Source,
 - (I) the Upper Nepean Rivers Water Source,
 - (J) if the access licence being amended is not in the Mulwaree River Water Source—the Upper Wollondilly River Water Source,
 - (K) the Wingecarribee River Water Source,
 - (L) the Werriberri Creek Water Source,
- (g) an access licence in a management zone specified in Column 1 of the table to this subsection being amended to nominate a water supply work located in a management zone specified opposite.

Management zone in which licence amended	Management zone in which water supply work located
Eastern Creek	Upper Wianamatta-South Creek
Lower Wingecarribee	Medway Rivulet
Lower Woronora River	Upper Woronora River
Lower Wianamatta-South Creek	Upper Wianamatta-South Creek
Pheasants Nest to Nepean Dam	Upper Nepean Rivers
Upper Nepean Rivers	Pheasants Nest to Nepean Dam
Upper Wingecarribee	Medway Rivulet
Theresa Park Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Mid Nepean River Catchment

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Management zone in which licence amended	Management zone in which water supply work located
Wallacia Weir	Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Mid Nepean River Catchment
Menangle Weir Camden Weir Sharpes Weir Cobbity Weir Mount Hunter Rivulet Weir Brownlow Hill Weir Theresa Park Weir Wallacia Weir	Mid Nepean River Catchment

- (2) An access licence that nominates a water supply work in the following water sources must not be amended to nominate a water supply work in a different water source unless the share component sum is not exceeded—
- (a) for the Shoalhaven River Extraction Management Unit—
 - (i) the Barbers Creek Water Source,
 - (ii) the Bungonia Creek Water Source,
 - (iii) the Lower Shoalhaven River Water Source,
 - (iv) the Lower Shoalhaven River Catchment Water Source,
 - (b) for the Southern Sydney Rivers Extraction Management Unit—
 - (i) the Cabramatta Creek Water Source,
 - (ii) the Georges River Catchment Water Source,
 - (iii) the Prospect Creek Water Source.
- (3) In this section—
wild river means a river or part of a river declared to be a wild river under the *National Parks and Wildlife Act 1974*, section 61.

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

57A Definitions

(1) In this Part—

dead storage means the portion of a water storage capacity equal to the volume of water below the level of the lowest outlet, being the minimum supply level.

Greater Sydney storages means the following major utility storages—

- (a) the Avon Dam,
- (b) Cascade Dams 1, 2 and 3,
- (c) the Cataract Dam,
- (d) the Cordeaux Dam,
- (e) the Fitzroy Falls Reservoir,
- (f) the Greaves Creek Dam,
- (g) the Medlow Dam,
- (h) the Nepean Dam,
- (i) the Prospect Reservoir,
- (j) the Tallowa Dam,
- (k) the Warragamba Dam,
- (l) the Wingecarribee Reservoir,
- (m) the Woronora Dam.

total active storage capacity means the total volume of water in the water storage concerned minus the volume of dead storage.

(2) In this Part—

- (a) a volume of water or daily inflow is the amount as measured at 8am each day, and
- (b) releases and inflows specified in this Part must be measured in the way—
 - (i) set out in this Part, or
 - (ii) otherwise—approved by the Minister.

57B Tallowa Dam

(1) This section applies to releases of water made from Tallowa Dam in the Shoalhaven River Gorge Water Source.

(2) A daily release must be made from Tallowa Dam of a flow at least equivalent to the volume calculated in accordance with the following formula—

$$A \times B$$

where—

A is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

B is—

- (a) if the daily inflows into Lake Yarrunga in the previous 24 hours are less than or equal to the 80th percentile daily inflow for Lake Avon—the amount of the daily inflows, or
- (b) if the daily inflows into Lake Yarrunga in the previous 24 hours are more than 80th percentile daily inflow for Lake Yarrunga—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.

- (3) In this section, inflows into Lake Yarrunga must be measured at the Kangaroo River at Hampden Bridge gauge (215220) and the Shoalhaven River at Fossickers Flat gauge (215207).

57C Fitzroy Falls Reservoir

- (1) This section applies to releases of water made from Fitzroy Falls Reservoir in the Shoalhaven River Gorge Water Source.
- (2) A daily release must be made from Fitzroy Falls Reservoir to Fitzroy Falls Water Source of an amount ensuring the sum of daily releases each month is equal to 166% of the monthly inflow from Wildes Meadow Creek to Fitzroy Falls Reservoir.
- (3) In this section—
 - (a) inflows from Wildes Meadow Creek to Fitzroy Falls Reservoir must be measured at the Yarrunga Creek at Wildes Meadow gauge (215233), and
 - (b) the volume of water released must be measured at the Yarrunga Creek at Fitzroy Falls gauge (215234).

57D Transfer for Sydney drinking water supply in certain circumstances

- (1) This section establishes rules to ensure there is sufficient water available in the Greater Sydney storages for Sydney's drinking water during times of limited supply.
- (2) Water NSW may transfer water from Lake Yarrunga in the Shoalhaven River Gorge Water Source and the Lower Kangaroo River Water Source to the Upper Nepean Rivers Water Source if—
 - (a) the level of water in Lake Yarrunga is more than 55.34m, and
 - (b) the total volume of water in the Greater Sydney storages is less than 75% of the total active storage capacity of the storages.
- (3) Water NSW must stop the transfer of water referred to in subsection (2) if—
 - (a) the level of water in Lake Yarrunga is 55.34m or less, or
 - (b) the total volume of water in Greater Sydney storages is at least 80% of the total active storage capacity of the storages.

57E Power generation—Origin Energy

- (1) This section establishes rules for the diversion or exchange of water to support the hydro-electric power generation activities of Origin Energy.
- (2) Origin Energy may interchange up to 4,021ML between Fitzroy Falls Reservoir in the Fitzroy Falls Water Source and Lake Yarrunga in the Lower Kangaroo River Water Source and the Shoalhaven River Gorge Water Source.
- (3) An interchange must be made in accordance with procedures determined by the Minister and notified in writing to Origin Energy.
- (4) Water may only be diverted from Fitzroy Falls Reservoir to Lake Yarrunga for the purposes of an interchange if—
 - (a) the release required under section 57C has been, or is able to be, made, and
 - (b) a transfer of water under section 57D, if required, has been made.
- (5) The Minister may, by written notice given to Origin Energy, permit an interchange of up to 10,000ML between Fitzroy Falls Reservoir and Lake Yarrunga if an electricity supply emergency is declared under the *Electricity Supply Act 1995*, section 94A.

Explanatory note— The Premier may declare an electricity supply emergency if the Premier is satisfied that certain circumstances exist, including an actual or risk of significant disruption

to the supply of electricity to all or part of the State. Under the *Electricity Supply Act 1995*, section 94B, the Minister may give directions (**electricity supply emergency directions**) that the Minister considers are reasonably necessary to respond to the electricity supply emergency while the declaration is in force. In giving an electricity supply emergency direction, the Minister must endeavour to act consistently with the operation and administration of the national electricity market in consultation with the Australian Energy Market Operator.

Any thing done by a person acting under an electricity supply emergency direction of the Minister does not subject the person personally to any action, liability, claim or demand—see the *Electricity Supply Act 1995*, section 94I.

57F Upper Nepean and Upstream Warragamba Extraction Management Unit

- (1) A daily release must be made from Avon Dam in the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

A is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

B is—

- (a) if the daily inflows into Lake Avon in the previous 24 hours are less than or equal to the 80th percentile daily inflow for Lake Avon—the amount of the daily inflows, or
- (b) if the daily inflows into Lake Avon in the previous 24 hours are more than 80th percentile daily inflow for Lake Avon—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.

- (2) A daily release must be made from Cataract Dam in the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

A is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

B is—

- (a) if the daily inflows into Lake Cataract in the previous 24 hours are less than or equal to the 80th percentile daily inflow for Lake Cataract—the amount of the daily inflows, or
- (b) if the daily inflows into Lake Cataract in the previous 24 hours are more than 80th percentile daily inflow for Lake Cataract—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.

- (3) A daily release must be made from Cordeaux Dam in the Upper Nepean and Upstream Warragamba Water Source of a flow at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—

$$A \times B$$

where—

A is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.

B is—

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- (a) if the daily inflows into Lake Cordeaux in the previous 24 hours are less than or equal to the 80th percentile daily inflow for Lake Cordeaux—the amount of the daily inflows, or
 - (b) if the daily inflows into Lake Cordeaux in the previous 24 hours are more than 80th percentile daily inflow for Lake Cordeaux—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.
- (4) A daily release must be made from Nepean Dam in the Maguires Crossing Water Source into the Upper Nepean Rivers Water Source of a flow at least equivalent to the greater of 2ML/day or the volume calculated in accordance with the following formula—
- $$A \times B$$
- where—
- A* is the volume of water held in all Greater Sydney storages, expressed as a percentage of the total active storage capacity of all Greater Sydney storages.
- B* is—
- (a) if the daily inflows into Lake Nepean in the previous 24 hours are less than or equal to the 80th percentile daily inflow for Lake Nepean—the amount of the daily inflows, or
 - (b) if the daily inflows into Lake Nepean in the previous 24 hours are more than 80th percentile daily inflow for Lake Nepean—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.
- (5) In this section—
- (a) inflows must be measured at the following gauges and an estimate of other tributary inflows must be taken into account—
 - (i) for the Avon Dam—Avon River at Summit Tank gauge (2122111) and the Flying Fox No. 3 Creek at Fire Road gauge (2122112),
 - (ii) for the Cataract Dam—Loddon River at Bulli Appin Road gauge (2122322) and the Cataract River at Corrimal No. 1 gauge (2122323),
 - (iii) for the Cordeaux Dam—Goondarrin Creek at Kemira “D” Cast gauge (2122201) and the Sandy Creek at Cordeaux River gauge (2122205),
 - (iv) for the Nepean Dam—Nepean River at Nepean Dam gauge (2122051) and the Burke River at Nepean Dam gauge (2122052), and
 - (b) changes in water storage levels, net evaporation, other losses and outflows must be taken into account.

57G Pheasants Nest Weir and Broughtons Pass Weir

- (1) A daily flow must pass through from Pheasants Nest Weir into the Upper Nepean and Upstream Warragamba Water Source at least equivalent to the greater of 5ML/day or the volume calculated in accordance with the following formula—
- $$A + B$$
- where—
- A* is the sum of all flows released from Avon Dam, Nepean Dam and Cordeaux Dam, including amounts released from each dam’s environmental contingency allowance.
- B* is—
- (a) if the daily inflows into the catchment between Pheasants Nest Weir and Avon Dam, Nepean Dam and Cordeaux Dam in the previous 24 hours are less than or equal to the 80th percentile daily inflow for the catchment—the amount of the daily inflows, or

- (b) if the daily inflows into the catchment between Pheasants Nest Weir and Avon Dam, Nepean Dam and Cordeaux Dam in the previous 24 hours are more than 80th percentile daily inflow for the catchment—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.
- (2) A daily flow must pass through from Broughtons Pass Weir into the Upper Nepean and Upstream Warragamba Water Source at least equivalent to the greater of 1ML/day or the volume calculated in accordance with the following formula—
- $$A + B$$
- where—
- A* is the sum of all flows released from Cataract Dam, including amounts released from each dam's environmental contingency allowance.
- B* is—
- (a) if the daily inflows into the catchment between Broughtons Pass Weir and Cataract Dam in the previous 24 hours are less than or equal to the 80th percentile daily inflow for the catchment—the amount of the daily inflows, or
 - (b) if the daily inflows into the catchment between Broughtons Pass Weir and Cataract Dam in the previous 24 hours are more than 80th percentile daily inflow for the catchment—the 80th percentile daily inflow plus 20% of the daily inflow above the 80th percentile daily inflow.

57H Lake Lyell

- (1) When the total active storage capacity in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is 50,000ML or more, daily releases must be made from Lillyvale Dam as follows—
- (a) when daily inflows into Lake Lyell in the previous 24 hours are less than or equal to 13.6ML/day—a release equal to the daily inflows,
 - (b) when daily inflows into Lake Lyell in the previous 24 hours are more than 13.6ML/day—13.6ML/day plus 25% of the daily inflow volume above 13.6ML/day.
- (2) When the total active storage capacity in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is less than 50,000ML, daily releases must be made as follows—
- (a) if the total active storage capacity has been less than 50,000ML continuously for less than 6 months—a release equal to the lesser of the daily inflows to Lake Lyell or 9ML/day,
 - (b) if the total active storage capacity has been less than 50,000ML continuously for at least 6 months—a release equal to the lesser of the daily inflows to Lake Lyell or 5ML/day.
- (3) If, within a 12-month period, a flow of 800ML/day or more has not occurred for at least 1 hour at the Coxs River at Lithgow gauge (212011) and the total active storage in Lake Lyell, Lake Wallace and Thompsons Creek Reservoir is at least 50,000ML, an annual channel maintenance flow release must be made for 2 continuous hours from Lillyvale Dam equal to the lesser of—
- (a) a release rate of 800ML/day, or
 - (b) the maximum daily release rate obtainable from the outlet valves when fully open.
- (4) In this section—
- (a) daily inflows into Lake Lyell must be measured by taking into account—

- (i) flows measured at the Coxs River at upstream of Lake Lyell gauge (212058) and Farmers Creek at Mount Walker gauge (212042), and
 - (ii) changes in water storage levels, net evaporation, other losses and outflows, and
- (b) the volume of water released must be measured by taking into account flows measured at Coxs River at Lithgow flow gauge (212011).

57I Environmental contingency allowance

- (1) A total combined volume of 9,000ML/year (the *environmental contingency allowance*) must be set aside in the Nepean Dam, Warragamba Dam, Avon Dam, Cordeaux Dam and Cataract Dam in the Upper Nepean and Upstream Warragamba Extraction Management Unit.
- (2) The environmental contingency allowance may be released only for the following environmental purposes—
 - (a) pool destratification to disrupt thermal differences between water at the top and bottom of deep natural pools to reduce water quality risks associated with the thermal differences,
 - (b) the management of weed proliferation,
 - (c) the management of water quality events,
 - (d) fish breeding migration to encourage or enable fish migration for fish-breeding events.
- (3) Any remaining environmental contingency allowance not released in a water year must not be carried over to the following water year.

57J Wallerawang Dam, Thompsons Creek Dam and Wingecarribee Reservoir

- (1) A daily release must be made from Wallerawang Dam into the Coxs River Water Source of at least 0.7ML/day as measured at the Bathurst Road gauge (212008).
- (2) A daily release must be made from Thompsons Creek Dam of at least the following as measured at V Notch Weirs at Thompsons Creek Reservoir—
 - (a) between 1 September and 30 April, inclusive—0.8ML/day,
 - (b) between 1 May and 31 August, inclusive—0.3ML/day,
- (3) A daily release must be made from Wingecarribee Reservoir in the Upper Nepean Rivers Water Source into the Wingecarribee River in the Wingecarribee River Water Source of at least 3ML/day as measured at the Sheepwash Bridge gauge (212275) of the Wingecarribee River.
- (4) An additional daily release must be made from Wingecarribee Reservoir into the Wingecarribee River of at least 1ML/day as measured at the Sheepwash Bridge gauge (212275) of the Wingecarribee River to ensure the sharing of water with water users downstream of the reservoir.

57K Warragamba Dam

A daily release must be made from Warragamba Dam at least equal to 33ML/day minus the sum of flows discharged in the previous 24 hours from St Marys Water Recycling Plant.

57L Daily pass through from Wallacia Weir into the Mid Nepean River Weirs Water Source

- (1) A daily release must be made from the Cataract Dam, Cordeaux Dam, Avon Dam and Nepean Dam to ensure a flow of water is passed through the Wallacia Weir equal to the amount calculated in accordance with the following formula—

$$(A + B) \times C$$

where—

A is water passed through from Pheasants Nest Weir in the previous 24 hours

B is water passed through from Broughtons Pass Weir in the previous 24 hours

C is a transmission loss factor based on inflows, being—

- (a) if the total daily inflows to Cataract Dam, Cordeaux Dam, Avon Dam and Nepean Dam are more than the 80th percentile of the total daily inflows to the dams—1, or
 - (b) if the total daily inflows to Cataract Dam, Cordeaux Dam, Avon Dam and Nepean Dam are equal to or less than the 80th percentile, and more than the 95th percentile, of the total daily inflows to the dams—0.810, or
 - (c) if the total daily inflows to Cataract Dam, Cordeaux Dam, Avon Dam and Nepean Dam are equal to or less than the 95th percentile of the total daily inflows to the dams—0.640.
- (2) The volume of water released must be measured at Nepean River at Wallacia Weir gauge (212202).

57M Releases from Warragamba pipeline

Daily releases must be made from the Warragamba Pipeline into the Warragamba River Water Source as follows—

- (a) a dilution flow of at least 5ML/day to dilute the discharge from the Wallacia Sewerage Treatment Plant into the Warragamba River,
- (b) a flow equal to the following for drinking water supply purposes—
 - (i) from 1 November to 31 March, inclusive—25ML/day,
 - (ii) from 1 April to 31 October, inclusive—17ML/day.

57N Woronora Dam

- (1) A daily environmental flow release must be made from Woronora Dam of a volume at least equal to—
 - (a) when the daily inflows into Lake Woronora in the previous 24 hours are less than or equal to the estimated 80th percentile daily inflow—the daily inflows, or
 - (b) when the daily inflows into Lake Woronora in the previous 24 hours are more than the estimated 80th percentile daily inflow—the estimated 80th percentile daily inflow plus 20% of the inflow volume above the 80th percentile.
- (2) A further high flow release must be made before 1 February in each water year to enable fish passage within the Woronora River unless tributary flows and environmental releases have otherwise produced a flow since 1 February in the previous water year measuring 800ML/day at the Needles gauge (213211) for at least 3 days.
- (3) The high flow release must maintain a maximum flow of 800ML/day as measured at the Woronora River at Needles gauge (213211) for at least 3 days in a way that mimics a natural flow pattern.
- (4) In this section, daily inflows into Lake Woronora must be measured by taking into account—
 - (a) flows measured at the Waratah Rivulet gauge (2132102) and the Woronora River, upstream of Woronora Dam, gauge (2132101), and
 - (b) changes in water storage levels, net evaporation, other losses and outflows.

570 Exceptions

- (1) An approval holder is not required to make a daily release under this Part if—
 - (a) the water supply work concerned is spilling at a rate equal to or more than the total daily release required for the work under this Part, or
 - (b) an annual channel maintenance or annual high flow is being released from the water supply work concerned on the same day, or
 - (c) the Minister—
 - (i) is satisfied the releases must not or cannot be made because—
 - (A) there is an emergency situation, or
 - (B) capacity constraints or maintenance, refurbishment or modification works on the water supply work may temporarily affect the flow rate or behaviour of water for a period of at least 24 hours, and
 - (ii) gives a written direction to the approval holder to not make the release under this Part.
- (2) If a release has not been made under this Part in accordance with subsection (1)(c)—
 - (b) the approval holder must make the release in accordance with a direction of the Minister, or
 - (a) if not directed by the Minister, the approval holder must—
 - (i) make the release as soon as reasonably practicable, and
 - (ii) notify the Minister when the release has been made.

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

Division 1 General

58 Definition

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.

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 otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

59 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 31,
 - (b) the relevant access rules for the taking of water specified in Part 6, Division 3,
 - (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) notice to the Minister must be given by writing 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 specifying a share component in the Lower Georges River and Bunbury Curran Creek Water Source must not take water downstream of the confluence of the Georges River and Cabramatta Creek if the licence was granted as a result of a dealing under the Act, section 71R.
- (3) An access licence specifying a share component in the Lower Wollondilly River Water Source must not take water downstream of the confluence of the Wollondilly and Wingecarribee Rivers if the licence was granted following the cancellation of a licence in the Wingecarribee Water Source under the Act, section 71R.
- (4) An access licence specifying a share component in the Lower Parramatta River Water Source must not take water downstream of the confluence of the Lane Cove and Parramatta Rivers if the licence was granted following the cancellation of a licence in the Lane Cove Water Source under the Act, section 71R.
- (5) The holder of a local water utility access licence or a major utility access licence must give notice of run of river town water supply transfers planned for the following 24 hours.
- (6) The notice must be published—
 - (a) on a website maintained by the holder of the access licence, and
 - (b) no later than 9am each day.

60 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 both an operational meter or an operational data logger.
- (2) 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 an operational meter or 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 31 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.
- (3) Subsection (2)(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.

Division 3 Water supply work approvals

61 General conditions

- (1) Each water supply work approval must be subject to the following mandatory conditions—
 - (a) on becoming aware of a breach of any 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.
- (3) A water supply work approval held by WaterNSW must be subject to mandatory conditions to give effect to the following—
 - (a) the rules set out in Part 8A,
 - (b) WaterNSW must make available to the Minister data relating to flows at flow reference points operated by WaterNSW, as determined by the Minister,
 - (c) WaterNSW must give notice of the following—

- (i) releases from storages for environmental and other purposes planned for the following 24 hours,
 - (ii) run of river town water supply transfers planned for the following 24 hours.
- (4) The notice must be published—
 - (a) on a website maintained by WaterNSW, and
 - (b) no later than 9am each day.
- (5) A water supply work approval held by Energy Australia must be subject to mandatory conditions to give effect to the following—
 - (a) the rules set out in Part 8A,
 - (b) Energy Australia must make available to the Minister data relating to flows at flow reference points operated by Energy Australia, as and when determined by the Minister.
- (6) A water supply work approval held by Origin Energy must be subject to mandatory conditions to give effect to the rules set out in Part 8A.
- (7) A water supply work approval for a water supply work to which section 57I applies must be subject to mandatory conditions to give effect to the following—
 - (a) an account of environmental contingency allowances must be kept and maintained,
 - (b) releases of environmental contingency allowances must be made in accordance with section 57I.

62 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 that 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 both an operational meter or an operational data logger.
- (3) 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 hours, pump power usage or pump fuel usage, pump start and 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.
- (4) 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.
- (5) Subsections (3)(a) and (4) 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.

63 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, as directed by the Minister, that complies with AS 4747.
- (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 manner 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 2018*, 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

64 Application of Division

[Not applicable]

65 Water supply work construction conditions

[Not applicable]

66 Water quality condition

[Not applicable]

67 Water supply work decommissioning condition

[Not applicable]

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

68 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 modify the WaterNSW LTAAEL to enable the supply of additional drinking water,
 - (e) 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 3–5 and Schedule 1,
 - (f) 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,
 - (ix) access rules relating to access licences held by Penrith Lakes Development Corporation as at the date of the commencement of this Plan,
 - (g) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (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 to or modify Part 8A in relation to changes to dam infrastructure or sewerage treatment plants in the water sources,
 - (j) 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 Parts 6–8 to protect critical environmental needs and basic landholder rights,
 - (k) to add, modify or remove a definition,
 - (l) to modify Schedule 2, 3 or 3A to add or remove an access licence,
 - (m) to add or remove a contamination source by amending Schedule 4,

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Part 10 Amendment of this Plan—the Act, s 17(d)

- (n) 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 referred to in subsection (1).

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Schedule 1 Flow classes

section 33

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Barbers Creek Water Source				
Berowra Creek and Cowan Creek Water Source				
Bomaderry Creek Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 0.7ML/day (b) On a rising river—less than or equal to 1.3ML/day	Bomaderry Creek at Bomaderry gauge (215016)
		A Class	(a) On a falling river—more than 0.7ML/day (b) On a rising river—more than 1.3ML/day	
Broughton Creek Water Source		Very Low Flow Class	Less than or equal to 1.8ML/day	Broughton Creek at Broughton Vale gauge (215018)
		A Class	More than 1.8ML/day and less than or equal to 9.8ML/day	
		B Class	More than 9.8ML/day	
Bundanoon Creek Water Source				
Bungonia Creek Water Source		Very Low Flow Class	Less than or equal to 0.2ML/day	Bungonia Creek at Bungonia gauge (215014)
		A Class	More than 0.2ML/day	
Cabramatta Creek Water Source		Very Low Flow Class	Less than or equal to 0.1ML/day	Cabramatta Creek at Orange Grove gauge (213011)
		A Class	More than 0.1ML/day and less than or equal to 2.4ML/day	
		B Class	More than 2.4ML/day	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Capertee River Water Source		Very Low Flow Class	Less than or equal to 2ML/day	Capertee River at Glen Davis gauge (212018)
		A Class	More than 2ML/day and less than or equal to 11ML/day	
		B Class	More than 11ML/day	
Cattai Creek Water Source		Very Low Flow Class	Less than or equal to 5ML/day	Cattai Creek at Cattai Ridge Road gauge (2122951)
		A Class	More than 5ML/day and less than or equal to 15ML/day	
		B Class	More than 15ML/day	
Cooks River and Botany Bay Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Colo River Water Source		Very Low Flow Class	Less than or equal to 24ML/day	Colo River at Upper Colo gauge (212290)
		A Class	More than 24ML/day and less than or equal to 244ML/day	
		B Class	More than 244ML/day	
Corang and Endrick Rivers Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 0.6ML/day	Corang River at Hockeys gauge (215004)
			(b) On a rising river—less than or equal to 2ML/day	
		A Class	(a) On a falling river—more than 0.6ML/day	
			(b) On a rising river—more than 2ML/day	
Dharabuladh Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 15ML/day	Coxs River at Island Hill gauge (212045)
			(b) On a rising river—less than or equal to 17ML/day	
		A Class	(a) On a falling river—more than 15ML/day and less than or equal to 28ML/day	
			(b) On a rising river—more than 17ML/day and less than or equal to 28ML/day	
		B Class	More than 28ML/day and less than or equal to 73ML/year	
		C Class	More than 73ML/day and less than or equal to 87ML/year	
D Class	More than 87ML/year			

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Erskine Creek and Glenbrook Creek Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Fitzroy Falls Water Source		Very Low Flow Class	Less than or equal to 1.3ML/day	Yarrunga Creek at Wildes Meadow gauge (215233)
		A Class	More than 1.3ML/day	
Georges River Catchment Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Grose River Water Source		Very Low Flow Class	Less than or equal to 30ML/day	Grose River at Buralow gauge (212291)
		A Class	More than 30ML/day	
Hacking River Water Source				
Jaspers Brush Creek and Tributaries Water Source		Very Low Flow Class	Less than or equal to 0.5ML/day	Jaspers Brush Creek at Jaspers Brush gauge (215019)
		A Class	More than 0.5ML/day	
Jenolan River Water Source		Very Low Flow Class	Less than or equal to 6ML/day	Cox's River at Kelpie Point (212250)
		A Class	More than 6ML/day and less than or equal to 163ML/day	
		B Class	More than 163ML/day	
Kangaroo River Water Source		Very Low Flow Class	Less than or equal to 7ML/day	Kangaroo River at Hampden Bridge gauge (215220)
		A Class	More than 7ML/day and less than or equal to 30ML/day	
		B Class	More than 30ML/day and less than or equal to 118ML/day	
		C Class	More than 118ML/day	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Kedumba River Water Source		Very Low Flow Class	Less than or equal to 5ML/day	Kedumba River at Kedumba Crossing (212016)
		A Class	More than 5ML/day	
Kowmung River Water Source		Very Low Flow Class	Less than or equal to 0.8ML/day	Kowmung River at Cedor Ford (212260)
		A Class	More than 0.8ML/day and less than or equal to 129ML/day	
		B Class	More than 129ML/day	
Lake Burragorang Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Lake Illawarra Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Lane Cove River Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Little River Water Source		Very Low Flow Class	When there is no visible flow at the take site	
		A Class	More than 3ML/day	
Lower Georges River and Bunbury Curran Creek Water Source		Very Low Flow Class	Less than or equal to 0.3ML/day	Bunbury Curran Creek at Railway Parade gauge (213012)
		A Class	More than 0.3ML/day and less than or equal to 5.7ML/day	
		B Class	More than 5.7ML/day	
Lower Hawkesbury River Water Source		Very Low Flow Class	Less than the sum specified in section 35(12)	
Lower Kangaroo River Water Source		Very Low Flow Class	Less than or equal to 16.5ML/day	Kangaroo River at Hampden Bridge gauge (215220)
		A Class	More than 16.5ML/day and less than or equal to 162ML/day	
		B Class	More than 162ML/day	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Lower Nepean River Water Source		Very Low Flow Class	Less than the sum specified in section 35(11)(b)	Nepean River at Yarramundi gauge (2122001)
Lower Shoalhaven River Catchment Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Lower Shoalhaven River Water Source		Very Low Flow Class	Less than or equal to 69ML/day	Shoalhaven River at Grassy Gully No 2 gauge (215216)
		A Class	More than 69ML/day	
Lower Wollondilly River Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 4ML/day	Wollondilly River at Golden Valley gauge (212271)
			(b) On a rising river—less than or equal to 7ML/day	
		A Class	(a) On a falling river—more than 4ML/day and less than or equal to 38ML/day	
			(b) On a rising river—more than 7ML/day and less than or equal to 38ML/day	
Macdonald River Water Source		B Class	More than 38ML/day	
		Very Low Flow Class	Less than or equal to 1ML/day	
		A Class	More than 1ML/day and less than or equal to 16ML/day	
Macquarie Rivulet Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 6.5ML/day	Macquarie Rivulet at Albion Park gauge (214003)
			(b) On a rising river—less than or equal to 8ML/day	
		A Class	(a) On a falling river—more than 6.5ML/day and less than or equal to 9ML/year	
			(b) On a rising river—more than 8ML/day and less than or equal to 9ML/year	
		B Class	More than 9ML/day and less than or equal to 20.8ML/day	
C Class	More than 20.8ML/day			

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Maguires Crossing Water Source		Very Low Flow Class	Less than or equal to 14ML/day	Nepean River at Maguires Crossing gauge (212209)
		A Class	More than 14 ML/day	
Maldon Weir Water Source		Very Low Flow Class	Less than the flows specified in section 35(11)(c)	Nepean River at Maldon Weir gauge (212208)
Mid Nepean River Weirs Water Source		Very Low Flow Class	Less than the flows specified in section 35(11)(e)	
Middle Harbour Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Minnamurra Coastal Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Minnamurra River Water Source		Very Low Flow Class	Less than or equal to 3.6ML/day	Minnamurra River at Browns Lane gauge (214010)
		A Class	More than 3.6ML/day and less than or equal to 6.4ML/day	
		B Class	More than 6.4ML/day and less than or equal to 19ML/day	
Mulwaree River Water Source		Very Low Flow Class	Less than or equal to 1ML/day	Mulwaree River at the Towers gauge (2122725)
		A Class	More than 1ML/day	
		C Class	More than 19ML/day	
Nattai River Water Source		Very Low Flow Class	Less than or equal to 2.7ML/day	Nattai River at the Craggs gauge (2122801)
		A Class	More than 2.7ML/day	
Nerrimunga Creek Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Northern Sydney Coastal Water Source		Very Low Flow Class	When there is no visible flow at the take site	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Parramatta River Water Source	Lower Parramatta River Management Zone			
	Upper Parramatta River Management Zone	Very Low Flow Class	Less than 1ML/day	Toongabbie Creek at Briens Road gauge (213005)
Prospect Creek Water Source		Very Low Flow Class	Less than or equal to 1.6ML/day	Georges River at Minto Heights (213018)
		A Class	More than 1.6ML/day	
Shoalhaven River Gorge Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 40ML/day	Shoalhaven River at Fossickers Flat gauge (215207)
			(b) On a rising river—less than or equal to 77ML/day	
		A Class	(a) On a falling river—more than 40ML/day	
			(b) On a rising river—more than 77ML/day	
Southern Sydney Coastal Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Stonequarry Creek Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 0.8ML/day	Stonequarry Creek at Picton gauge (212053)
			(b) On a rising river—less than or equal to 1ML/day	
		A Class	(a) On a falling river—more than 0.8ML/day	
			(b) On a rising river—more than 1ML/day	
Upper Hawkesbury River Water Source		Very Low Flow Class	Less than the flows specified in section 35(12)	
Upper Nepean River Weirs Water Source		Very Low Flow Class	When there is no visible flow at the take site	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Shoalhaven Water Source	Mid Shoalhaven River Management Zone	Very Low Flow Class	(a) On a falling river—less than or equal to 48ML/day	Shoalhaven River at Warri gauge (215002)
			(b) On a rising river—less than or equal to 63ML/day	
		A Class	(a) On a falling river—more than 48ML/day (b) On a rising river—more than 63ML/day	
	Upper Shoalhaven River Management Zone	Very Low Flow Class	(a) On a falling river—less than or equal to 10ML/day	Shoalhaven River at Kadoona gauge (215008)
			(b) On a rising river—less than or equal to 14ML/day	
		A Class	(a) On a falling river—more than 10ML/day and less than or equal to 45ML/day (b) On a rising river—more than 14ML/day and less than or equal to 45ML/day	
B Class			More than 45ML/day	
Upper Shoalhaven River Tributaries Water Source	Boro Creek Management Zone	Very Low Flow Class	Less than or equal to 3.2ML/day	Boro Creek at Marlowe gauge (215239)
			A Class	
		B Class	More than 49ML/day	
	Mongarlowe River Management Zone	Very Low Flow Class	(a) On a falling river—less than or equal to 7.6ML/day	Mongarlowe River at Mongarlowe gauge (215210)
			(b) On a rising river—less than or equal to 12.8ML/day	
		A Class	(a) On a falling river—more than 7.6ML/day (b) On a rising river—more than 12.8ML/day	
Reedy Creek Management Zone	Very Low Flow Class	(a) On a falling river—less than or equal to 0.2ML/day	Reedy Creek at Manar gauge (215238)	
		(b) On a rising river—less than or equal to 0.6ML/day		
	A Class	(a) On a falling river—more than 0.2ML/day (b) On a rising river—more than 0.6ML/day		

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5	
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point	
Upper Wollondilly River Water Source		Very Low Flow Class	Less than or equal to 2ML/day	Wollondilly River at Murrays Flat gauge (2122711)	
		A Class	More than 2ML/day and less than or equal to 6ML/day		
		B Class	More than 6ML/day and less than or equal to 33ML/day		
		C Class	More than 33ML/day		
Warragamba River Water Source		Very Low Flow Class	(a) From 1 November to 31 March—less than or equal to 30ML/day (b) From 1 April to 31 October—less than or equal to 22ML/day	Discharge point from Warragamba Dam into Megarritys Creek	
		A Class	(a) From 1 November to 31 March—more than 30ML/day (b) From 1 April to 31 October—more than 22ML/day		
		Very Low Flow Class	Less than or equal to 2ML/day		Werriberri Creek at Werombi gauge (212244)
		A Class	More than 2ML/day		
Wianamatta-South Creek Water Source	Eastern Creek Management Zone	Very Low Flow Class	Less than or equal to 10ML/day	Eastern Creek at Riverstone gauge (212296)	
		A Class	More than 10ML/day and less than or equal to 64.5ML/day		
		B Class	More than 64.5ML/day		
		Very Low Flow Class	Less than or equal to 7.7ML/day		South Creek at Richmond Road gauge (212297)
	A Class	More than 7.7ML/day and less than or equal to 45.4ML/day			
	B Class	More than 45.4ML/day			
	Very Low Flow Class	Less than or equal to 0.3ML/day	South Creek at Great Western Highway gauge (212048)		
	A Class	More than 0.3ML/day and less than or equal to 4.5ML/day			
B Class	More than 4.5ML/day				
C Class	More than 45.4ML/day				

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
		A Class	More than 0.3ML/day and less than or equal to 6.3ML/day	
		B Class	More than 6.3ML/day	
Wollongong Coastal Water Source		Very Low Flow Class	When there is no visible flow at the take site	
Wingecarribe River Water Source	Lower Wingecarribe River Management Zone	Very Low Flow Class	Less than or equal to 13.9ML/day	Wingecarribe River at Greenstead gauge (212009)
		A Class	More than 13.9ML/day and less than or equal to 22.9ML/day	
		B Class	More than 22.9ML/day and less than or equal to 57.2ML/day	
		C Class	More than 57.2ML/day	
	Medway Rivulet Management Zone			
	Upper Wingecarribe River Management Zone	Very Low Flow Class	Less than or equal to 9ML/day	Wingecarribe River at Bong Bong Weir gauge (212031)
		A Class	More than 9ML/day and less than or equal to 14ML/day	
		B Class	More than 14ML/day and less than or equal to 32ML/day	
		C Class	More than 32ML/day	
Wollongong Coastal Water Source				
Woronora River Water Source	Lower Woronora River Management Zone	Very Low Flow Class	Less than the flows specified in section 35(11)(d)	
	Upper Woronora River Management Zone	Very Low Flow Class	When there is no visible flow at the take site	

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Wywandy Water Source		Very Low Flow Class	(a) On a falling river—less than or equal to 2ML/day	Coxs River at Wallerawang Power Station gauge (212054)
			(b) On a rising river—less than or equal to 4ML/day	
		A Class	(a) On a falling river—more than 2ML/day and less than or equal to 6ML/day	
			(b) On a rising river—more than 4ML/day and less than or equal to 6ML/day	
		B Class	More than 6ML/day and less than or equal to 14ML/day	
C Class	More than 14ML/day			

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 2 Access licences permitted to take from very low flows

Schedule 2 Access licences permitted to take from very low flows

section 37(1)(a) and (d)

Table A - Access licences other than town water supply

Column 1	Column 2	Column 3
Water source	Management zone	Water access licence numbers
Jaspers Brush Creek and Tributaries Water Source		25370, 25292
Mulwaree River Water Source		25724, 25550
Minnamurra River Water Source		25056, 25057, 25153, 25169, 25101, 25058, 25126
Macquarie Rivulet Water Source		25075, 25108, 25143, 25157, 25130, 25145, 25074, 25090, 25163, 25063, 25134, 25068
	Lake Illawarra Management Zone	25059, 25131
Lake Illawarra Water Source		25076, 25167, 25140, 25069, 25168, 25120
Kangaroo River Water Source		1436, 10561, 1447, 1450, 1453, 13393, 1461, 1465, 1467, 1490
Colo River Water Source		35752, 35770
Fitzroy Falls Water Source		25204
Broughton Creek Water Source		25229, 25275
Grose River Water Source		35845

Table B - Local water utility access licences and access licences of the subcategory "Town water supply"

Column 1	Column 2	Column 3
Water source	Management zone	Water access licence numbers
Upper Shoalhaven River Water Source		25376
Lower Wollondilly River Water Source		25718, 25674
Bundanoon Creek Water Source		25371
Medway Rivulet Water Source		25625
Colo River Water Source		26195

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 3 Access licences subject to cease-to-take condition

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

section 35(1)(b)

Water access licence number	Water source	Management zone
25286	Upper Shoalhaven River	Upper Shoalhaven River
25312	Upper Shoalhaven River	Upper Shoalhaven River
25384	Upper Shoalhaven River	Mid Shoalhaven River
25221	Bungonia Creek	
25248	Upper Shoalhaven River	Mid Shoalhaven River
25343	Upper Shoalhaven River	Upper Shoalhaven River
25288	Upper Shoalhaven River	Upper Shoalhaven River
25387	Upper Shoalhaven River	Upper Shoalhaven River
25314	Upper Shoalhaven River	Mid Shoalhaven River
25785	Lower Wollondilly River	
25749	Upper Wollondilly River	
25757	Kowmung River	
25116	Minnamurra River	
25146	Minnamurra River	
25161	Minnamurra River	
25078	Minnamurra River	
25079	Minnamurra River	
25095	Minnamurra River	
25110	Minnamurra River	
25097	Minnamurra River	
25155	Minnamurra River	
25127	Macquarie Rivulet	
25070	Macquarie Rivulet	
25995	Capertee River	
26139	Upper Hawkesbury River	
25883	Upper Hawkesbury River	
26393	Upper Hawkesbury River	
26094	Lower Hawkesbury River	
26943	Lower Nepean River	
26934	Lower Nepean River	
26859	Mid Nepean River Weirs	Theresa Park Weir

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Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023 [NSW]
Schedule 3 Schedule 3A Licences in Upper Hawkesbury River Water Source accessing water in Very Low
Flow Class

Schedule 3A Licences in Upper Hawkesbury River Water Source accessing water in Very Low Flow Class

sections 36(12) and 37(2)

Water access licence number

26439

26215

26081

25793

26301

26183

26066

26478

26385

26765

26774

26530

26785

25955

25989

26660

26665

25832

35862

35903

Schedule 4 Contamination sources

[Not applicable]

Schedule 5 Dictionary

section 6(1)

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.

approval holder means the holder of a water supply works approval.

AS 4747—see section 58.

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 a 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 (Resilience and Hazards) 2021*.

Note— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at 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.

environmental contingency allowance—see section 57I(1).

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, clause 2.

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

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 occurring beneath the ground surface in the 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 [*Name of Water Sharing Plan*] 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 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.

k/day means kilolitres per day.

Logbook—see section 58.

Minimum Construction Requirements for Water Bores in Australia—see section 58.

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 58.

Plan Map means the [*Name of Water Sharing Plan*] 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.

standard LTAAEL—see section 18.

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

the Act means the *Water Management Act 2000*.

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.

WaterNSW LTAAEL—see section 26A.

water account debit—see section 58.

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

wetland means either of the following—

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