

## Proposed amendments to the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* to facilitate active management

This document outlines amendments proposed to the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* to facilitate active management in the Lower Macquarie River and Marthaguy Creek Water Sources.

We propose to put in place an increased level of management in the Lower Macquarie River and Marthaguy Unregulated Water Sources. Known as active management, this will allow environmental water used in-stream for environmental purposes, referred to as active environmental water, to be protected from extraction.

To implement active management change is required to the water sharing rules that regulate access to flows in the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012*.

This document outlines the additional rules proposed to implement active management under each Part of the water sharing plan.

A factsheet *Macquarie Bogan unregulated water sharing plan – Active Management* provides details on why changes are proposed, the intent of the proposed changes and what this means for licence holders.

## Proposed additional provisions

The proposed changes for active management are in addition to the water sharing plan changes exhibited in November 2018 - February 2019. At that time, we were still developing the approach to active management.

Clause 81(2)(i) of the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* allows access rules to be amended to implement active management.

We welcome your comments on the additional proposed amendments to the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* to facilitate active management.

## Part 1 Introduction

### 5 Management Zone

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:

Insert new sub clause:

- (x) Marthaguy Creek Water Source:
  - (i) Upper Marthaguy Creek Management Zone, and
  - (ii) Lower Marthaguy Creek Management Zone.

## Part 2 Vision, objectives, strategies and performance indicators

Insert new strategy to support environmental objectives:

- (x) restrict the take of water to protect active environmental water,

Note: Active Environmental Water is defined in the Dictionary.

## Part 8 Rules for managing access licences

Insert new clause:

### **51 Rules for access licences intending to protect water from extraction**

- (1) Where a licence holder intends to protect the water permitted to be taken under the licence on a particular day from extraction, the holder must notify the Minister in accordance with the Active Management Procedures Manual established by the Minister.
- (2) The water allocation account of an access licence referred to in subclause (1) is to be debited in accordance with the Active Management Procedures Manual published by the Minister.

Insert new clause:

### **53A Additional access rules to protect Active Environmental Water**

- (1) This clause applies to an unregulated river access licence with an extraction component that specifies any of the following management zones:
  - (a) Gum Cowal Management Zone,
  - (b) Lower Macquarie River Upstream Management Zone,
  - (c) Lower Macquarie River Downstream Management Zone,
  - (d) Lower Marthaguy Creek Management Zone.
- (2) Water must not be taken on any given day from a management zone listed in subclause (1) if the Minister has determined and announced that only Active Environmental Water is present in that management zone.
- (3) In order to protect Active Environmental Water from extraction, the Minister may, in accordance with the Active Management Procedures Manual, announce a maximum amount of water permitted to be taken on any given day from a management zone listed in subclause (1), if the Minister determines that Active Environmental Water and other water is present in that management zone.
- (4) Water must not be taken in excess of that announced by the Minister under subclause (3).

Insert new clause:

### **55A Active Management Procedures Manual**

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following:

- (a) the requirements for access licence holders intending to protect water from extraction, to notify the Minister under clause 51,
- (b) the means for determining the amounts to be debited from access licence water allocation accounts under clause 51,

- (c) the means for determining the amounts necessary to protect Active Environmental Water under clause 53A,
- (d) any other matter the Minister considers relevant.

## Part 12 Amendment of this Plan

### Clause 87 Other

Insert new subclause:

- (11) This Plan may be amended to include or amend access rules for unregulated river access licences so as to protect Active Environmental Water from extraction.

## Dictionary

Insert the following new definitions:

**Active Environmental Water** is, the water in these water source identified by the Minister on any given day as requiring protection from extraction that arises from the following:

- (a) held environmental water flowing from a water source that is upstream of these water sources,
- (b) the water the Minister identifies as requiring protection under clause 51 of this Plan,
- (c) releases made according to clause 14 (22) of the *Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016*,
- (d) planned environmental water flowing from a water source upstream of these water sources that requires protection from extraction as determined by the Minister.

**Active Management Procedures Manual** means the manual established by the Minister under clause 55A.

## Have your say

We seek your comments on the:

- Proposed amendments to the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* to facilitate active management, *September 2019*
- Active Management for unregulated rivers – Draft policy for public consultation, September 2019.

The draft policy has guided the proposed water sharing rule amendments and will guide the preparation of the Active Management Procedures Manual for the Lower Macquarie River and Marthaguy unregulated water sources.

Please note that comment on the draft Macquarie-Castlereagh Surface Water Resource Plan and other proposed amendments to the *Water Sharing Plan for the Macquarie Bogan Unregulated and Alluvial Water Sources 2012* has closed and your submissions on these are currently being considered.

### Make a submission

Use our [online form](#) or send an [email](#) to make a submission. All submissions will be considered when finalising the plan. **Submissions close at 5 pm on Tuesday 29<sup>th</sup> October 2019.**

## More information

The *Active Management for unregulated rivers – Draft policy for public consultation, September 2019* is available from <https://www.industry.nsw.gov.au/water-macquarie-bogan>.

The *Macquarie Bogan unregulated water sharing plan – Active Management – Factsheet* is available from <https://www.industry.nsw.gov.au/water-macquarie-bogan>.

If you want to be kept informed about all of the departments upcoming engagement activities please visit our [website](#) or join our [newsletter](#).

---

© State of New South Wales through Department of Planning, Industry and Environment 2019 The information contained in this publication is based on knowledge and understanding at the time of writing (September 2019). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.