



New South Wales

Water Sharing Plan for the Murray Unregulated River Water Sources 2024

under the

Water Management Act 2000

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

ROSE JACKSON, MLC

Minister for Water

Contents

Water Sharing Plan for the Murray Unregulated River Water Sources 2024

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

25	Non-compliance with LTAAELs and SDL	16
	Subdivision 3 Individual daily extractions limits	16
25A	Individual daily extraction limits for the Indi Water Source	16
Part 5	Rules for granting and managing access licences—the Act, s 20(2)(b) ..	17
26	Specific purpose access licences	17
27	Management of access licences	17
Part 6	Operation of water allocation accounts and managing access licences.....	18
	Division 1 Preliminary	18
28	Operation of Part—the Act, s 8	18
	Division 2 Operation of water allocation accounts—the Act, s 21(c).....	18
29	Water allocation account debiting	18
30	Carryover of water remaining in water allocation account	18
	Division 3 Flow classes	18
31	Flow classes for specified water sources and management zones—the Act, s 21(a).....	18
32	Minister may determine flow classes in certain circumstances.....	19
	Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a).....	19
33	General	19
34	Specific access rules.....	20
35	Exceptions.....	20
Part 7	Construction and use of water supply works—the Act, s21(b)....	22
36	Application of Part	22
37	In-river dams	22
38	Wetlands	22
38A	Additional prohibitions on construction of certain water supply works	23
Part 8	Access licence dealing rules—the Act, s 20(1)(d)	24
39	Conversion of access licence to new category dealings.....	24
40	Assignment of rights dealings	24
41	Amendment of share component dealings—change of water source	26
42	Amendment of extraction component dealings	28
43	Assignment of water allocations dealings	29
44	Interstate access licence transfer dealings	31
45	Interstate assignment of water allocations dealings	31
46	Nominations of water supply works dealings	31
Part 9	Mandatory conditions—the Act, s 17(c)	32
	Division 1 General.....	32
47	Definitions	32

Division 2 Access licences	32
48 General conditions	32
49 Record-keeping conditions.....	32
Division 3 Water supply work approvals	32
50 General conditions	32
51 Record-keeping conditions.....	33
Part 10 Amendment of this Plan—the Act, s 17(d).....	34
52 Amendments	34
Schedule 1 Flow classes	36
Schedule 2 Access licences exempt from specified access rules	38
Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement	39
Schedule 4 Significant wetlands subject to specific rules	42
Schedule 5 Dictionary	43

Water Sharing Plan for the Murray Unregulated River Water Sources 2024

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 Murray Water Management Area.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Murray Unregulated River Water Sources 2024*.

2 Commencement

This Plan commences on 1 July 2024.

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 Murray Water Management Area—

- (a) Albury Water Source,
- (b) Dora Dora Water Source,
- (c) Hume Water Source,
- (d) Indi Water Source,
- (e) Jingellic Water Source,
- (f) Lower Wangamong Water Source,
- (g) Majors Water Source,
- (h) Mannus Water Source,
- (i) Maragle Water Source,
- (j) Murray Below Mulwala Water Source,
- (k) Ournie Welaregang Water Source,
- (l) Swampy Plain Water Source,
- (m) Tooma Water Source,
- (n) Tumbarumba Water Source,
- (o) Upper Murray River Water Source.

(2) The water sources include surface water, other than water to which the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016* applies.

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

4 Management zones to which Plan applies

- (1) The Mannus Water Source is divided into the following management zones as shown on the Plan Map—
 - (a) Mannus Upstream Management Zone,
 - (b) Mannus Downstream Management Zone.
- (2) The Tooma Water Source is divided into the following management zones as shown on the Plan Map—
 - (a) Tooma River Management Zone,
 - (b) Tooma Tributaries Management Zone.
- (3) The Tumbarumba Water Source is divided into the following management zones as shown on the Plan Map—
 - (a) Tumbarumba Upstream Management Zone,
 - (b) Tumbarumba Downstream Management Zone.

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

The following extraction management units are established—

- (a) the Unregulated Upper Murray Extraction Management Unit, consisting of the following Water Sources—
 - (i) Dora Dora Water Source,
 - (ii) Hume Water Source,
 - (iii) Indi Water Source,
 - (iv) Jingellic Water Source,
 - (v) Mannus Water Source,
 - (vi) Maragle Water Source,
 - (vii) Ournie Welaregang Water Source,
 - (viii) Swampy Plain Water Source,
 - (ix) Tooma Water Source,
 - (x) Tumbarumba Water Source,
 - (xi) Upper Murray River Water Source.
- (b) the Unregulated Middle Murray Extraction Management Unit, consisting of the following Water Sources—
 - (i) Albury Water Source,
 - (ii) Lower Wangamong Water Source,
 - (iii) Majors Water Source,
 - (iv) Murray Below Mulwala Water Source.

6 Interpretation

- (1) The Dictionary in Schedule 5 defines words used in this Plan.

Note— The *Interpretation Act 1987* contains definitions and other provisions affecting the

interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

Note—The following maps are available on the Department's website—

- (a) the Plan Map,
 - (b) the Significant Wetlands Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

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

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

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

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

The objectives of this Plan are as follows—

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

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

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

- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
 - (h) provide a stable and predictable framework for sharing water among water users,
 - (i) provide for flexibility of access to water,
 - (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
 - (k) provide for water associated with Aboriginal cultural values and uses.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

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

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

11A Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan’s objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 30 June 2025, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

Part 3 Requirements for water

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

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 1,560 ML/year distributed as follows—

- (a) 145 ML/year in the Albury Water Source,
- (b) 47 ML/year in the Dora Dora Water Source,
- (c) 224 ML/year in the Hume Water Source,
- (d) 17 ML/year in the Indi Water Source,
- (e) 108 ML/year in the Jingellic Water Source,
- (f) 29 ML/year in the Lower Wangamong Water Source,
- (g) 31 ML/year in the Majors Water Source,
- (h) 206 ML/year in the Mannus Water Source,
- (i) 55 ML/year in the Maragle Water Source,
- (j) 362 ML/year in the Murray Below Mulwala Water Source,
- (k) 65 ML/year in the Ournie Welaregang Water Source,
- (l) 61 ML/year in the Swampy Plain Water Source,
- (m) 51 ML/year in the Tooma Water Source,
- (n) 128 ML/year in the Tumbarumba Water Source,
- (o) 32 ML/year in the Upper Murray River Water Source.

13 Native title rights

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

- (a) any determination of native title, and
- (b) any indigenous land use agreement.

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

14 Harvestable rights

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

Division 2 Requirements for water for extraction under access licences

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 627 ML/year distributed as follows—

- (a) 43 ML/year in the Albury Water Source,
 - (b) 0 ML/year in the Dora Dora Water Source,
 - (c) 28 ML/year in the Hume Water Source,
 - (d) 0 ML/year in the Indi Water Source,
 - (e) 2 ML/year in the Jingellic Water Source,
 - (f) 0 ML/year in the Lower Wangamong Water Source,
 - (g) 0 ML/year in the Majors Water Source,
 - (h) 9 ML/year in the Mannus Water Source,
 - (i) 9 ML/year in the Maragle Water Source,
 - (j) 355 ML/year in the Murray Below Mulwala Water Source,
 - (k) 12 ML/year in the Ournie Welaregang Water Source,
 - (l) 21 ML/year in the Swampy Plain Water Source,
 - (m) 7 ML/year in the Tooma Water Source,
 - (n) 55 ML/year in the Tumbarumba Water Source,
 - (o) 86 ML/year in the Upper Murray River Water Source.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 639 ML/year distributed as follows—
- (a) 140 ML/year in the Swampy Plain Water Source,
 - (b) 499 ML/year in the Tumbarumba Water Source,
 - (c) 0 ML/year for 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 41,178 unit shares distributed as follows—
- (a) 444 unit shares in the Albury Water Source,
 - (b) 0 unit shares in the Dora Dora Water Source,
 - (c) 676 unit shares in the Hume Water Source,
 - (d) 2,215 unit shares in the Indi Water Source,
 - (e) 240 unit shares in the Jingellic Water Source,
 - (f) 16 unit shares in the Lower Wangamong Water Source,
 - (g) 76 unit shares in the Majors Water Source,
 - (h) 1,267 unit shares in the Mannus Water Source,
 - (i) 402 unit shares in the Maragle Water Source,
 - (j) 27,377 unit shares in the Murray Below Mulwala Water Source,
 - (k) 1 unit share in the Ournie Welaregang Water Source,
 - (l) 129 unit shares in the Swampy Plain Water Source,
 - (m) 1,390 unit shares in the Tooma Water Source,
 - (n) 993 unit shares in the Tumbarumba Water Source,

- (o) 5,952 unit shares in the Upper Murray River Water Source.
- (4) On the commencement of this Plan, the share components of unregulated river (high flow) access licences are estimated to be a total of 0 unit shares distributed as follows—
 - (a) 0 unit shares in the Indi Water Source,
 - (b) 0 unit shares in the Mannus Water Source,
 - (c) 0 unit shares in the Maragle Water Source,
 - (d) 0 unit shares in the Tooma Water Source,
 - (e) 0 unit shares in the Tumbarumba Water Source.

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

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

Part 4 Limits to the availability of water

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

16 Available water determinations

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

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

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

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

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

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

18 Definitions

In this Division—

3-year average extraction means the average of the annual extractions for the most recent 3 consecutive water years for an 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 extraction means the estimated volume of water taken from an extraction management unit for the water year—

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

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).

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

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

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

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

reduced available water determination means available water determinations of a sum that is less than the amount specified in section 16(1) for the category of licence for which the determination is made.

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

Subdivision 2 LTAAELs and SDL

19 Establishment of LTAAELs

- (1) The LTAAEL is the sum of the following within each extraction management unit—
 - (a) an estimate of annual extractions under entitlements under the *Water Act 1912*, Part 2, between 1 July 1993 to 30 June 1999,
 - (b) an estimate of the water requirements for basic landholder rights in the water year 1 July 2011 to 30 June 2012,
 - (c) an estimate of the average annual extraction for the purposes of plantation forestry between the date of the earliest available information and 30 June 2009,
 - (d) an estimate of the average annual extraction for the purposes of floodplain harvesting between 1 July 1993 and 30 June 1999.
- (2) By 31 December 2027, the Minister will determine and publish a numeric LTAAEL for the water sources to facilitate assessment of compliance against the LTAAEL under section 21.
- (3) The Minister may amend this Plan to replace the LTAAEL as established by subsection (1) with the numeric LTAAEL.
- (4) In year 6 of this Plan, the Minister will have reviewed the numerical LTAAEL to ensure a sustainable level of take. This review will include consideration of the following—
 - (a) the protection of water sources and their dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,
 - (c) future climate projections, including likely bounds of climate change impact within the term of the plan,
 - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes.
- (5) The Minister will request the Natural Resources Commission to provide advice on the adequacy of the calculations used to establish the numeric LTAAEL under subsection (2) and the adequacy of the methodology used to determine the sustainability of the LTAAEL under subsection (4) while undertaking the review required under subsection (4).

- (6) On the basis of the review referred to in subsection (4), and taking into consideration outcomes of the Basin Plan review and any associated changes to sustainable diversion limits, if available, the Minister may make amendments to this Plan to give effect to the findings of the review.
- (7) In year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*, clause 66(3), and may amend this Plan accordingly, to ensure that the rules in this Plan consider and adapt to climate change.

Note— The 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 extraction

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

21 Assessment of compliance with LTAAELs

- (1) As soon as practicable after the end of a water year, the 3-year average extraction for each extraction management unit must be compared against the LTAAEL for the extraction management unit.
- (2) There is non-compliance with the LTAAEL if the 3-year average extraction exceeds the LTAAEL by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water sources is the part of the New South Wales Murray Sustainable Diversion Limit resource unit established by the Basin Plan that, in the Minister's opinion, applies to the water sources.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

23 Calculation of annual permitted take and annual actual take

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

annual actual take and ***annual permitted take*** have the same meaning as they have in the Basin Plan, section 6.10.

24 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.

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

25 Non-compliance with LTAAELs and SDL

- (1) This section applies to an extraction management unit if—
 - (a) there is non-compliance with the LTAAEL for the extraction management unit, or
 - (b) there is non-compliance with the SDL for the water sources.
- (2) In the water year occurring immediately after a non-compliance is assessed (the *next water year*), a reduced available water determination of less than 1 ML/unit share must be made for one or both of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an unregulated river (high flow) access licence.
- (3) Reduced available water determinations must be made to the extent necessary—
 - (a) for non-compliance with the LTAAEL—to return the 3 year-average annual extraction to be calculated at the end of that water year to the LTAAEL, and
 - (b) otherwise—to ensure compliance with the SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.

Note— The Minister may, at any time, make available water determinations, in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.
- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under clause 6.12(5) of the Basin Plan.

Subdivision 3 Individual daily extractions limits

25A Individual daily extraction limits for the Indi Water Source

If total daily extraction in the Indi Water Source exceeds 24 ML/day when flows are in the A Class, the extraction component of each access licence in the Indi Water Source may be amended to impose a daily limit on the volume of water that may be extracted under the licence, including an individual daily extraction component.

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

26 Specific purpose access licences

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).

- (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.
- (2) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10 ML/year, and
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (3) In this section—

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

27 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

28 Operation of Part—the Act, s 8

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

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

Division 2 Operation of water allocation accounts—the Act, s 21(c)

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

29 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) In this section—

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

relevant sum means the sum of the following—

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

30 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account of an access licence must be carried over from one water year to the next water year, up to an amount equal to the following—

- (i) for access licences with share components expressed as ML/year— 100% of the share component,
- (ii) for access licences with share components expressed as a number of unit shares—1 ML/unit share.

Division 3 Flow classes

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

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

32 Minister may determine flow classes in certain circumstances

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

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

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

33 General

- (1) Surface water must not be taken unless there is a flow equivalent to the full flow of water through a 200 mm pipe at the location from which the water would be taken, except from the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool,
 - (c) an in-river dam pool.
- (2) Surface water must not be taken—
 - (a) if flows in the relevant water source or management zone are in the Very Low Flow Class, or
 - (b) from—
 - (i) an in-river pool that is below full capacity, or
 - (ii) an off-river pool that is below 80% of full capacity, or
 - (iii) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam pool.

34 Specific access rules

- (1) Surface water must not be taken under—
 - (a) an unregulated river (high flow) access licence if flows are in the Very Low Flow Class or A Class, or
 - (b) an unregulated river (high flow) access licence in the Indi Water Source if flows are in the Very Low Flow Class, A Class or B Class.
- (2) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.
- (3) Surface water must not be taken from an in-river dam pool under a replacement access licence in the following circumstances—
 - (a) the in-river dam pool was created by a structure authorised by a water supply work approval,
 - (b) flows or storage levels of the in-river dam pool are at or less than the flows or storage levels at which water could not be taken under the entitlement from which the replacement access licence arose.
- (4) Surface water must not be taken from an in-river dam pool to which a replacement approval applies unless the in-river dam pool is passing—
 - (a) the flows that were specified in the entitlement from which the replacement approval arose, or
 - (b) if no such flows were specified, such flows as are determined by the Minister.
- (5) In this section—

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

35 Exceptions

- (1) Section 33(2)(a) and (b)(i)–(ii) does not apply to the take of surface water from an in-river pool or off-river pool subject to a cease-to-take condition that permits the taking of water when the pool is below full capacity.
- (2) Sections 33 and 34 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A, if no more than 20 kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
 - (c) from a runoff harvesting dam,

- (d) under an access licence specified in Schedule 2, Table B,
- (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
- (3) Section 34(1) does not apply to the take of surface water in the following circumstances—
 - (a) from an off-river pool in a water source or management zone to which that section applies,
 - (b) from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.

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

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

36 Application of Part

- (1) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.
- (2) In sections 38 and 38A—
replacement water supply work means a water supply work that—
 - (a) replaces an existing water supply work authorised by a water supply work approval (the *replaced water supply work*),
 - (b) is constructed and used to extract water from the same water source as the replaced water supply work,
 - (c) is, in the Minister’s opinion, the same size or smaller than the replaced water supply work,
 - (d) is located within 20m of the replaced water supply work,
 - (e) is not located within 20m of the replaced water supply work and, in the Minister’s opinion, the water supply work is not likely to—
 - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, and
 - (ii) adversely affect the ability of another person to take water using an existing water supply work.

37 In-river dams

- (1) An in-river dam on a third or higher order stream must not be constructed within the following water sources—
 - (a) Dora Dora Water Source,
 - (b) Murray Below Mulwala Water Source.
- (2) This section does not apply to—
 - (a) a water supply work that replaces an existing water supply work that takes surface water where—
 - (i) the existing water supply work is authorised by a water supply work approval, and
 - (ii) the water supply work is to be constructed to impound water from the same water source and the same location as the existing water supply work,
 - (b) a water supply work to be used for town water supply purposes.

38 Wetlands

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

38A Additional prohibitions on construction of certain water supply works

- (1) A water supply work must not be constructed in an off-river pool unless, in the Minister’s opinion, there will be no more than minimal impact on existing extractions in the water sources.
- (2) A water supply work must not be constructed or used on the Eagle Creek System or Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source, unless the approval holder also holds an access licence that nominates the following water supply work approval—
 - (a) for the Eagle Creek System—water supply work approval 50WA503603,
 - (b) for Bingera and Bungaree Creeks—water supply work approval 50WA500048.
- (3) Subsections (1) and (2) do not apply to a replacement water supply work.

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

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

39 Conversion of access licence to new category dealings

A dealing under the Act, section 71O, is prohibited unless the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence in the following water sources or with an extraction component specifying the following management zone—

- (a) Indi Water Source,
- (b) Mannus Water Source,
- (c) Maragle Water Source,
- (d) Tooma River Management Zone in the Tooma River Water Source,
- (e) Tumbarumba Water Source.

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

40 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q, in the same water source are prohibited—
 - (a) an assignment to an access licence that nominates a water supply work located on the Eagle Creek System or Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source, unless—
 - (i) for an access licence that nominates a water supply work located on the Eagle Creek System—the assignment is from an access licence that nominates a water supply work located on the Eagle Creek System, and
 - (ii) for an access licence that nominates a water supply work located on Bingera or Bungaree Creeks—the assignment is from an access licence that nominates a water supply work located on Bingera or Bungaree Creek,
 - (b) an assignment to an access licence with an extraction component specifying the Tumbarumba Upstream Management Zone, other than an unregulated river (high flow) access licence,
 - (c) an assignment to an access licence with an extraction component specifying the following management zones if the assignment will cause the sum of share components of unregulated river access licences and domestic and stock access licences with an extraction component specifying the management zone to exceed—
 - (i) in the Mannus Downstream Management Zone—1,028 unit shares,
 - (ii) in the Mannus Upstream Management Zone—439 unit shares,
 - (iii) in the Tooma River Management Zone—1,547 unit shares,
 - (iv) in the Tooma Tributaries Management Zone—62 unit shares,
 - (v) in the Tumbarumba Downstream Management Zone—966 unit shares.

- (d) an assignment to an access licence with an extraction component specifying the following management zones if the assignment will cause the sum of share components of all access licences with an extraction component specifying the management zone to exceed—
 - (i) in the Mannus Downstream Management Zone—2,553 unit shares,
 - (ii) in the Mannus Upstream Management Zone—2,078 unit shares,
 - (iii) in the Tooma River Management Zone—3,514 unit shares,
 - (iv) in the Tumbarumba Downstream Management Zone—1,797 unit shares,
 - (v) in the Tumbarumba Upstream Management Zone—1,934 unit shares.
- (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 Murray Below Mulwala Water Source,
 - (d) an assignment to an access licence with an extraction component specifying the Tumbarumba Upstream Management Zone, other than an unregulated river (high flow) access licence,
 - (e) an assignment to an access licence in the following water sources or with an extraction component specifying the following management zones if the assignment will cause the sum of share components of unregulated river access licences and domestic and stock access licences in the water source or with an extraction component specifying the management zone to exceed—
 - (i) in the Albury Water Source—487 unit shares,
 - (ii) in the Indi Water Source—2,547 unit shares,
 - (iii) in the Mannus Downstream Management Zone—1,028 unit shares,
 - (iv) in the Mannus Upstream Management Zone—439 unit shares,
 - (v) in the Maragle Water Source—473 unit shares,
 - (vi) in the Swampy Plain Water Source—334 unit shares,
 - (vii) in the Tooma River Management Zone—1,547 unit shares,
 - (viii) in the Tooma Tributaries Management Zone—62 unit shares,
 - (ix) in the Tumbarumba Downstream Management Zone—966 unit shares.
 - (f) an assignment to an access licence in the Lower Wangamong Water Source or the Majors Water Source, if the assignment will cause the sum of share components of unregulated river access licences and domestic and stock access licences in the following water sources to collectively exceed 666 unit shares—
 - (i) Albury Water Source,
 - (ii) Lower Wangamong Water Source, and
 - (iii) Majors Water Source,

- (g) an assignment to an access licence in one of the following water sources, if the assignment will cause the sum of share components of unregulated river access licences and domestic and stock access licences in all of the following water sources to collectively exceed 1,103 unit shares—
 - (i) Dora Dora Water Source,
 - (ii) Hume Water Source,
 - (iii) Jingellic Water Source, and
 - (iv) Ournie Welaregang Water Source,
- (h) an assignment to an access licence in the following water sources or with an extraction component specifying the following management zones, if the assignment will cause the sum of share components of all access licences in the water source or with an extraction component specifying the management zone to exceed—
 - (i) in the Indi Water Source—5,404 unit shares,
 - (ii) in the Mannus Downstream Management Zone—2,553 unit shares,
 - (iii) in the Mannus Upstream Management Zone—2,078 unit shares,
 - (iv) in the Maragle Water Source—976 units shares,
 - (v) in the Tooma River Management Zone—3,514 unit shares,
 - (vi) in the Tumbarumba Downstream Management Zone—1,797 unit shares,
 - (vii) in the Tumbarumba Upstream Management Zone—1,934 unit shares.
- (3) An assignment of rights under the Act, section 71Q, is prohibited if it is an assignment to an access licence that nominates a water supply work—
 - (a) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (b) within a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (a) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (b) within the same significant wetland.
- (4) An assignment of rights under the Act, section 71Q, to or from an unregulated river (special additional high flow) access licence is prohibited.

41 Amendment of share component dealings—change of water source

- (1) The following dealings under the Act, section 71R, are prohibited—
 - (a) the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
 - (b) the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies,
 - (c) the cancellation of an access licence to grant an access licence in the Murray Below Mulwala Water Source,
 - (d) the cancellation of an access licence to grant an access licence with an extraction component specifying the Tumbarumba Upstream Management Zone,

- (e) the cancellation of an access licence to grant an access licence in the following water sources or with an extraction component specifying the following management zone if the granting of the licence will cause the sum of share components of unregulated river access licences and domestic and stock access licences in the water source or with an extraction component specifying the management zone to exceed—
 - (i) in the Albury Water Source—487 unit shares,
 - (ii) in the Indi Water Source—2,547 unit shares,
 - (iii) in the Mannus Downstream Management Zone—1,028 unit shares,
 - (iv) in the Mannus Upstream Management Zone—439 unit shares,
 - (v) in the Maragle Water Source—473 unit shares,
 - (vi) in the Swampy Plain Water Source—334 unit shares,
 - (vii) in the Tooma River Management Zone—1,547 unit shares,
 - (viii) in the Tooma Tributaries Management Zone—62 unit shares,
 - (ix) in the Tumbarumba Downstream Management Zone—966 unit shares,
- (f) the cancellation of an access licence to grant an access licence in the Lower Wangamong Water Source or the Majors Water Source, if the granting of the licence will cause the sum of share components of unregulated river access licences and domestic and stock access licences in the following water sources to collectively exceed 666 unit shares—
 - (i) Albury Water Source,
 - (ii) Lower Wangamong Water Source, and
 - (iii) Majors Water Source,
- (g) the cancellation of an access licence to grant an access licence in one of the following water sources, if the granting of the licence will cause the sum of share components of unregulated river access licences and domestic and stock access licences in all of the following water sources to collectively exceed 1,103 unit shares—
 - (i) Dora Dora Water Source,
 - (ii) Hume Water Source,
 - (iii) Jingellic Water Source, and
 - (iv) Ournie Welaregang Water Source,
- (h) the cancellation of an access licence to grant an access licence in the following water sources or with an extraction component specifying the following management zone, if the granting of the licence will cause the sum of share components of all access licences in the water source or with an extraction component specifying the management zone to exceed—
 - (i) in the Indi Water Source—5,404 unit shares,
 - (ii) in the Mannus Downstream Management Zone—2,553 unit shares,
 - (iii) in the Mannus Upstream Management Zone—2,078 unit shares,

- (iv) in the Maragle Water Source—976 unit shares,
 - (v) in the Tooma River Management Zone—3,514 unit shares,
 - (vi) in the Tumbarumba Downstream Management Zone—1,797 unit shares,
 - (vii) in the Tumbarumba Upstream Management Zone—1,934 unit shares.
- (2) The extraction component of a new access licence granted in accordance with the Act, section 71R, does not carry over the extraction component from the cancelled access licence.

42 Amendment of extraction component dealings

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

- (a) an access licence in the Murray Below Mulwala Water Source with an extraction component which does not specify the Eagle Creek System being amended to specify the Eagle Creek System,
- (b) an access licence in the Murray Below Mulwala Water Source with an extraction component that does not specify Bingera or Bungaree Creeks being amended to specify Bingera or Bungaree Creeks,
- (c) an access licence with an extraction component specifying the Tumbarumba Downstream Management Zone (other than an unregulated river (high flow) access licence) being amended to specify the Tumbarumba Upstream Management Zone,
- (d) the extraction component of an access licence being amended to specify the following management zones if it would cause the sum of share components of unregulated river access licences and domestic and stock access licences with an extraction component specifying the management zone to exceed—
 - (i) in the Mannus Downstream Management Zone—1,028 unit shares,
 - (ii) in the Mannus Upstream Management Zone—439 unit shares,
 - (iii) in the Tooma River Management Zone—1,547 unit shares,
 - (iv) in the Tooma Tributaries Management Zone—62 unit shares,
 - (v) in the Tumbarumba Downstream Management Zone—966 unit shares.
- (e) the extraction component of an access licence being amended to specify the following management zones if it would cause the sum of share components of all access licences with an extraction component specifying the management zone to exceed—
 - (i) in the Mannus Downstream Management Zone—2,553 unit shares,
 - (ii) in the Mannus Upstream Management Zone—2,078 unit shares,
 - (iii) in the Tooma River Management Zone—3,514 unit shares,
 - (iv) in the Tumbarumba Downstream Management Zone—1,797 unit shares,
 - (v) in the Tumbarumba Upstream Management Zone—1,934 unit shares,
- (f) the extraction component of an access licence being amended to specify an area or location being within, or within 3km upstream of, a declared Ramsar wetland as an area or location from which water may be taken under the licence, unless the

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

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

43 Assignment of water allocations dealings

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

- (a) an assignment to an access licence of a different category,
- (b) an assignment to an access licence in a different extraction management unit,
- (c) an assignment from an access licence in a water source to which this Plan does not apply,
- (d) an assignment to an access licence that nominates a water supply work located on the Eagle Creek System or Bingera or Bungaree Creeks, unless—
- (i) for an access licence that nominates a water supply work located on the Eagle Creek System—the assignment is from an access licence that nominates a water supply work located on the Eagle Creek System, and
 - (ii) for an access licence that nominates a water supply work located on Bingera or Bungaree Creeks—the assignment is from an access licence that nominates a water supply work located on Bingera or Bungaree Creek,
- (e) an assignment to an access licence in the Murray Below Mulwala Water Source,
- (f) an assignment to an access licence with an extraction component specifying the Tumbarumba Upstream Management Zone, other than an unregulated river (high flow) access licence,
- (g) an assignment to an access licence in the following water sources or with an extraction component specifying the following management zones if the assignment will cause the sum of the water allocations credited to the water allocation accounts of unregulated river access licences and domestic and stock access licences in the water source or with an extraction component specifying the management zone to exceed—
- (i) in the Albury Water Source—487 unit shares,
 - (ii) in the Indi Water Source—2,547 unit shares,
 - (iii) in the Mannus Downstream Management Zone—1,028 unit shares,
 - (iv) in the Mannus Upstream Management Zone—439 unit shares,
 - (v) in the Maragle Water Source—473 unit shares,
 - (vi) in the Swampy Plain Water Source—334 unit shares,

- (vii) in the Tooma River Management Zone—1,547 unit shares,
 - (viii) in the Tooma Tributaries Management Zone—62 unit shares,
 - (ix) in the Tumbarumba Downstream Management Zone—966 unit shares.
- (h) an assignment to an access licence in the Lower Wangamong Water Source or the Majors Water Source, if the assignment will cause the sum of the water allocations credited to the water allocation accounts of unregulated river access licences and domestic and stock access licences in the following water sources to collectively exceed 666 unit shares—
- (i) Albury Water Source,
 - (ii) Lower Wangamong Water Source, and
 - (iii) Majors Water Source,
- (i) an assignment to an access licence in one of the following water sources, if the assignment will cause the sum of water allocations credited to the water allocation accounts of unregulated river access licences and domestic and stock access licences in all of the following water sources to collectively exceed 1,103 unit shares—
- (i) Dora Dora Water Source,
 - (ii) Hume Water Source,
 - (iii) Jingellic Water Source, and
 - (iv) Ournie Welaregang Water Source,
- (j) an assignment to an access licence in the following water sources or with an extraction component specifying the following managements zones, if the assignment will cause the sum of the water allocations credited to the water allocation accounts of all access licences (other than local water utility access licences) in the water source or with an extraction component specifying the management zone to exceed—
- (i) in the Indi Water Source—5,404 unit shares,
 - (ii) in the Mannus Downstream Management Zone—2,553 unit shares,
 - (iii) in the Mannus Upstream Management Zone—2,078 unit shares,
 - (iv) in the Maragle Water Source—976 unit shares,
 - (v) in the Tooma River Management Zone—3,514 unit shares,
 - (vi) in the Tumbarumba Downstream Management Zone—1,797 unit shares,
 - (vii) in the Tumbarumba Upstream Management Zone—1,934 unit shares.
- (k) an assignment to an access licence that nominates a water supply work—
- (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,
- unless the assignment is from an access licence that nominates a water supply work—
- (i) within, or within 3km upstream of, the same declared Ramsar wetland, or

- (ii) within the same significant wetland.
- (l) an assignment to or from an unregulated river (special additional high flow) access licence.

44 Interstate access licence transfer dealings

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

45 Interstate assignment of water allocations dealings

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

46 Nominations of water supply works dealings

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

- (a) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply,
- (b) an access licence, other than an unregulated river (high flow) access licence, being amended to nominate an extraction point in an interstate water tagging zone unless pursuant to an agreement between the Minister and the Minister of another State or Territory,
- (c) an unregulated river (high flow) access licence being amended to nominate an extraction point in an interstate water tagging zone,
- (d) an access licence which does not nominate a water supply work located on the Eagle Creek System being amended to nominate a water supply work on the Eagle Creek System,
- (e) an access licence which does not nominate a water supply work located on Bingera or Bungaree Creeks being amended to nominate a water supply work on Bingera or Bungaree Creeks,
- (f) an access licence being amended to nominate a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,unless the access licence being amended nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same significant wetland

and, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned.

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

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

Division 1 General

47 Definitions

In this Part—

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

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

Division 2 Access licences

48 General conditions

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

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

49 Record-keeping conditions

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

Division 3 Water supply work approvals

50 General conditions

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

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

- (d) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 51.

51 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

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

52 Amendments

- (1) This Plan may be amended as follows—
 - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) to add or modify flow classes, flow reference points, and surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 and Schedule 1,
 - (e) to add or modify provisions relating to the following—
 - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (ii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (iii) stormwater harvesting,
 - (iv) total daily extraction limits,
 - (v) individual daily extraction components,
 - (vi) floodplain harvesting (unregulated river) access licences,
 - (vii) conditions for taking water from the Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
 - (f) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (h) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limit for the water sources and the New South Wales Murray Regulated River Water Source,
 - (i) to add, modify or remove a definition,
 - (j) to modify Schedule 2 or 3 to add or remove an access licence,
 - (k) to make amendments consequential on an amendment to the Act or regulations,
 - (l) to add or modify flow classes, flow reference points, and surface water access rules for the taking of water in the Mannus Upstream Management Zone,

following a review within 3 years of Plan commencement of the water requirements for Macquarie perch in the Mannus Water Source and the social and economic impacts of amended flow class thresholds.

- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Flow classes

section 31

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Indi		Very Low Flow Class	87 ML/day or less	Murray River at Biggara gauge (401012)
		A Class	More than 87 ML/day but no more than 157 ML/day	
		B Class	More than 157 ML/day but no more than 467 ML/day	
		C Class	More than 467 ML/day	
Jingellic		Very Low Flow Class	10 ML/day or less	Jingellic Creek at Jingellic gauge (401013)
		A Class	More than 10 ML/day	
Mannus	Mannus Upstream	Very Low Flow Class	1 ML/day or less at Mannus Creek at Glenroy No.2 gauge	Mannus Creek at Glenroy No.2 gauge (401029)
		A Class	More than 1 ML/day at Mannus Creek at Glenroy No.2 gauge and 61 ML/day or less at Mannus Creek at Yarramundi gauge	Mannus Creek at Glenroy No.2 gauge (401029) and Mannus Creek at Yarramundi gauge (401017)
		B Class	More than 1 ML/day at Mannus Creek at Glenroy No.2 gauge and more than 61 ML/day at Mannus Creek at Yarramundi gauge	
	Mannus Downstream	Very Low Flow Class	9.4 ML/day or less	Mannus Creek at Yarramundi gauge (401017)
		A Class	More than 9.4 ML/day but no more than 61 ML/day	
		B Class	More than 61 ML/day	
Maragle		Very Low Flow Class	10 ML/day or less	Maragle Creek at Maragle gauge (401009)
		A Class	More than 10 ML/day but no more than 41 ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
		B Class	More than 41 ML/day	
Tooma	Tooma River	Very Low Flow Class	79 ML/day or less	Tooma River at Pinegrove gauge (401014)
		A Class	More than 79 ML/day but no more than 297 ML/day	
		B Class	More than 297 ML/day	
Tumbarumba	Tumbarumba Upstream	Very Low Flow Class	14 ML/day or less	Tumbarumba Creek at Tumbarumba No. 2 gauge (401007)
		A Class	More than 14 ML/day but no more than 79 ML/day	
		B Class	More than 79 ML/day	
	Tumbarumba Downstream	Very Low Flow Class	32 ML/day or less	Tumbarumba Creek at Tooma (Bakers) gauge (401024)
		A Class	More than 32 ML/day but no more than 120 ML/day	
		B Class	More than 120 ML/day	
Upper Murray River		Very Low Flow Class	600 ML/day or less	Murray River at Jingellic gauge (401201A)
		A Class	More than 600 ML/day	

Schedule 2 Access licences exempt from specified access rules

section 35(2)(a) and (d)

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

Water Source	Management zone	Access licence numbers
Indi		29640
Mannus	Mannus Downstream Management Zone	29673
Swampy Plain		29800, 29799
Tooma	Tooma River Management Zone	29811
Tooma	Tooma Tributaries Management Zone	29807, 29808
Tumbarumba	Tumbarumba Upstream Management Zone	29842

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

Water Source	Management zone	Access licence numbers
Tumbarumba	Tumbarumba Upstream Management Zone	29848

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

section 34(2)

Access licence number, water supply work approval number	Water source	Cease-to-take condition
32211, 50CA511741	Murray Below Mulwala	When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 m below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the office of the relevant licensor. Notwithstanding condition (7), the authorised work may be used for the purpose of irrigation from the storage of the dam presently authorised by licence no. 50SL031670 provided that any natural flow entering the said storage is maintained in Bullockhide Creek downstream from the said dam in accordance with the conditions of the said licence no. 50SL031670.
32228, 50CA511745	Murray Below Mulwala	When a natural flow is entering the storage of the dam, the pipe referred to in condition (8) shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, Parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 m below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near that dam and particulars of which are retained in the office of the relevant licensor.
32231, 50CA511754	Murray Below Mulwala	When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 m below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the relevant licensor. Notwithstanding condition (8), water diverted from the Murray River by the Bullockhide Creek water supply syndicate may

		be abstracted from Bullockhide Creek for irrigation purposes provided the prior consent of that syndicate is obtained.
32218, 50CA511756	Murray Below Mulwala	When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 m below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the relevant licensor. Notwithstanding condition (8), water diverted from the Murray River by the Bullockhide Creek water supply syndicate may be abstracted from Bullockhide Creek for irrigation purposes provided the prior consent of that syndicate is obtained.
32209, 50CA511762	Murray Below Mulwala	When a natural flow is entering the storage of the dam, the pipe referred to in condition (8) shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, Parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 m below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near that dam and particulars of which are retained in the office of the relevant licensor.
32222, 50CA511747	Murray Below Mulwala	When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool, and the level of the water in that dam is higher than 2.5 m below the level of a bench mark established on a box tree on the left bank of the watercourse near the dam, and particulars of which are retained in the office of the relevant licensor.
32202, 50CA511750	Murray Below Mulwala	When a natural flow is entering the storage of the dam the pipe referred to in condition (9) shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being, or the capacity of the said pipe, whichever is the lesser, provided however that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Lot 71, Parish of

		<p>Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool ,and the level of water stored in the dam is higher than 2.5 m below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near the dam and particulars of which are retained in the office of the relevant licensor.</p>
32212, 50CA511743	Murray Below Mulwala	<p>When a natural flow is entering the storage of the upstream dam, the pipe referred to in condition (9) shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the downstream dam and the level of the water stored in that dam is higher than 2.5 m below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near the downstream dam, and particulars of which are retained in the office of the relevant licensor.</p>

Schedule 4 Significant wetlands subject to specific rules

[Not used]

Schedule 5 Dictionary

section 6

3-year average extraction—see section 18.

annual extraction—see section 18.

average annual extraction—see section 18.

Basin Plan—see section 18.

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

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

Eagle Creek System includes Eagle Creek Cutting, Eagle Creek, Hudson Creek and two unnamed watercourses.

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.

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

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

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

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

kl/day means kilolitres per day.

Logbook—see section 47.

LTAEL—see section 18.

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

ML/unit share means megalitres per unit share.

ML/day means megalitres per day.

ML/year means megalitres per year.

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

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

Plan Map means the Murray Unregulated River Water Sources Plan Map (WSP045_Version 3).

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

planning approval means—

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

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

plantation forestry—see section 18.

reduced available water determination—see section 18.

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

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

SDL—see section 18.

significant wetland means a wetland shown on the Significant Wetlands Map.

Significant Wetlands Map means the *Water Sharing Plan for the Murray Unregulated River Water Sources 2024* Significant Wetlands Map (WET004_V1).

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

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

the Act means the *Water Management Act 2000*.

the water sources—see section 3.

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

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 48.

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