



New South Wales

Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2012

under the

Water Management Act 2000

Pursuant to section 45 (1) (a) of the *Water Management Act 2000*, I, KATRINA HODGKINSON, MP, Minister for Primary Industries, having obtained the concurrence of the Minister for the Environment, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*.

Dated this 20th day of September 2012.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

Section 45 (1) (a) of the *Water Management Act 2000* provides that the Minister may, at any time, by order published on the NSW legislation website, amend a management plan if satisfied it is in the public interest to do so. The purpose of this Order is to amend the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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1. Name of Order

This Order is the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2012*.

2. Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3. Amendment

The *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* is amended as set out in Schedule 1.

Schedule 1 **Amendment to the Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003**

[1] **Clause 3 Date of commencement**

Omit “and ceases on 1 July 2013”.

[2] **Clause 3**

Insert the following note at the end of the clause:

Note.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2004.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

[3] **Clause 4**

Omit the clause. Insert instead:

4 Water source and waters to which this Plan applies

- (1) This Plan applies to the Murrumbidgee Regulated River Water Source (hereafter *this water source*) within the Murrumbidgee Water Management Area and the Murray Water Management Area.

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

- (2) This water source is shown on the Plan Map called *Plan Map (WSP0027_Version 1), Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* (hereafter *the Plan Map*) held by the Department.

Note. An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map may be inspected at the office listed in Appendix 2.

- (3) Subject to subclause (4), this water source includes all water:
 - (a) between the banks of all rivers from the upper limit of Burrinjuck Dam water storage and Blowering Dam water storage downstream to the junction of the Murrumbidgee River and the Murray River, which at the date of commencement of this Plan, have been declared by the Minister to be regulated rivers,

Note. A regulated river is a river that has been declared by the Minister, by Order published in the New South Wales Government Gazette, to be a regulated river.

Note. The rivers declared by the Minister to be regulated rivers in the Murrumbidgee Regulated River Water Source are listed in Appendix 3.

(b) occurring naturally on the surface of the ground or in rivers, lakes and wetlands in the area marked as Lowbidgee shown on the Plan Map.

(4) This water source does not include water contained in:

(a) any alluvial sediments, fractured rocks or porous rocks,

(b) Talpee Creek,

(c) Lake Tala, and

(d) Five Mile Lagoon.

[4] Clause 14 Planned environmental water

Omit “long-term extraction limit established in clause 32” from clause 14 (1) (a). Insert instead “long-term average annual extraction limits in clauses 32 and 32A”.

[5] Clause 14

Omit “clause 34” from clause 14 (1) (b). Insert instead “clauses 34 and 34A”.

[6] Clause 14

Omit the two notes to the clause. Insert instead:

Note. Based on modelled diversions it is estimated that this Plan will:

(a) after its 5th year, limit Murrumbidgee extractions to around 1,890,000 megalitres per year, on average over the long term, and

(b) limit Lowbidgee extractions to around 296,000 megalitres per year, on average over the long term.

By doing this, this Plan will ensure that approximately 50% of the long-term average annual flow in this water source (estimated to be 4,360,000 megalitres per year) will be preserved and contribute to the maintenance of basic ecosystem health.

[7] Clause 18 Domestic and stock rights

Insert the following note after the note to clause 18 (2):

Note. At the commencement of Part 2 of Chapter 3 of the Act in the area marked as Lowbidgee on the Plan Map, the water requirements of holders of domestic and stock rights in the area marked as Lowbidgee on the Plan Map are estimated to total 34 megalitres per year.

[8] Clause 18A

Insert after clause 18:

Clause 18A Harvestable rights

The requirement for water under harvestable rights in this water source is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and

store pursuant to a harvestable rights order made under Division 2 of Part 1 of Chapter 3 of the Act.

[9] Clause 28A

Insert after clause 28:

28A Share component for supplementary water (Lowbidgee) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area marked as Lowbidgee on the Plan Map, the volume of supplementary water (Lowbidgee) access licences authorised to extract water from this water source will total approximately 747,000 unit shares.

[10] Part 8, Division 1, heading

Insert “average annual” after “Long-term”.

[11] Clause 31

Omit the clause. Insert instead:

31 Limits to the availability of water

- (1) This Division is made in accordance with sections 20 (2) (a) of the Act.
- (2) For the purposes of this Part, all extractions under:
 - (a) supplementary water (Lowbidgee) access licences,
 - (b) basic landholder rights in the area marked as Lowbidgee on the Plan Map, and
 - (c) floodplain harvesting access licences issued for floodplain harvesting activities in the area marked as Lowbidgee on the Plan Map,

will be known as *Lowbidgee extractions*.
- (3) For the purposes of this Part, all extractions from this water source, excluding Lowbidgee extractions, will be known as *Murrumbidgee extractions*.

[12] Clause 32, heading

Omit the heading. Insert instead:

32 Volume of the long-term average annual extraction limit for Murrumbidgee extractions

[13] Clause 32

Omit clause 32 (1) (a) and (b). Insert instead:

- (1) This Plan establishes a long-term average annual extraction limit for Murrumbidgee extractions in this water source, which is the lesser of:

- (a) the long-term average annual extractions from this water source, excluding Lowbidgee extractions, that would occur with the water storages, access licence share components and water use development that existed in 1999/2000, and the water management rules defined in this Plan, or
- (b) the long-term average annual extractions, excluding Lowbidgee extractions, from this water source that would occur under the baseline conditions used for assessment of Cap under Schedule F of the Murray – Darling Basin Agreement.

[14] Clause 32

Insert “average annual” after “long-term” in the third note to clause 32 (1).

[15] Clause 32

Omit subclauses (4) – (6). Insert instead:

- (4) For the purposes of establishing the long-term average annual extraction limit specified in subclause (1) and auditing compliance with it, the following will be included:
 - (a) all water extractions by all categories of access licences in accordance with the rules used for accounting of Cap diversions for Schedule E of the Murray – Darling Basin Agreement,
 - (b) domestic and stock rights and native title rights extractions,
 - (c) floodplain harvesting diversions determined to be taken for use in conjunction with extractions from this water source, and
 - (d) assignment of water allocations from the water allocation accounts of access licences in this water source to the water allocation accounts of access licences in other water sources,excluding Lowbidgee extractions.
- (5) For the purposes of establishing the long-term average annual extraction limit specified in subclause (1) and auditing compliance with it, the following will not be included:
 - (a) minimum daily flows made in accordance with clause 64 of this Plan,
 - (b) use of water pursuant to the planned environmental water rules under clauses 14 and 15 of this Plan, and
 - (c) Lowbidgee extractions.
- (6) For the purposes of establishing the long-term average annual extraction limit specified in subclause (1) and auditing compliance with it, the assessed volume of extractions will be reduced by the volume of water allocations being assigned from the water allocation accounts of access licences in other water sources to the water allocation accounts of access licences in this water source.

Note. Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water. Water committed as licensed environmental water is not to be accounted for as extraction against the long-term average annual extraction limit. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

[16] Clause 32A

Insert after clause 32:

32A Volume of the long-term average annual extraction limit for Lowbidgee extractions

- (1) This clause establishes a long-term average annual extraction limit for Lowbidgee extractions.
- (2) Subject to any variation under subclause (3), the long-term average annual extraction limit for Lowbidgee extractions in this water source is the long-term average annual extractions, excluding Murrumbidgee extractions, from this water source that would occur under Cap baseline conditions as agreed under the Murray – Darling Basin Agreement in Schedule 1 of the *Water Act 2007* (of the Commonwealth).

Note. An assessment of the long-term average annual extraction that would result from the Cap baseline conditions specified in subclause (2) has been made using the Murrumbidgee Cap IQQM computer model with system file capppe20.iqq. This indicates a long-term average annual extraction volume of 296,000 ML at the commencement of this Plan.

- (3) Following the surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act of an access licence used to supply water to the area marked as Lowbidgee on the Plan Map, the Minister may vary the respective long-term average annual extraction limit.

Note. Under section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

[17] Clause 33

Omit the clause. Insert instead:

33 Assessment of the long-term average annual extraction limit and current level of long-term average annual Murrumbidgee extractions

- (1) Assessment of the long-term average annual extraction limit established in clause 32 and the current level of long-term average annual Murrumbidgee extractions shall be carried out after the end of each water year, using the hydrologic computer model that, at the time, is approved by the Minister for assessing expected long-term Murrumbidgee extractions.
- (2) To assess the long-term average annual extraction limit established in clause 32, the model referred to in subclause (1) shall be set to represent as closely as possible the development and management conditions referred to in clause 32 (1) (a) and (b).
- (3) To assess the current level of long-term average annual Murrumbidgee extractions, the model referred to in subclause (1) shall be set to represent as closely as possible all water use development, supply system management and other factors affecting the quantity of long-term average annual Murrumbidgee extractions at the time of assessment.

[18] Clause 34

Omit the clause. Insert instead:

34 Compliance with the long-term average annual extraction limit for Murrumbidgee extractions

- (1) The level of long-term average annual Murrumbidgee extractions may not be permitted to exceed the long-term average annual extraction limit specified in clause 32 (1).
- (2) Pursuant to subclause (1), if the volume specified in clause 32 (1) (a) is less than the volume specified in clause 32 (1) (b), the maximum available water determination in any water year for supplementary water access licences and, if necessary, the maximum sum of available water determinations for regulated river (general security) access licences shall, be reduced if it has been assessed that the current long-term average annual Murrumbidgee extractions exceed the long-term average annual extraction limit specified in clause 32 (1) by 3%, or half the difference between the volume specified in clause 32 (1) (a) and the volume specified in clause 32 (1) (b).
- (3) Pursuant to subclause (1), if the volume specified in clause 32 (1) (a) is not less than the volume specified in clause 32 (1) (b), the maximum available water determination in any water year for supplementary water access licences and, if necessary, the maximum sum of available water determinations for regulated river (general security) access licences, shall be reduced if it has been assessed that the current long-term average annual Murrumbidgee extractions exceeds the volume specified in clause 32 (1) (b).
- (4) The degree of reduction under subclauses (2) or (3) shall be to the degree that is assessed as necessary to return Murrumbidgee extractions to the levels defined by the long-term average annual extraction limit established in clause 32.
- (5) The first reduction method used under subclause (2) or (3) shall be to reduce the maximum available water determination that may be made for supplementary water access licences for any water year.
- (6) Once no extractions by supplementary water access licences are allowed as a result of subclause (5) then the maximum sum of available water determinations in any water year that may be made for regulated river (general security) access licences, is to be reduced.

Note. Subclauses (5) and (6) do not relate to supplementary water (Lowbidgee) access licences as extraction under these licences is accounted for as Lowbidgee extractions. Compliance with average annual extraction limit for Lowbidgee extractions are dealt with in clauses 34A – 34C.

- (7) If action has been taken under subclause (2) or (3) and a subsequent assessment under clause 33 indicates that the current level of long-term average annual Murrumbidgee extractions is below the long-term average annual extraction limit established in clause 32 by more than 3%, then previous reductions under subclause (2) or (3) may be reversed to the degree that it is assessed necessary to return long-term average annual Murrumbidgee extractions to the long-term average annual extraction limit.
- (8) Any reversal of previous reductions under subclause (7) shall:

- (a) be applied to higher priority categories of licence as set out in section 58 of the Act, first, and
 - (b) not exceed the previous reductions made under subclause (2).
- (9) The assessment of the degree of reduction required under subclause (2) or (3) or degree of reversal under subclause (7) shall be made using the same computer model used to carry out assessments under clause 33.

[19] Clause 34A – 34C

Insert after clause 34:

34A Calculation of the long-term average annual extraction limit and current levels of annual Lowbidgee extractions

- (1) After each water year following the water year in which Part 2 of Chapter 3 of the Act commenced in the area marked as Lowbidgee on the Plan Map, the long-term average annual extraction limit as defined in clause 32A may be reassessed to incorporate new information.
- (2) The total volume of water taken during that water year by Lowbidgee extractions must be calculated.
- (3) The long-term average annual extraction limit and current levels of long-term average annual extraction will be calculated after each water year following the water year in which Part 2 of Chapter 3 of the Act commenced in the area marked as Lowbidgee on the Plan Map using the hydrologic computer model that, at the time, is approved by the Minister for assessing long-term extraction from this water source.
- (4) The calculation of the long-term average annual extraction limit, as defined in clause 32A, and current levels of long-term average annual extraction will comprise all Lowbidgee extractions.

Note. The reassessment of the long-term average annual extraction limit in subclause (1) assists in meeting the Plan objective of adaptive management of this water source.

34B Assessment of average annual extraction against the long-term annual extraction limit for Lowbidgee extractions

- (1) Assessment of the long-term average annual extraction limit established in clause 32A and the current level of long-term average annual Lowbidgee extraction shall be carried out by the Minister after the end of each water year following the water year in which Part 2 of Chapter 3 of the Act commenced in the area marked as Lowbidgee on the Plan Map, using the hydrologic computer model that, at the time, is approved by the Minister for assessing expected long-term Lowbidgee extractions.
- (2) To assess the long-term average annual extraction limit established in clause 32A, the model referred to in subclause (1) shall be set to represent as closely as possible the development and management conditions referred to in clause 32A (2).
- (3) To assess the current level of long-term average annual Lowbidgee extraction, the model referred to in subclause (1) shall be set to represent as closely as possible all water use development, supply system management and other factors affecting the

quantity of long-term average annual Lowbidgee extractions at the time of assessment.

34C Compliance with the long-term average annual extraction limit for Lowbidgee extractions

- (1) Compliance with the long-term average annual extraction limit for Lowbidgee extractions established for this water source is to be managed in accordance with this clause.
- (2) At the commencement of each water year after the water year in which Part 2 of Chapter 3 of the Act commenced in the area marked as Lowbidgee on the Plan Map, if in the Minister's opinion the assessment under clause 34B demonstrates that current modelled long-term average annual Lowbidgee extractions have exceeded the long-term average annual extraction limit as defined in clause 32A by 3% or more, then the available water determination for supplementary water (Lowbidgee) access licences will be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that, in the Minister's opinion, is necessary to return long-term average annual Lowbidgee extractions in the water source to the long-term average annual extraction limit established in clause 32A.

[20] Clause 35 Available water determinations

Omit "and supplementary water access licences" from clause 35 (2) (b). Insert instead " , supplementary water access licences and supplementary water (Lowbidgee) access licences".

[21] Clause 42 Available water determinations for supplementary water access licences

Omit the clause. Insert instead:

42 Available water determinations for supplementary water access licences

- (1) In making available water determinations for supplementary water access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year, an available water determination of 1 ML per unit of share component or such lower amount that results from clause 34 (2), (3) or (4), should be made for supplementary water access licences with a share component that specifies this water source.

Note. Clause 34 provides for available water determinations for supplementary water access licences to be reduced where the long-term average annual extraction limit for Murrumbidgee extractions has been assessed to have been exceeded, as per clause 34.

[22] Clause 42A

Insert after clause 42:

42A Available water determinations for supplementary water (Lowbidgee) access licences

- (1) In making available water determinations for supplementary water (Lowbidgee) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year, an available water determination of 1 ML per unit of share component or such lower amount that results from clause 34C, should be made for supplementary water (Lowbidgee) access licences with a share component that specifies this water source.

Note. Clause 34C provides for available water determinations for supplementary water (Lowbidgee) access licences to be reduced where the long-term average annual extraction limit for Lowbidgee extractions has been assessed to have been exceeded, as per clauses 34A – 34C.

[23] Part 9, heading

Insert “and water supply works” after “managing access licences” in the heading.

[24] Clause 43, heading

Insert “and water supply works” after “managing access licences” in the heading.

[25] Clause 46 Volume taken under access licences

Insert “and supplementary water (Lowbidgee) access licences” after “supplementary water access licences” in clause 46 (3).

[26] Clause 48 Account forfeits/limits/carryover

Omit “and supplementary water access licences” from clause 48 (1). Insert instead “supplementary water access licences and supplementary water (Lowbidgee) access licences”.

[27] Clause 51

Omit the clause. Insert instead:

51 Extraction of water under supplementary water access licences and supplementary water (Lowbidgee) access licences

- (1) The taking of water under supplementary water access licences and supplementary water (Lowbidgee) access licences should only be permitted in accordance with announcements made by the Minister.

Note. Supplementary water may only be taken in accordance with an order in force under section 70 of the Act that authorises the taking of water pursuant to supplementary water access licences. It is an offence under section 60A of the Water Management Act 2000 for a person to take supplementary water otherwise than in accordance with the terms of an order in force under section 70.

- (2) The maximum volume that may be taken under supplementary water access licences during each period of time to which an announcement applies may be expressed as a number of megalitres per unit share.

Note. At the gazettal of this Plan, this was not the practice for the Murrumbidgee Regulated River Water Source but may need to occur at some stage during the term of this Plan.

- (3) The taking of water under supplementary water access licences and supplementary water (Lowbidgee) access licences will be managed, as far as possible to evenly share access opportunities amongst all supplementary water access licences and supplementary water (Lowbidgee) access licences permitted to access that event in accordance with the rules in this clause.
- (4) The taking of water under supplementary water access licences should only be permitted while flows are in excess of those required:
 - (a) under the environmental water provisions specified in Part 3,
 - (b) to supply stock and domestic rights and native title rights requirements,
 - (c) to supply access licences of categories other than supplementary water or supplementary water (Lowbidgee),
 - (d) to provide minimum daily flows as specified in clause 64, and
 - (e) to satisfy requirements in the New South Wales Murray Regulated River Water Source, as specified in subclause (5).
- (5) When the sum of available water determinations for regulated river (general security) access licences in this water source have exceeded 0.7 megalitres per unit share and the sum of water allocations from available water determinations for regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus water carried over from the previous water year, is less than 0.6 megalitres multiplied by the total number of unit shares specified in share components of regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source then only those flows that cannot be re-regulated in the New South Wales Murray Regulated River Water Source may be made available for extraction by supplementary water access licence holders in this water source.
- (6) The taking of water under supplementary water (Lowbidgee) access licences should only be permitted while flows are in excess of those required:
 - (a) under the environmental water provisions specified in Part 3,
 - (b) to supply domestic and stock rights and native title rights requirements,
 - (c) to supply access licences of categories other than supplementary water or supplementary water (Lowbidgee), and
 - (d) to provide minimum daily flows as specified in clause 64.
- (7) The taking of water under supplementary water (Lowbidgee) access licences shall not be permitted where:
 - (a) the sum of water allocations from available water determinations to regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus any water carried over in those water allocation accounts from the previous water year is less than 0.6 megalitres multiplied

by the total number of unit shares specified in share components of regulated river (general security) access licences in that water source, and

- (b) those flows that are in excess of those required under subclause (6) can be re-regulated in the New South Wales Murray Regulated River Water Source and be made available for extraction by regulated river (general water) access licences in that water source.
- (8) Water taken under supplementary water (Lowbidgee) access licences must be distributed in accordance with any distribution rules established by the Minister under clause 51A.

Note. Access rules under this clause may be varied as set out in clause 73.

[28] Clause 51A

Insert after clause 51:

51A Distribution rules for the Lowbidgee area

- (1) The Minister may establish rules for the distribution of water taken under supplementary water (Lowbidgee) access licences in the area marked as Lowbidgee on the Plan Map.
- (2) Where the Minister has established rules under subclause (1), the Minister may amend, revoke or replace these rules whenever the Minister determines it is necessary to do so.
- (3) In developing distribution rules under subclause (1), the Minister is to consider:
 - (a) providing rules for the orderly, efficient and equitable sharing of water,
 - (b) historical rules for water distribution,
 - (c) infrastructure capacity constraints,
 - (d) the protection, restoration and rehabilitation of floodplains and their dependent ecosystems (including groundwater and wetlands), and
 - (e) any other matters the Minister considers relevant.
- (4) Water supply works that take and distribute water under supplementary water (Lowbidgee) access licences to the area marked as Lowbidgee on the Plan Map shall have mandatory conditions to provide that water must only be taken and distributed through those water supply works in accordance with the distribution rules established under subclause (1).
- (5) Water must only be taken and distributed through water supply works in the area marked as Lowbidgee on the Plan Map in accordance with the distribution rules established under subclause (1). This subclause only applies to the take and distribution of water under supplementary water (Lowbidgee) access licences.
- (6) Subclause (5) does not apply to water supply works used solely to take water for basic landholder rights.

[29] Clause 53 Rules relating to constraints within a water source

Insert after clause 53 (9):

- (10) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing would result in an assignment of water allocations from a supplementary water (Lowbidgee) access licence to an access licence of another category.
- (11) Dealings under section 71T of the Act are prohibited if the dealing would result in an assignment of water allocation to a supplementary water (Lowbidgee) access licence from an access licence of another category.

Note. The prohibition in subclauses (10) and (11) on dealings under section 71T of the Act for supplementary water (Lowbidgee) access licences is consistent with the rules for dealings under section 71T for supplementary water access licences. Assignment of water allocations from a supplementary water access licence to a licence of another category are prohibited under clause 17 (2) (f) of the *Access Licence Dealing Principles Order 2004*.

- (12) Dealings under section 71W of the Act are prohibited if:
 - (a) the dealing would result in a supplementary water (Lowbidgee) access licence nominating a water supply work that is not used to supply water to the area marked as Lowbidgee on the Plan Map, or
 - (b) the dealing would result in an access licence nominating a water supply work located in the area marked as Lowbidgee on the Plan Map, or
 - (c) the dealing would result in an access licence nominating a regulator located in Maude or Redbank weir pools used to supply water to the area marked as Lowbidgee on the Regulated Map where that licence has arisen as a result of a section 71U dealing.

Note. The above dealing rules do not prevent access licences from nominating a regulator located in Maude or Redbank weir pools used to supply water to the area marked as Lowbidgee on the Regulated Map as these regulators are not located within the Lowbidgee area.

[30] Clause 53A Rules relating to dealing constraints within the Yanco system

Insert after the note to clause 53A (4):

Note. Supplementary water (Lowbidgee) access licences will not affect the dealing rules above as supplementary water (Lowbidgee) access licences are not permitted to nominate works other than those used to supply water to the area marked as Lowbidgee on the Plan Map.

[31] Clause 54 Rules for change of water source

Omit “and” after “has been applied,” in clause 54 (2) (b).

[32] Clause 54

Omit clause 54 (2) (c). Insert instead:

- (c) the water source in which the access licence is issued is one of the following:
 - (i) a water source within the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit, as defined in the *Water Sharing Plan for the Adelong Creek Water Source 2003*,
 - (ii) the New South Wales Murray Regulated River Water Source, or
 - (iii) the Lower Darling Regulated River Water Source, and

- (d) the access licence proposed to be cancelled is not a supplementary water (Lowbidgee) access licence.

[33] Clause 54

Omit “and” after “has been applied,” in clause 54 (3) (b).

[34] Clause 54

Omit clause 54 (3) (c). Insert instead:

- (c) the water source in which the access licence is cancelled is one of the following:
 - (i) the New South Wales Murray Regulated River Water Source, or
 - (ii) the Lower Darling Regulated River Water Source, and
- (d) the access licence proposed to be issued is not a supplementary water (Lowbidgee) access licence.

Note. The prohibitions in this clause on dealings under section 71R of the Act for supplementary water (Lowbidgee) access licences are consistent with the rules for dealings under section 71R for supplementary water access licences. Dealings under section 71R are prohibited for supplementary water access licences under clause 15 (2) (e) of the *Access Licence Dealing Principles Order 2004*.

[35] Clause 56 Rules for interstate access licence transfer

Omit subclauses (2) and (3). Insert instead:

- (2) Access licence equivalents in other States may be transferred into this water source, subject to:
 - (a) the terms of any relevant interstate agreement,
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71Z of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (c) the access licence will not nominate a regulator located in Maude or Redbank weir pools, used to supply water to the area marked as Lowbidgee on the Plan Map.
- (3) Access licences in this water source may be transferred to another State, subject to the following restrictions:
 - (a) the terms of any relevant interstate agreement,
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71Z of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (c) the access licence was not a supplementary water (Lowbidgee) access licence.

[36] Clause 57 Rules for water allocation assignment between water sources

Insert after clause 57 (6):

- (7) A dealing under this clause is prohibited if it would result in a water allocation assignment from or to a supplementary water (Lowbidgee) access licence.

[37] Clause 58 Rules for interstate assignment of water allocations

Omit subclauses (2) and (3). Insert instead:

- (2) Water allocation equivalents from other States may be assigned to access licence water accounts in this water source, subject to the following restrictions:
- (a) the terms of any relevant interstate agreement,
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71Z of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source,
 - (c) the access licence to which water allocation is proposed to be assigned does not nominate a regulator located in Maude or Redbank weirs used to supply water to the area marked as Lowbidgee on the Plan Map, and
 - (d) the access licence to which water allocation is proposed to be assigned is not a supplementary water (Lowbidgee) access licence.
- (3) Water allocations from access licence water accounts in this water source may be assigned to water allocation equivalents in other States, subject to the following restrictions:
- (a) the terms of any relevant interstate agreement,
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71Z of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source,
 - (c) the access licence from which water allocation is proposed to be assigned does not nominate a regulator located in Maude or Redbank weirs used to supply water to the area marked as Lowbidgee on the Plan Map, and
 - (d) the access licence from which water allocation is proposed to be assigned is not a supplementary water (Lowbidgee) access licence.

Note. The prohibitions in this clause on dealings under section 71V of the Act for supplementary water (Lowbidgee) access licences are consistent with the rules for dealings under section 71V for supplementary water access licences. Dealings under section 71V are prohibited for supplementary water access licences under clause 19 (3) (d) of the *Access Licence Dealing Principles Order 2004*.

[38] Clause 59 Mandatory conditions on access licences

Omit subclause (3). Insert instead:

- (3) All access licences, excluding supplementary water access licences and supplementary water (Lowbidgee) access licences, shall have a mandatory condition that facilitates the provisions of clause 50 of this Plan.

[39] Clause 59

Omit subclause (6). Insert instead:

- (6) All supplementary water access licences and supplementary water (Lowbidgee) access licences shall have mandatory conditions that only allow the taking of water in accordance with clause 51 and after satisfying any restrictions imposed as part of an order made by the Minister under section 70 of the Act.

Note. Supplementary water may only be taken in accordance with an order in force under section 70 of the Act that authorises the taking of water pursuant to supplementary water access licences. It is an offence under section 60A of the Act for a person to take supplementary water otherwise than in accordance with the terms of an order in force under section 70.

- (6A) All supplementary water (Lowbidgee) access licences shall have mandatory conditions that provide that water can only be taken in accordance with the rules for the distribution of water established by the Minister under clause 51A.

[40] Clause 60 Mandatory conditions on water supply works approvals

Insert after clause 60 (3):

- (4) All approvals for water supply works in the area marked as Lowbidgee on the Plan Map must have a mandatory condition that provide that water can only be taken in accordance with the rules for the distribution of water established by the Minister under clause 51A.
- (5) All approvals for water supply works that take and distribute water under supplementary water (Lowbidgee) access licences to the area marked as Lowbidgee on the Plan Map shall have mandatory conditions to provide that water can only be taken in accordance with the rules for the distribution of water established by the Minister under clause 51A.

[41] Clause 67 Flood operation rules

Omit the clause. Insert instead:

The operation of Burrinjuck Dam water storage and Blowering Dam water storing during times of flood and spilling of water should be undertaken to:

- (a) maintain the safety of dam infrastructure,
- (b) leave the storage full at completion of the flood event subject to airspace requirements, and
- (c) ensure, to the extent possible, that the general rate of increase of outflow from the water storage does not exceed the rate of increase of inflow to the water storage.

[42] Clauses 69 Flows in the Lowbidgee Flood Control and Irrigation District

Omit the clause.

[43] Clause 72 Review of environmental water and provisional storage volume rules

Insert “average annual” after “long-term” in clause 72 (4).

[44] Clause 73

Omit the clause. Insert instead:

73 Review of access rules for supplementary water access licences and supplementary water (Lowbidgee) access licences

- (1) The Minister may vary:
 - (a) the rules for permitting access to flows by supplementary water access licences specified in clause 51, following a review of the environmental impact associated with the extraction of water by supplementary water access licences, and
 - (b) subject to subclause (4), the rules for permitting access to flows by supplementary water (Lowbidgee) access licences specified in clause 51.
- (2) The review under subclause (1) (a) shall:
 - (a) consider the inclusion of additional environmental considerations in clause 51 before access to flows by supplementary water access licences is permitted, and
 - (b) be undertaken in conjunction with a variation of the rules permitting access to flows by supplementary water (Lowbidgee) access licences under subclause (1) (b).
- (3) As a result of the review under subclause (1) (a), the Minister may vary the provisions of clause 51 only if the long-term average annual extractions by supplementary water access licence holders are not impacted.
- (4) The Minister may vary the provisions of clause 51 for supplementary water (Lowbidgee) access licences only if the long-term average annual controlled diversions through the regulators in the Maude and Redbank weir pools into the area marked as Lowbidgee on the Plan Map does not exceed that which would have occurred under 1993/94 levels of irrigation development and management rules.
- (5) Any variation to the rules should only commence operation at the beginning of the next water year after their incorporation into the water sharing plan.

[45] Schedule 1 Dictionary

Omit the definition of “*assured inflows*”. Insert instead:

assured inflows are the volumes of water which hydrologic information indicates are the minimum which can be expected to flow into the water source.

[46] Schedule 1 Dictionary

Insert the following in alphabetical order:

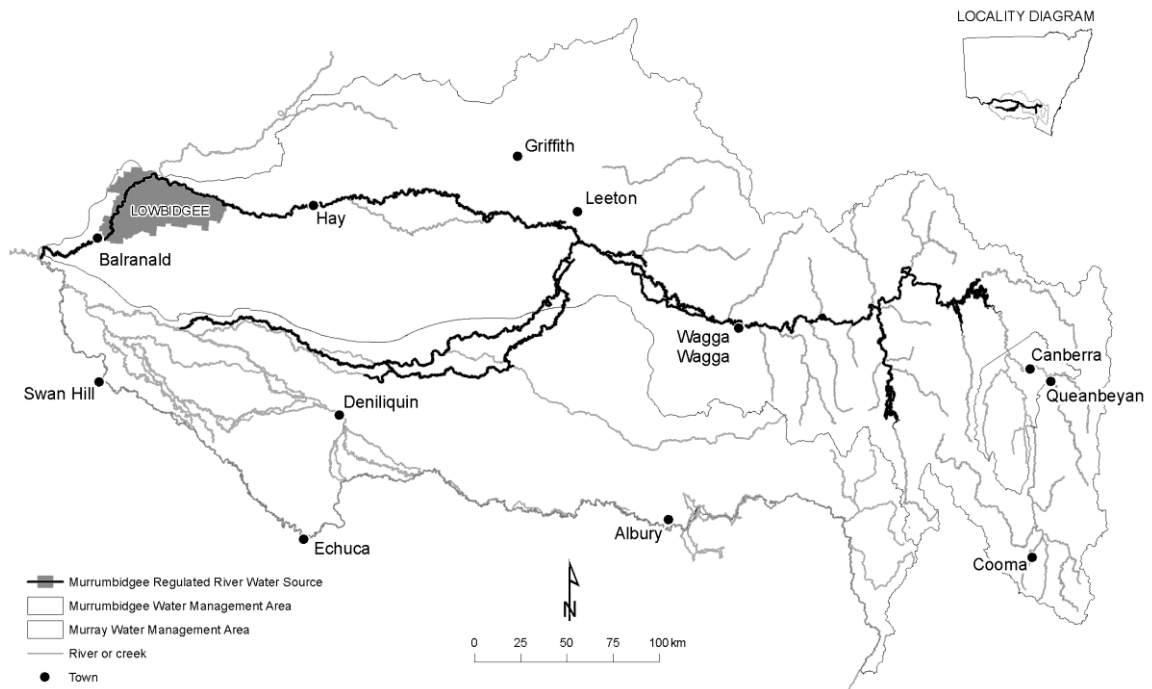
distribution rules set out how water extracted under supplementary water (Lowbidgee) access licences is distributed within the area marked as Lowbidgee on the Plan Map.

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

[47] Appendices 1, 2 and 3

Omit Appendices 1, 2 and 3. Insert instead:

Appendix 1 Overview of the Plan Map



Appendix 2 Inspection of Plan Map

Copies of the Plan Map may be inspected at the following offices:

NSW Office of Water
Chelmsford Place
LEETON NSW 2705

Appendix 3 Rivers and lakes declared to be regulated rivers in the Murrumbidgee Regulated River Water Source

At the making of the Water Sharing Plan for the Murrumbidgee Regulated River Water Source Amendment Order 2012 the following rivers and lakes have been declared to be regulated rivers within the Murrumbidgee Regulated River Water Source:

- (1) Adelong Creek, that part which adjoins the generally northwestern boundary of portion 113 REM., Parish of Willie Ploma, County of Wynyard.
- (2) Back Creek from its confluence with unnamed watercourse within portion 73, Parish of Uroly, County of Boyd, to its confluence with Pine Watercourse and Washpen Creek within portion 72, Parish of Uroly, County of Boyd.
- (3) Beavers Creek.
- (4) Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River.
- (5) Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana.
- (6) Bombowlee Creek from its confluence with the Tumut River within Portion 199, parish of Killimicat, County of Buccleuch, to its intersection with the northern boundary of the road between the aforesaid portion and Portion 75, Parish of Mundongo, County of Buccleuch.
- (7) Bullenbong Creek from its junction with Old Man Creek to a point 305 metres upstream.
- (8) Bundidgerry Creek from western boundary of portion 67, Parish of Berrembed, County of Bourke, downstream to western boundary of portion 253, Parish of Narrandera, County of Cooper.
- (9) Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek.
- (10) Coonooncoocabil Lagoon, County of Cooper.
- (11) Cowabbie Creek from the western boundary of portion 224, Parish of Berrembed, County of Bourke, downstream to its confluence with Bundidgerry Creek.
- (12) Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek.
- (13) Eringowarra Creek from its effluence with the Murrumbidgee River within portion 20, Parish of Bilda, County of Clarendon, downstream to a point 100 metres south of portion 18, within portion 34, parish of Bilda, County of Clarendon.
- (14) Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir.
- (15) Killimicat Creek from its junction with Nimbo Creek downstream to its junction with Brungle Creek.
- (16) Island Creek offtaking from the Murrumbidgee River between portions 138 and 139, Parish of Tenandra, County of Clarendon.

- (17) Island Lagoon in its entirety from its common effluence/confluence with the Murrumbidgee River, located within portion 209, Parish of Tooyal, County of Bourke.
- (18) Murrumbidgee River from Taemas Bridge with the storage of Burrinjuck Dam downstream to the Murray River.
- (19) Nimbo Creek.
- (20) Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana.
- (21) Old Man Creek.
- (22) Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county.
- (23) Tumut River from the upper limit of the storage of Blowering Dam downstream to the Murrumbidgee River.
- (24) Unnamed watercourse (known locally as "The Washaway") offtaking from the Tumut River within portion 40, Parish of Blowering, County of Buccleuch.
- (25) Unnamed watercourse offtaking from the Murrumbidgee River within portion 21, Parish of Borambula, County of Wynyard, to its confluence with the Murrumbidgee River within portion 102, Parish of Borambula, County of Wynyard.
- (26) Unnamed watercourse offtaking from the Murrumbidgee River in portion 39, Parish of Mundarlo, County of Wynyard, downstream to its confluence with the Murrumbidgee River.
- (27) Unnamed watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd.
- (28) Unnamed watercourse offtaking at two points from the Murrumbidgee River within portion 136, Parish of Tenandra, County of Clarenden.
- (29) Unnamed watercourse formerly offtaking from a bend in the Murrumbidgee River within portion 13, Parish of Burt, County of Boyd and now cut off from a supply by construction of Gogeldrie Weir. Alternative supply is now obtained from diversion works constructed by the Crown in the form of a cutting and regulator offtaking from the pool of this weir in portion 8 of the said parish.
- (30) Unnamed lagoon and unnamed watercourse located within portions 38, 15 and C.R. 482, Parish of Bundidgerry, County of Cooper.
- (31) Unnamed watercourse connection an unnamed lagoon with Bundidgerry Creek within C.R. 482, Parish of Bundidgerry, County of Cooper.
- (32) Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana.
- (33) Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend.

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- (34) Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper limits within portion 58, Parish of Douglas, County of Urana.
- (35) Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana.
- (36) Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion.
- (37) Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana.
- (38) Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the western boundary and 50 metres south from the northern boundary of the said portion.
- (39) Uri Creek from its junction with the Unnamed Watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd, downstream to its confluence with the Murrumbidgee River.
- (40) Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd.
- (41) Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana.
- (42) Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.