

Water Sharing Plan for the Lower Murray-Darling Unregulated and Alluvial Water Sources Amendment Order 2020.

under the

Water Management Act 2000

I, Melinda Pavey, Minister for Water, Property and Housing, in pursuance of section 45 (1) of the *Water Management Act 2000*, make the following Order to amend the *Water Sharing Plan for the Lower Murray-Darling Unregulated and Alluvial Water Sources 2011*.

Dated 29th June 2020

Melinda Pavey, MP
Minister for Water, Property and Housing

Explanatory note

This Order is made under section 45 (1) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Lower Murray-Darling Unregulated and Alluvial Water Sources 2011*. The concurrence of the Minister for Energy and Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

1 Name of Order

This Order is the *Water Sharing Plan for the Lower Murray-Darling Unregulated and Alluvial Water Sources Amendment Order 2020*.

2 Commencement

This Order commences on 1 July 2020.

**Schedule 1 Amendment of Water Sharing Plan for the Lower Murray-Darling
Unregulated and Alluvial Water Sources 2011**

[1] Part 1 Introduction

Omit the note. Insert instead:

Notes.

- 1 Part 12 allows for amendments to be made to Part 1.
- 2 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 3 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 4 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

[2] Clause 1 Name of Plan

Omit “and Alluvial Water Sources”. Insert instead “River Water Source”.

[3] Clause 3 Commencement of this plan

Insert at the end of the note:

- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources consistent with the requirements of the Basin Plan. This Plan was amended in 2020, partly to meet NSW’s commitments under these agreements. Certain provisions of this Plan form part of the water resource plan for the NSW Murray and Lower Darling surface water resource plan area.
- 4 **Basin Plan** is defined in the Dictionary.

[4] Clause 4 Application of this Plan

Omit clause. Insert instead:

- (1) This Plan applies to the Lower Murray-Darling Unregulated Water Source (hereafter *the water source*) within the Lower Murray-Darling Water Management Area.

Note. The Lower Murray-Darling Water Management Area was 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) The water source is shown on the Plan Map called *Plan Map (WSP018_Version 2), Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2011* (hereafter the *Plan Map*) held by the Department.

Note. The Plan Map is part of this Plan and is available on the NSW legislation website. An overview of the Plan Map is show in Appendix 1.

- (3) Subject to subclause (5), the water source includes all water:
 - (a) occurring naturally on the surface of the ground within the boundary of the water source as shown on the Plan Map, and

(b) in rivers, lakes, estuaries and wetlands within the boundary of the water source as shown on the Plan Map.

(4) (Repealed)

(5) The water source does not include water:

(a) contained between the banks of rivers declared to be regulated within the New South Wales Murray and Lower-Darling Regulated Rivers Water Sources as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*, or

(b) contained in the Barwon-Darling Unregulated River Water Source to which the *Water Sharing Plan for Barwon-Darling Unregulated River Water Source 2012* applies, or

(6) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

Note. *Floodplain harvesting* is defined in the Dictionary.

[5] **Clause 5 Understanding the rules in this Plan**

Omit the note.

[6] **Clause 6 Interpretation**

Omit “(hereafter *the Regulations*)” from clause 6 (2).

[7] **Clause 6**

Insert after clause 6 (4):

(4A) The Plan Map forms part of this Plan.

(4B) A number in brackets following the name of a gauge is the gauge number.

[8] **Part 2**

Omit the Part. Insert instead:

Part 2 Vision, objectives, strategies and performance indicators

Notes.

1 This Part is made in accordance with section 35 (1) of the Act.

2 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in the Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

6A Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Lower Murray-Darling Water Management Area.

7 Vision statement

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

- (a) the health and enhancement of the water source and its water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,
- (d) social and cultural benefits to urban and rural communities that depend on surface water.

8 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and contribute to the enhancement of, the ecological condition of the water source and its water dependent ecosystems over the term of this Plan.

Note. The ecological condition of the water source will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER plan for the water source. Water-dependent ecosystems in the water source include instream, riparian and floodplain ecosystems.

- (2) The targeted environmental objectives of this Plan are to protect, and contribute to the enhancement of, the following over the term of this Plan:
 - (a) the recorded distribution or extent, and the population structure, of target ecological populations.

Notes.

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Targeted ecological populations in the water source may include known or predicted populations of:
 - (a) native fish including Murray cod and silver perch,
 - (b) native vegetation including red gum woodland and black box woodland,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in the water source that are susceptible to increased frequency and duration of low flows and drying.
- 3 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species

population, or measures that describe the health and condition of species or populations.

- (b) the longitudinal and lateral connectivity within the water source or between the water source and other water sources to support target ecological processes,

Notes.

- 1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.
- 2 Target ecological processes in the water source include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for the water source.
- 3 Connectivity may be within the water source, and between the water source and other water sources.

- (c) water quality within target ranges for the water source to support water-dependent ecosystems and ecosystem functions,

Note. Water quality target ranges for the water source are defined in the Water Quality Management Plan for the NSW Murray and Lower Darling Water Resource Plan Area SW8 and the NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted environmental objectives of this Plan are as follows:

- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,

Note. Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,

Notes.

- 1 *Flow regimes* is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish daily access rules that manage the take of water from the water source.

- (c) restrict the take of water from a natural pool, lagoon or lake when the volume of that water is less than full containment volume,

Note. The provisions in clause 41 of this Plan restrict the take of water from a natural pool, lagoon or lake when the volume is less than full containment volume.

- (d) restrict the take of water from a lagoon identified in Schedule 3 and Thegoa Lagoon when the volume of that water is less than 50% of full containment volume,

Note. The provisions in clause 41 of this Plan restrict the take of water from a lagoon specified in Schedule 3 and Thegoa Lagoon when the volume is less than 50% containment volume or when an environmental diversion into Thegoa Lagoon has been made.

- (e) restrict or prevent water supply work approvals on lagoons listed in Schedule 3 and Thegoa Lagoon,

Note. The provisions in clause 46 of this Plan prevent the granting or amendment of a water supply work approval which may be used to take or divert water to or from a lagoon listed in Schedule 3 or Thegoa Lagoon.

- (f) reserve a portion of natural flows to maintain longitudinal connectivity within the water source and between the water source and other connected water sources, including the New South Wales Murray Regulated River Water Source and the Lower-Darling Regulated River Water Source.

Note. The provisions in clause 41 of this Plan ensure that very low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following:
 - (a) the recorded range, extent or condition of target ecological populations,
 - (b) measurements of fish movements through priority fish passage areas,

- (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
 - (d) the extent to which external influences on the water source during the term of this Plan have affected progress towards achieving the environmental objectives.

Note. External influences may include climate trends, land use patterns, decisions made by the NSW Environmental Water Manager and other factors.

9 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows:
- (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,
- Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.
- (b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses and landholders,
 - (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.
- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows:

- (a) provide for trade of water allocations and share components subject to environmental and system constraints,

Note. The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences and assignment of water allocations between access licences.

- (b) provide a stable and predictable framework for sharing water among water users,

Note. The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan provide certainty in how water will be shared between different categories of access licences.

- (c) provide for flexibility of access to water,

Note. The individual account management provisions in clause 38 of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

- (d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit,

Note. Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes and trends in economic benefits during the term of this Plan, as assessed using one or more of the following:

- (a) the economic benefits of water extraction and use,
- (b) the economic benefits of water trading as demonstrated by:
 - (i) the annual number or volume of share components of access licences transferred or assigned, and

- (ii) the weighted average unit price of share components of access licences transferred or assigned, and

Note. *Weighted average unit price* is defined in the Dictionary.

- (iii) the annual volume of water allocations assigned,
 - (iv) the weighted average unit price of water allocations assigned.
- (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH, and dissolved oxygen.

(6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:

- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
- (b) the extent to which changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

Note. External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in industry policy or regulation.

10 Aboriginal cultural objectives

(1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.

(2) The targeted Aboriginal cultural objectives of this Plan are as follows:

- (a) to provide access to water in the exercise of native title rights,
- (b) to provide access to water for Aboriginal cultural use, including fishing,
- (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,

- (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
- (a) manage access to water consistently with the exercise of native title rights,
 - (b) provide for water associated with Aboriginal cultural values and uses,
Note. The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural',
 - (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,
 - (d) restrict the take of water from a natural pool, lagoon or lake when the volume of that water is less than full containment volume,
Note. The provisions in clause 41 of this Plan restrict the take of water from a natural pool, lagoon or lake when the volume is less than full containment volume, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
 - (e) reserve a portion of flows to maintain longitudinal connectivity within the water source, and between the water source and other connected water sources.
Note. The provisions in clause 41 of this Plan ensure that very low flows are protected from extraction.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the use of water by Aboriginal people by measuring factors, including:
 - (i) the extent to which native title rights are able to be exercised, consistently with any determination of native title or indigenous land use agreement, and

- (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
 - (b) the recorded range or extent of target populations of native fish,
 - (c) the recorded range or condition of target populations of riparian vegetation,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
 - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new licences,
 - (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress towards achieving the Aboriginal cultural objectives.

Note. External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation

10A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
 - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,

- (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
 - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
 - (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in the water source,
 - (c) restrict the take of water from a natural pool, lagoon or lake when the volume of that water is less than full containment volume,
 - (d) reserve a portion of flows to maintain longitudinal connectivity within the water source, and between the water source and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following:
 - (a) the social and cultural uses of water during the term of this Plan by measuring factors including:
 - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
 - (ii) the extent to which major utility access license and local utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,

- (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives,

Note. External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate or changes in policy or regulation.

[9] Clause 11 Bulk access regime

Omit “these water sources” wherever occurring. Insert instead “the water source”.

[10] Clause 11 (2) (a) and (d)

Omit “Division 1”.

[11] Clause 11 (2) (b)

Insert “are” after “determinations”.

[12] Clause 11 (2) (b)

Omit “Division 2”.

[13] Clause 11 (2) (d)

Insert “and long-term average sustainable diversion limit” after “limit”.

[14] Clause 12 Climatic variability

Omit “and groundwater levels”.

[15] Clause 12

Omit “these water sources”. Insert instead “the water source”.

[16] Clause 12 (a) and (b)

Omit “in these water sources”.

[17] Clause 12 (a)

Insert “and long-term average sustainable diversion limit” after “limit”.

[18] **Clause 12 (a)**

Omit “Division 1 of”.

[19] **Clause 12 (b)**

Omit “in specified water sources”.

[20] **Clause 12**

Insert “for” after “manage” in the note.

[21] **Part 4 Planned environmental water provisions**

Omit the notes. Insert instead:

Note. This Part is made in accordance with section 8 of the Act.

[22] **Clause 13 General**

Omit “these water sources”. Insert instead “the water source”.

[23] **Clause 14 Commitment and identification of planned environmental water**

Omit clause. Insert instead:

14 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in the water source in the following ways:

- (a) by reference to the commitment of the physical presence of water in the water source,
- (b) by reference to the long-term average annual commitment of water as planned environmental water,
- (c) 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.

[24] **Clause 15 Establishment and maintenance of planned environmental water**

Omit the clause. Insert instead:

15 Establishment and maintenance of planned environmental water

(1) This Plan establishes planned environmental water in the water source as follows:

- (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

Note. The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,

- (c) water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act, in accordance with the rules specified in Parts 6 and 8 of this Plan.
- (2) The planned environmental water established under subclause (2) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (2) (b) is maintained by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (2) (c) is maintained by the provisions specified in Part 6 and Part 8 of this Plan.

Note. The provisions in Part 6 of this Plan ensure that there will be water remaining in the water source over the long term by maintaining compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limit or the long-term average sustainable diversion limit have been assessed to have been exceeded.

[25] Clause 16 Application

Omit “these water sources” wherever occurring. Insert instead “the water source”.

[26] Clause 17 Domestic and stock rights

Omit “At the commencement of this Plan, the”. Insert instead “The”.

[27] Clause 17

Omit “these water sources”. Insert instead “the water source”.

[28] Clause 17

Omit “7.6 megalitres per day (hereafter ML/day), distributed as follows:”. Insert instead “2,044 megalitres per year (ML/year).”

[29] Clause 17 (a) and (b)

Omit subclauses.

[30] Clause 18 Native title rights

Omit the clause. Insert instead:

18 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) the native title determination for the Barkandji Traditional Owners #8 (Parts A and B, National Native Title Tribunal references NCD2015/001 and NCD2017/001), and
- (b) any other determination of native title, and
- (c) any indigenous land use agreement.

Notes.

- 1 A map of the native title determination area can be viewed by searching the National Native Title Tribunal website at www.nntt.gov.au.
- 2 This Plan may be amended if there is an additional or change to a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 This Plan may be amended if consultation with native title holders identifies more specific requirements for water to satisfy native title rights.
- 4 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

[31] Clause 19 Harvestable rights

Omit “requirement”. Insert instead “requirements”.

[32] Clause 19

Omit “these water sources”. Insert instead “the water source”.

[33] Clause 20 Share components of domestic and stock access licences

Omit the clause. Insert instead:

20 Share components of domestic and stock access licences

It is estimated that the share components of domestic and stock access licences authorised to take water from the water source total 29 ML/year.

[34] Clause 21 Share components of local water utility access licences

Omit the clause. Insert instead:

21 Share components of local water utility access licences

It is estimated that the share components of local water utility access licences authorised to take water from the water source total 0 ML/year.

Note. Clause 35 of this Plan provides for Essential Energy to apply for a local water utility access licence for the purpose of supplying water to Broken Hill and Silverton.

[35] Clause 22 Share components of unregulated river access licences

Omit the “at the time of commencement of this Plan”.

[36] Clause 22

Omit “Lower Murray-Darling Unregulated Water Source will”. Insert instead “water source”.

[37] Clause 23 Share components of aquifer access licences

Omit the clause.

[38] Clause 24 Share components of salinity and water table management access licences

Omit the clause. Insert instead:

24 Share components of salinity and water table management access licences

It is estimated that the share components of salinity and water table management access licences authorised to take water from the water source total 0 ML/year.

Note. Clause 35 of this Plan provides that application for salinity and water table management access licences may be made in the water source. It is anticipated that approximately 5000 ML/year will be issued in the water source.

[39] Part 6

Omit the Part. Insert instead:

Part 6 Limits to the availability of water

Note. This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction:

- (a) a long-term average annual extraction limit,
- (b) a long-term average sustainable diversion limit.

Division 1 Calculations under this Part

25 Exclusions, inclusions and variations in calculations

(1) This clause applies to the calculation of the following:

- (a) the long-term average annual extraction limit under clause 26,
- (b) the annual extraction under clause 27,
- (c) the annual permitted take under clause 30,
- (d) the annual actual take under clause 30.

Note. *Annual permitted take* and *annual actual take* are defined in the Dictionary.

(2) The calculation by the Minister which this clause applies must:

(a) exclude the following:

- (i) allocations assigned from an access licence in the water source to an access licence in another water source, under section 71T of the Act,
- (ii) in relation to annual extraction under clause 27 only, water committed as licensed environmental water under section 8F of the Act, and

(b) include allocations assigned to an access licence in the water source from an access licence in another water source, under section 71T of the Act.

(3) The calculation by the Minister of the long-term average annual extraction limit under clause 26 must be adjusted by a volume that appropriately reflects the following:

- (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
- (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limit

26 Calculation of the long-term average annual extraction limit

The long-term average annual extraction limit for the water source is:

- (a) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the water source, plus
- (b) the estimated annual water requirements pursuant to basic landholder rights in the water source at the commencement of this Plan, plus
- (c) the estimated annual extraction of water by the Broken Hill Water Board averaged over the period from 1 July 1993 to 30 June 1999 in the water source, plus
- (d) the estimated annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the water source, plus
- (e) the estimated annual take of water from the water source by plantation forestry that existed on 30 June 2009.

Note. *Plantation forestry* is defined in the Dictionary.

Notes.

- 1 Under paragraphs (a), (b), and (c), any water extracted from the water source by the Rufus River Salt Interception Scheme during the period 1 July 1993 to 30 June 1999 is not included within the long-term average annual extraction limit.
- 2 In unregulated river water sources, the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvesting access licences may be issued in accordance with the NSW Floodplain Harvesting Policy. Subclause (d) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the *Water Act 1912*.

27 Calculation of average annual extraction

Following the end of each water year, the Minister is to calculate the total annual extraction from the water source, based on the following:

- (a) the take of water by basic landholder rights and access licences, excluding salinity and water table management access licences, in that water year,
- (b) the estimated take of water by plantation forestry in that year,
- (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences may be issued in the water source.

28 Assessment of compliance with the long-term average annual extraction limit

- (1) Following the calculation under clause 27, the Minister is to compare the average of the total annual extraction for the water source over the preceding five water years against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if the average of the total annual extraction over the preceding five water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *Lower Darling SDL resource unit* is defined in the Dictionary.

29 Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for the water source is the component of the baseline diversion limit for the Lower Darling SDL resource unit as determined in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to the water source.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

Notes.

- 1 *Baseline diversion limit* and *Lower Darling SDL resource unit* are defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Lower Darling SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the New South Wales Lower-Darling Regulated River Water Source and the Lower Murray-Darling Unregulated Water Source.

30 Calculation of annual permitted and annual actual take for the water year

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in the water source in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to the water source

Notes.

- 1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as it falls outside the definition of take for consumptive use.
- 2 *Consumptive use* and *take* are defined in section 4 of the *Water Act 2007* of the Commonwealth.

31 Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 30 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

Division 4 Compliance with extraction and diversion limits

32 Action following non-compliance

- (1) Subject to subclauses (2) and (3), if an assessment under clauses 28 or 31 demonstrates non-compliance with either the long-term average annual extraction limit for the water source or the long-term average sustainable diversion limit, the Minister is to make available water determinations for unregulated river access licences of less than 1 ML per unit share.
- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 31 would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:

- (a) in the case of non-compliance with the long-term average annual extraction limit— to return long-term average annual extraction in the water source to the long-term average annual extraction limit,
- (b) in the case of non-compliance with the long-term average sustainable diversion limit — to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
- (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.

Division 5 Available water determinations

33 General

- (1) Available water determinations for access licences with a share component that specifies the water source are to be expressed as either:
 - (a) a percentage of the share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies the water source must not, in any water year, exceed:
 - (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or,
 - (b) 1 ML per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) (Repealed)

34 Available water determinations

Unless the Minister otherwise determines, at the commencement of each water year the following available water determinations are to be made for the following access licences:

- (a) 100% of the access licence share component for domestic and stock access licences,
- (b) 100% of the access licence share component for local water utility access licences,

- (c) 100% of the access licence share component for salinity and water table management access licences, and
- (d) 1 ML per unit of share component for unregulated river access licences, unless a lower amount is determined under clause 32.

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit for the water source has been assessed to have been exceeded.

[40] Part 7 Rules for granting access licences

Omit the note. Insert instead:

Notes.

- 1 This Part is made in accordance with sections 20 and 61 of the Act.
- 2 Access licences granted in the water source are subject to mandatory conditions and may be subject to discretionary conditions.

[41] Clause 35 Specific purpose access licenses

Omit the clause. Insert instead:

Note. Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan.

- (1) Applications for specific purpose access licences, other than those permitted under regulations to the Act, must not be made in the water source except for:
 - (a) a salinity and water table management access licence, and
 - (b) a local water utility access licence for the purpose of supplying water to Broken Hill and Silverton.
- (2) A specific purpose access licence must not be granted in the water source unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) An access licence of the subcategory “Aboriginal cultural” must not be granted in the water source unless the share component of the proposed access licence is less than or equal to 10 ML/year.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teachings, hunting, fishing, gathering for recreational, cultural and ceremonial purposes.

Note. *Aboriginal person* is defined in the Dictionary.

[42] Clause 36 Granting of access licences as a result of controlled allocation

Omit the clause.

[43] Part 8 Rules for managing access licenses

Insert before clause 37:

Note. The Act and the regulations provide for the keeping of water allocation accounts for access licences. The rules in this Division impose further limits on the water that may be taken under an access licence over a specified period of time. These limits are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

[44] Clause 37 General

Omit the clause.

[45] Clause 38 Individual access licence account management rules for access licences in the Lower Murray-Darling Unregulated Water Source

Omit “for access licences in the Lower Murray-Darling Unregulated Water Source” from the heading.

[46] Clause 38 (1)

Omit “Lower Murray-Darling Unregulated Water Source”. Insert instead “water source”.

[47] Clause 38 (5)

Omit the clause. Insert instead.

- (5) The maximum water allocation that can be carried over in the water allocation account for an access licence to which this clause applies, excluding a salinity and water table management access licence, from one water year to the next, is equal to:
- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.

[48] Clause 39 Individual access licence account management rules for access licences in the Lower Darling Alluvial Groundwater Source

Omit the clause.

[49] Clause 40 General

Omit “one of these water sources”. Insert instead “the water source”.

[50] Clause 41 Access rules for the taking of surface water

Omit “from” from subclause (1). Insert instead “with a share component that specifies”.

[51] Clause 41 (1) and (1) (a)

Omit “Lower Murray-Darling Unregulated Water Source”. Insert instead “water source”.

[52] Clause 41 (1) (a)

Omit “activity authorised by an”.

[53] Clause 41 (1) (a)

Omit “interference approval”. Insert instead “interference activity”.

[54] Clause 41 (2)

Omit “if”. Insert instead “when”.

[55] **Clause 41 (8) (b)**

Omit “an *environmental diversion* means licensed environmental water as defined under section 8 (1) (b) of the Act or water diverted into Thegoa Lagoon from the New South Wales Murray Regulated River Water Source Additional Environmental Allowance under clause 15 (24) of the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*.” from clause 41(8). Insert instead “an *environmental diversion* means licensed environmental water, as defined under section 8 (1) (b) of the Act, or water diverted into Thegoa Lagoon from the Murray Additional Allowance established under the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*.”

[56] **Clause 41 (9) (c)**

Omit the subclause.

[57] **Clause 41 (9) (d)**

Insert after subclause:

Note. *Runoff harvesting dam* is defined in the Dictionary.

[58] **Clause 42 Access rules for the taking of water from the Lower Darling Alluvial Groundwater Source**

Omit the clause.

[59] **Clause 43 Total daily extraction limits**

Omit “these water sources”. Insert instead “the water source”.

[60] **Clause 43**

Omit “Part 12 of this Plan allows for amendments to be made to establish TDELs” from note 2. Insert instead “*Total daily extraction limit* is defined in the Dictionary.”

[61] **Clause 44 Individual daily extraction limits**

Omit “these water sources” from subclause (1). Insert instead “the water source”.

[62] **Clause 44**

Omit “Part 12 of this Plan allows for amendments to be made to establish IDELs.” from the note. Insert instead “*Individual daily extraction limit* is defined in the Dictionary.”

[63] **Part 9 Rules for water supply work approvals**

Omit the heading for Division 1. Insert instead:

Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works

[64] **Clause 45 General**

Omit “that may be used to take water from the Lower Murray-Darling Unregulated Water Source”. Insert instead “authorised to take water from the water source.”.

[65] **Clause 46 Granting or amending water supply work approvals**

Omit subclause (1).

[66] **Part 9 Division 2 Rules applying to water supply works that take water from the Lower Darling Alluvial Groundwater Source**

Omit the Division.

[67] **Clause 55 General**

Omit “these water sources” wherever occurring. Insert instead “the water source”.

[68] Clause 56 Conversion of access licence to new category

Omit the clause. Insert instead:

Clause 56 Conversion of access licence to new category

Dealings under section 71O of the Act are prohibited in the water source.

[69] Clause 57 Assignment of rights dealings (within water sources)

Omit the clause. Insert instead:

57 Assignment of rights dealings

- (1) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:
 - (a) an access licence that does not nominate a water supply work located within a lagoon listed in Schedule 3 to an access licence that nominates a water supply work located within a lagoon listed in Schedule 3,
 - (b) an access licence that nominates a water supply work located within a lagoon listed in Schedule 3 to an access licence that nominates a water supply work located within another lagoon listed in Schedule 3,
 - (c) an access licence that does not nominate a water supply work located within Thegoa Lagoon to an access licence that nominates a water supply work located within Thegoa Lagoon, or
 - (d) an access licence that does not nominate a water supply work located within the Great Darling Anabranch, as shown on the Plan Map, to an access licence that nominates a water supply work located within the Great Darling Anabranch, unless the Minister is satisfied that the proposed dealing is for an environmental purpose.
- (2) Dealings under section 71Q of the Act between the water source and another water source within the same water management area are prohibited.

[70] Clause 58 Amendment of share component dealings (change of water source)

Omit the clause. Insert instead:

58 Amendment of share component dealings (change of water source)

Dealings under section 71R of the Act are prohibited in the water source.

[71] Clause 59 Assignment of water allocations dealings

Omit the clause. Insert instead:

59 Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the water source are prohibited if the dealing involves:
 - (a) an assignment of water allocation from an access licence that does not nominate a water supply work located within a lagoon listed in Schedule 3 to an access licence that nominates a water supply work located within a lagoon listed in Schedule 3,
 - (b) an assignment of water allocation from an access licence that nominates a water supply work located within a lagoon listed in Schedule 3 to an access licence that nominates a water supply work located within another lagoon listed in Schedule 3,
 - (c) an assignment of water allocation from an access licence that does not nominate a water supply work located within Thegoa Lagoon to an access licence that nominates a water supply work located within Thegoa Lagoon, or
 - (d) an assignment of water allocation from an access licence that does not nominate a water supply work located within the Great Darling Anabranh, as shown on the Plan Map, to an access licence that nominates a water supply work located within the Great Darling Anabranh, unless the Minister is satisfied that the proposed dealing is for an environmental purpose.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in the water source.

[72] Clause 60 Interstate transfer of access licences and assignment of water allocation

Omit “these water sources” wherever occurring. Insert instead “the water source”.

[73] Clause 61 Nomination of water supply works dealings

Omit the clause. Insert instead:

Dealings under section 71W of the Act are prohibited if the dealing involves:

- (a) an access licence that does not nominate a water supply work located within a lagoon listed in Schedule 3 being amended to nominate a water supply work located within a lagoon listed in Schedule 3,
- (b) an access licence that nominates a water supply work located within a lagoon listed in Schedule 3 being amended to nominate a water supply work located within another lagoon listed in Schedule 3,

- (c) an access licence that does not nominate a water supply work located within Thegoa Lagoon being amended to nominate a water supply work located within Thegoa Lagoon,
- (d) an access licence that does not nominate a water supply work located within the Great Darling Anabranh, as shown on the Plan Map, being amended to nominate a water supply work located within the Great Darling Anabranh, unless the Minister is satisfied that the proposed dealing is for an environmental purpose,
- (e) an access licence being amended to nominate a water supply work located in a different management zone to that specified in the extraction component of the access licence, or
- (f) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

[74] Clause 61 (2) (c)

Omit “or” from the subclause.

[75] Clause 61 (2) (d)

Insert “, as shown on the Plan Map,” after “Anabranh”.

[76] Clause 61 (2) (d)

Omit “.”. Insert instead “,”.

[77] Clause 61 (2) (d)

Insert after the subclause:

- (e) an access licence being amended to nominate a water supply work located in a different management zone to that specified in the extraction component of the access licence, or
- (f) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

[78] Clause 62 General

Omit the clause. Insert instead:

62 General

In this part:

- (a) a requirement to notify the Minister will be satisfied by making a notification in writing to the addresses listed in Schedule 5 of this Plan or to the email address for enquiries on the Department’s website,

Note. At the commencement of this Plan, the email address for enquiries on the Department’s website is water.enquiries@dpi.nsw.gov.au.

- (b) a *metered water supply work with a data logger* means a water supply work with a data-logger, and a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and

Note. The definition of *metered water supply work with a data logger* does not include all water supply works that are metered or have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a metered water supply work with a data logger.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Note. *Logbook* is defined in the Dictionary.

[79] **Clause 63 General**

Omit “these water sources” wherever occurring. Insert instead “the water source”.

[80] **Clause 63 (1) and (2)**

Omit “where required”.

[81] **Clause 63 (2) (b) (v)**

Omit the subclause. Insert instead:

- (v) for domestic and stock access licences, local water utility access licences and unregulated river access licences in the water source, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume permitted to be taken in those years under clause 38(3),

[82] **Clause 63 (2) (b)**

Omit the subclause. Insert instead:

- (b) the holder of the access licence, except for a salinity and water table management access licence, must record the following in the Logbook:
- (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) for domestic and stock access licences, local water utility access licences and unregulated river access licences in the water source, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume permitted to be taken in those years under clause 38 (3),

- (vi) any other information required to be recorded in the Logbook under the rules of this Plan,

[83] Clause 63 (4)

Insert after the subclause:

Note. *Aboriginal person* is defined in the Dictionary.

[84] Clause 63 (5)

Omit “salinity levels in a”. Insert instead “salinity levels in the”.

[85] Clause 63 (6)

Omit the subclause. Insert instead:

- (6) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.

Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2022.

- (7) Subclauses (2), (3) and (6) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230(1) of the *Water Management (General) Regulation 2018*.

Note. *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

[86] Clause 64 General

Omit the clause. Insert instead:

64 General

- (1) Water supply work approvals for water supply works in the water source must have mandatory conditions to give effect to the following:
- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
 - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first

discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and

- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice, and

Note. The Minister may also direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.

- (c) the approval holder must ensure that, if the water supply work is abandoned or replaced, that it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
 - (d) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (e) any other conditions required to implement the provisions of this Plan.
- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1)(b) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclauses (1)(b) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230(1) of the *Water Management (General) Regulation 2018*.

Note. Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the water source from 1 December 2022.

- (2) Water supply work approvals for water supply works in the water source must have mandatory conditions to give effect to the following, provided that these requirements do not apply to a water supply work that is a metered water supply work with a data logger:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) for water supply work approvals that nominate an access licence other than a salinity and water table management access licence, each date and period of time during which water was taken using the water supply work,
 - (ii) for water supply work approvals that nominate a salinity and water table management access licence only, the dates and periods of time during which water was taken under the access licence for the previous monthly accounting period,
 - (iii) for water supply work approvals that nominate an access licence other than a salinity and water table management access licence, the volume of water taken on that date,
 - (iv) for water supply work approvals that nominate a salinity and water table management access licence only, the volume of water taken for the previous monthly accounting period,

- (v) the access licence number of the access licence under which water was taken on that date or if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (vi) the purpose or purposes for which the water was taken on that date,
 - (vii) details of any cropping carried out using the water taken through the water supply work, including the type of crop, area cropped and dates of planting and harvesting,
 - (viii) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (ix) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work, including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - (x) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (2A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclause (2) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (2B) Subclauses (2) and (2A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water source in accordance with clause 230(1) of the *Water Management (General) Regulation 2018*.
- (3) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that those conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (4) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
- (a) a dealing under section 71Q or 71W of the Act,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
 - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or

- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.

[87] Clause 65

Omit the clause.

[88] Clause 67 Part 1

Omit “Registered Map” from subclause (d). Insert instead “Plan Map”.

[89] Clause 68 Part 6

Omit the clause. Insert instead:

68 Part 6

Part 6 may be amended to do any of the following:

- (a) modify the long-term average annual extraction limit as a result of the granting of a salinity and water table management access licence,
- (b) combine the long-term average sustainable diversion limit for the water source with the long-term average sustainable diversion limit for the Lower Darling Regulated River Water Source.

[90] Part 69 Part 8

Insert “or” at the end of subclause (b)(ii).

[91] Clause 69 (b) (iii)

Omit “for lagoons, lakes, in-river pools and other lentic water bodies, or”. Insert instead “for natural pools, lagoons and lakes.”

[92] Clause 69 (b) (iv)

Omit the subclause.

[93] Clause 69 (c) and (d)

Omit “these water sources”. Insert instead “the water source”.

[94] Clause 70 Part 9

Omit “groundwater work in clause 49,” from subclause (b). Insert instead “surface water supply work in clause 46(3).”.

[95] Clause 70 (c) and (d)

Omit subclauses.

[96] Clause 70A

Insert after clause 70:

70A Part 10

The access licence dealing rules may be amended to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, the water source to access licences with share components that specify the water source.

[97] Clause 71 Part 11

Omit the clause. Insert instead:

71 Part 11

Part 11 may be amended in relation to metering and record keeping, including amendments in relation to requirements for Logbooks.

[98] Clause 72 Schedules

Omit the clause. Insert instead:

72 Schedules

- (1) Schedule 1 may be amended to add, modify and/or remove a definition.
- (2) Schedule 3 may be amended to add or remove a lagoon.
- (3) Schedule 4 may be amended to do any of the following:
 - (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 41 (9) (a) and that purpose was specified on, or referred to in the conditions of, the former *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or former *Water Act 1912* entitlement from Schedule 4 if:
 - (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the licence is surrendered or cancelled or its purpose ceases to exist,
 - (d) remove a local water utility access licence or an access licence of the subcategory “Town water supply” or former *Water Act 1912* entitlement from clause 2 of Schedule 4 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan.
- (4) Schedule 4 may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedule 5 may be amended to add or remove an office.

[99] Clause 73 Other

Omit subclause (1) (a).

[100] **Clause 73 (1) (b)**

Omit “these water sources”. Insert instead “the water source”.

[101] **Clause 73 (1) (c)**

Insert after the subclause:

Note. *Shepherding* is defined in the Dictionary.

[102] **Clause 73 (1) (g)**

Omit “or”. Insert instead “as shown on the Plan Map, or”.

[103] **Clause 73 (2)**

Omit the subclause.

[104] **Clause 73 (3)**

Omit the subclause. Insert instead:

- (3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.

[105] **Schedule 1 Dictionary**

Omit the following terms –

alluvial sediments, drawdown, fractured rock, grazeable area, groundwater dependent ecosystems, porous rock, Registered Map, replacement groundwater work, slotted intervals, stream order and water storage.

[106] **Schedule 1 Dictionary**

Insert the following terms in alphabetical order –

annual actual take has the same meaning as it has in section 6.10 of the Basin Plan.

annual permitted take has the same meaning as it has in section 6.10 of the Basin Plan.

baseline diversion limit has the same meaning as it has in section 1.07 of the Basin Plan.

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

floodplain harvesting means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

flow regimes means collectively, the magnitude, duration, frequency and patterns of flow that characterise a river or water source.

Lower Darling SDL resource unit has the same meaning as it has in section 6.02 of the Basin Plan.

plantation forestry means a commercial plantation as defined in section 1.07 of the Basin Plan.

target ecological populations means communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

weighted average unit price means the total value of all units sold divided by the number of units sold for a monetary value.

[107] Schedule 1 Dictionary

In the *cease to take condition*, omit “any condition on a water supply work approval or an access licence under which water is proposed to be taken,”. Insert instead “any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement”.

[108] Schedule 1 Dictionary

Omit the definition of *runoff harvesting dam*. Insert instead:

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

Note. *Minor stream* is defined in clause 4 of the *Water Management (General) Regulation 2018*.

[109] Schedule 2 Water sources to which this Plan does not apply

Omit the schedule.

[110] Schedule 5 Access licences used to take water from the Lower Darling Alluvial Groundwater Source exempt from cease to pump rules

Omit the schedule. Insert instead”

Schedule 5 Offices

NSW Department of Planning, Industry and Environment - Water
32 Enterprise Way
BURONGA NSW 2739

[111] Schedule 6 Contamination sources in these water sources

Omit the schedule.

[112] Schedule 7 High priority groundwater dependent ecosystems

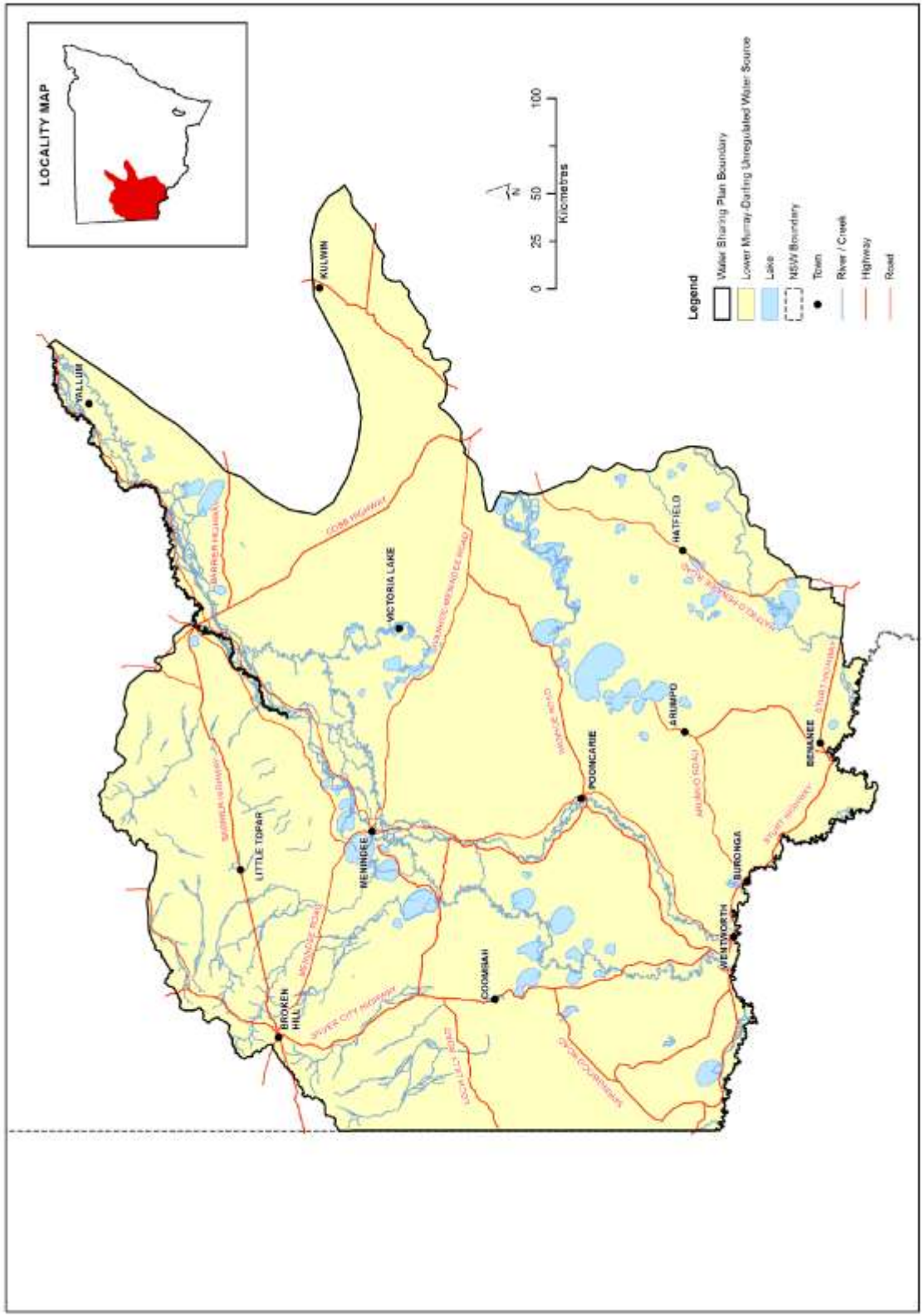
Omit the schedule.

[113] Appendix 1 Overview of the Registered Map

Omit the Appendix. Insert instead:

Appendix 1 Overview of the Plan Map

Overview of Plan Map (WSP018_Version 2), Water Sharing Plan for the Lower-Murray Darling Unregulated River Water Source 2011



[114] Appendix 2 Offices
Omit the Appendix.