

(1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of these water sources.

[40] Clause 40 (3)

Omit the words ‘section 71T’ wherever occurring. Insert instead ‘sections 71T or 71V’.

[41] Clause 41 Individual access licence account management rules for the Upper Murray Groundwater Source

Omit the clause.

[42] Clause 43 Flow clauses

Omit the words ‘the Murray Unregulated River Sources’. Insert instead ‘these water sources’.

[43] Clause 43, Table B

Omit ‘m’ wherever occurring. Insert instead ‘metres’.

[44] Clause 43, Table B

Omit ‘Glenroy gauge’ wherever occurring. Insert instead ‘Glenroy No. 2 gauge’.

[45] Clause 43, Table B

Omit ‘40110008’. Insert instead ‘4010291’.

[46] Clause 43, Table B

Omit ‘Tumbarumba Gauge No 2’ wherever occurring. Insert instead ‘Tumbarumba No. 2 gauge’.

[47] Clause 44 Access rules for the taking of surface water

Omit subclause (1). Insert instead –

(1) This clause applies to the taking of water under an access licence from these water sources, excluding the taking of water under an access licence used in association with an aquifer interference activity.

[48] Clause 44 (2)

Omit the word ‘clause’ from this subclause. Insert instead ‘subclause’.

[49] Clause 44 (5), note

Omit the note. Insert instead –

Notes.

- 1 Cease to take condition and *Water Act 1912* entitlement are defined in the Dictionary.
- 2 Those licences and access rules that have been identified as higher than the upper limit of the cease to take conditions are referred to in Appendix 3.

[50] Clause 44 (10)

Insert at the end of the subclause –

Note. In-river dam and in-river dam pool is defined in the Dictionary.

[51] Clause 44 (12) (c)

Omit the paragraph.

[52] Clause 44 (12) (d).

Insert at the end of the paragraph –

Note. In-river dam and in-river dam pool is defined in the Dictionary.

[53] Clause 44 (13)

Omit the subclause. Insert instead –

- (13) Water must not be taken under a local water utility access licence or an unregulated river (“Town water supply”) access licence that replaced an entitlement issued under Part 2 of the *Water Act 1912* that is specified in Column 1 of Schedule 5 in contradiction of the access rule specified in Column 3 of Schedule 5.

[54] Clause 45 Total daily extraction limits

Omit the note. Insert instead –

Notes.

1 Total daily extraction limit is defined in the Dictionary.

2 TDELs are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. However, continued exceedance of the TDEL may result in the imposition of individual daily extractions limits under clause 46.

[55] Clause 46 Individual daily extraction limits

Insert at the end of subclause (2) –

Note. Individual daily extraction limit is defined in the Dictionary.

[56] Part 9

Omit the Part. Insert instead –

Part 9 Rules for water supply work approvals

Notes.

1 This Part is made in accordance with sections 5, 21 and 95 of the Act.

2 Part 12 allows for amendments to be made to Part 9.

Division 1 Rules applying to water supply works

47 General

The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from these water sources.

48 Granting or amending water supply work approvals

(1) (Repealed)

(2) An application for the granting or amending of a water supply work approval for an in-river dam on third or higher order streams within these water sources, except for the Dora Dora Water Source, may be considered, consistent with the principles of the Act.

(3) A water supply work approval must not be granted or amended to authorise a water supply work which, in the Minister’s opinion, is located within a pool, lagoon or lake that is not within a river, unless the Minister is satisfied that the location of the water supply work would result in no more than minimal impact on existing extractions within these water sources.

(4) Subject to subclause (6), a water supply work approval must not be granted or amended to authorise a water supply work located on the Eagle Creek System within

the Murray Below Mulwala Water Source, unless the applicant is entitled to take water under a water access licence that nominates water supply work approval 50WA503603. The Eagle Creek System includes the Eagle Creek Cutting, Eagle Creek, Hudson Creek and two unnamed watercourses (hereafter the Eagle Creek System).

- (5) Subject to subclause (6), a water supply work approval must not be granted or amended to authorise a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source unless the applicant is entitled to take water under a water access licence that nominates water supply work approval 50WA500048.
- (6) Subclauses (4) and (5) do not apply to the granting or amendment of a water supply work approval for a replacement water supply work used to take water from the Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source. For the purposes of this subclause, a replacement water supply work means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from the Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source where:
 - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement water supply work is to be constructed to extract water from the same location as the existing water supply work.

Division 2 (Repealed)

49 - 55 (Repealed)

[57] Clause 58 Assignment of rights dealings (with water sources)

Omit the words '(with water sources)' from the clause heading.

[58] Clause 58 (2)

Insert the words 'within the same water source' after the word 'Act'.

[59] Clause 58 (3)

Insert at the end of subclause (2) –

- (3) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
 - (a) to an access licence with a share component that specifies a water source located in a different extraction management unit,
 - (b) to an access licence with a share component that specifies one of the following water sources:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source, or
 - (ix) Swampy Plain Water Source,
 - (d) to an access licence with a share component that specifies the Indi Water Source, if:

- (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 3,238,
- (e) to an access licence with a share component that specifies the Mannus Water Source, if:
- (i) the dealing involves an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,668,
- (f) to an access licence with a share component that specifies the Maragle Water Source, if:
- (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 567,
- (g) to an access licence with a share component that specifies the Tooma Water Source, if:
- (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 2,177, or
 - (iii) the dealing involves an access licence with an extraction component that specifies the Tooma Tributaries Management Zone,
- (h) to an access licence with a share component that specifies the Tumbarumba Water Source, if:
- (i) the dealing involves an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,233, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 960.

[60] Clause 59 Amendment of share component dealings (change of water source)

Omit clause 59 (2) (c) (viii) – (x). Insert instead –

- (viii) Ournie Welaregang Water Source, or
- (ix) Swampy Plain Water Source,
- (x) (repealed)

[61] Clause 59 (2) (d) – (g)

Omit the paragraphs. Insert instead –

- (d) the granting of a new access licence with a share component that specifies the Indi Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 3,238,
- (e) the granting of a new access licence with a share component that specifies the Mannus Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,668,
- (f) the granting of a new access licence with a share component that specifies the Maragle Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 567,
- (g) the granting of a new access licence with a share component that specifies the Tooma Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 2,177, or
 - (iii) the dealing involves an access licence with an extraction component that specifies the Tooma Tributaries Management Zone,

[62] Clause 59 (2) (i)
Omit the paragraph.

[63] Clauses 61 – 63
Omit the clauses. Insert instead –

61 Assignment of water allocations dealings

- (1) This clause relates to dealings under section 71T of the Act in these water sources.
- (2) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation:
 - (a) from an access licence with an extraction component that specifies the Mannus Downstream Management Zone in the Mannus Water Source to an access licence with an extraction component that specifies the Mannus Upstream Management Zone in the Mannus Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Mannus Upstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Mannus Upstream Management Zone at the date of commencement of this Plan plus 1,310,
 - (b) from an access licence with an extraction component that specifies the Mannus Upstream Management Zone in the Mannus Water Source to an access licence with an extraction component that specifies the Mannus Downstream Management Zone in the Mannus Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Mannus Downstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Mannus Downstream Management Zone at the date of commencement of this Plan plus 1,668,
 - (c) from an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source to an access licence with an extraction component that specifies the Tooma River Management Zone in the Tooma Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tooma River Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tooma River Management Zone at the date of commencement of this Plan plus 2,177,
 - (d) from an access licence with an extraction component that specifies the Tooma River Management Zone in the Tooma Water Source to an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source,
 - (e) from an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source, if:

- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,233,
- (f) from an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960,
- (g) from an unregulated river (high flow) access licence to an access licence of another category,
- (h) from an access licence that does not nominate a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on the Eagle Creek System within the Murray Below Mulwala Water Source, or
- (i) from an access licence that does not nominate a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (3) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves any of the following:
- (a) an assignment of water allocation from an access licence in one extraction management unit to an access licence in another extraction management unit,
 - (b) an assignment of water allocation to an access licence in the:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source, or
 - (ix) Swampy Plain Water Source,
 - (x) (repealed)
 - (c) an assignment of water allocation to an access licence with a share component that specifies the Indi Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or

- (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 3,238,
- (d) an assignment of water allocation to an access licence with a share component that specifies the Mannus Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Mannus Upstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Mannus Upstream Management Zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Mannus Downstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Mannus Downstream Management Zone at the date of commencement of this Plan plus 1,668,
- (e) an assignment of water allocation to an access licence with a share component that specifies the Maragle Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 567,
- (f) an assignment of water allocation to an access licence with a share component that specifies the Tooma Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tooma River Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tooma River Management Zone at the date of commencement of this Plan plus 2,177, or
 - (iii) the dealing involves an assignment of water allocation to an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source,
- (g) an assignment of water allocation to an access licence with a share component that specifies the Tumbarumba Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Upstream Management Zone, from available water determinations or

- dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,223, or
- (iii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Downstream Management Zone, from available water determinations or dealings under section 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960.

62 Interstate transfer of access licences and assignment of water allocations

- (1) This clause relates to dealings under section 71U or 71V of the Act in these water sources.
- (2) Subject to subclause (3), dealings involving the interstate transfer of an access licence to or from these water sources may only be permitted where administrative arrangements have been agreed to, and put in place by NSW and the other State or Territory.
- (3) Dealings involving the interstate transfer of an access licence to these water sources are prohibited if the dealing involves any of the following:
 - (a) the granting of a new access licence with a share component that specifies one of the following water sources:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source, or
 - (ix) Swampy Plain Water Source,
 - (x) (repealed)
 - (b) the granting of a new access licence with a share component that specifies the Indi Water Source, if:
 - (i) the dealing involves the granting of an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 3,238,
 - (c) the granting of a new access licence with a share component that specifies the Mannus Water Source, if:
 - (i) the dealing involves the granting of an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that

- existed in that management zone at the date of commencement of this Plan plus 1,668,
- (d) the granting of a new access licence with a share component that specifies the Maragle Water Source, if:
 - (i) the dealing involves the granting of an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 567,
 - (e) the granting of a new access licence with a share component that specifies the Tooma Water Source, if:
 - (i) the dealing involves the granting of an access licence with an extraction component that specifies the Tooma Tributaries Management Zone,
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 2,177, or
 - (iii) the dealing involves the granting of an access licence of a category other than unregulated river (high flow) with an extraction component that specifies the Tooma River Management Zone,
 - (f) the granting of a new access licence with a share component that specifies the Tumbarumba Water Source, if:
 - (i) the dealing involves the granting of an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,233, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 960.
- (4) The share component of a new access licence specifying one of these water sources granted in accordance with subclause (3) shall be equal to:
- (a) the share component equivalent of the cancelled access licence where a conversion factor has not been established by the Minister under section 71Z of the Act, or
 - (b) the share component equivalent of the cancelled access licence multiplied by a conversion factor established by the Minister and published in an order made under section 71Z of the Act.
- (5) Subject to subclause (6), dealings involving the interstate assignment of water allocations to or from access licences in these water sources may only be permitted where administrative arrangements have been agreed to and put in place by NSW and the other State or Territory.
- (6) Dealings involving the interstate assignment of water allocations to access licences in these water sources are prohibited if the dealing involves any of the following:
- (a) an assignment of water allocation to an access licence in the:

- (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source, or
 - (ix) Swampy Plain Water Source,
 - (x) (repealed)
- (b) an assignment of water allocation to an access licence with a share component that specifies the Indi Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source, from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 3,238,
- (c) an assignment of water allocation to an access licence with a share component that specifies the Mannus Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Mannus Upstream Management Zone, from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Mannus Upstream Management Zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Mannus Downstream Management Zone, from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Mannus Downstream Management Zone at the date of commencement of this Plan plus 1,668,
- (d) an assignment of water allocation to an access licence with a share component that specifies the Maragle Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source, from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 567,
- (e) an assignment of water allocation to an access licence with a share component that specifies the Tooma Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tooma River Management Zone, from available water determinations or dealings

- under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tooma River Management Zone at the date of commencement of this Plan plus 2,177, or
- (iii) the dealing involves an assignment of water allocation to an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source,
- (f) an assignment of water allocation to an access licence with a share component that specifies the Tumbarumba Water Source, if:
- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Upstream Management Zone, from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,223 or
 - (iii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Downstream Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960.

63 Nomination of water supply works dealings

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
 - (b) 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,
 - (c) an access licence that does not nominate a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on the Eagle Creek System within the Murray Below Mulwala Water Source, or
 - (d) an access licence that does not nominate a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (3) Dealings under section 71W of the Act in these water sources that involve the nomination of a specified extraction point in an interstate water tagging zone may only be permitted where administrative arrangements have been agreed to and put in place by NSW and the other State or Territory.
- (4) Dealings under section 71W of the Act in these water sources that involve the nomination of a specified extraction point in an interstate water tagging zone are prohibited if the dealing involves an unregulated river (high flow) access licence.

[64] Clause 64 General

Omit paragraph (a). Insert instead –

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to the address listed in Schedule 6 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.

[65] Clause 64 (c)

Insert at the end of the paragraph –

Note. Logbook is defined in the Dictionary.

[66] Clause 65

Omit the clause. Insert instead –

65 General

- (1) Access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan for the respective category or subcategory of access licence,
 - (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
 - (c) the holder of the access licence, must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions to give effect to the following:
 - (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the 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 taken on that date was used,
 - (v) for unregulated river access licences, unregulated river (high flow) access licences, domestic and stock access licences and local water utility access licences in these water sources, the volume of water taken in the first three water years of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 40 (2),
 - (vi) for unregulated river access licences, unregulated river (high flow) access licences, domestic and stock access licences and local water utility access licences in these water sources, the volume of water taken in any three consecutive water years after the first water year of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 40 (3), and

- (vii) (repealed)
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
 - (c) the holder of the access licence must produce the Logbook to the Minister for inspection when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (4) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

Note. Aboriginal person is defined in the Dictionary.

- (5) 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.

- (6) Subclauses (2), (3) and (5) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources 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*.

[67] Clause 66 General

Omit the clause. Insert instead –

66 General

- (1) Water supply work approvals for water supply works in these water sources 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,
- Note.** This paragraph applies to water supply works used to take water under an access licence. It does not apply to water supply works used to take water under an authority other than an access licence, such as the exemption under the regulations for water users in the Eagle Creek System, Bingera Creek and Bungaree Creek within Murray Below Mulwala Water Source.
- (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 the Australian Technical Specification: ATS 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 as specified in the notice,

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

- (c) any other conditions required to implement the provisions of the 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) Subclause (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 these water sources in accordance with clause 230 (1) of the *Water Management Act (General) Regulation 2018*.

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

- (2) Water supply work approvals for water supply works in these water sources, 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) each date and period of time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) 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,
 - (iv) the purpose or purposes for which the water taken on that date,
 - (v) 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,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) 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

- (viii) 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) Subclause (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 these water sources 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.
- (5) (Repealed)

[68] Clause 67 Water supply works used to take water from the Upper Murray Groundwater Source

Omit the clause

[69] Clause 69 Part 1

Omit the word 'registered' from paragraph (d). Insert instead 'Plan'.

[70] Clause 69A

Insert after clause 69 –

69A Part 6

Division 3 of Part 6 may be amended to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for these water sources and the New South Wales Murray Regulated River Water Source.

[71] **Clause 70 Part 8**
Omit paragraph (a).

[72] **Clause 70 (d)**
Omit the paragraph. Insert instead –

- (i) (repealed),
- (ii) to specify alternate access rules for lagoons, lakes, in-river pools and other lentic water bodies,
- (iii) (repealed),

[73] **Clause 70 (e)**
Insert the word ‘sources’ after the words ‘TDEL’s in these water’.

[74] **Clause 71**
Omit the clause. Insert instead –

71 Part 9

Part 9 may be amended to do any of the following:

- (a) amend clause 48 (2) to specify additional water sources or management zones or amend the water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on third or higher order streams, or
- (b) include further restrictions on the granting or amending of water supply works,
- (c) (repealed)
- (d) (repealed)
- (e) (repealed)
- (f) amend the definition of a replacement water supply work in clause 48 (6).

[75] **Clause 71A**
Insert after clause 71 –

71A Part 10

Part 10 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, these water sources to access licences with share components that specify these water sources.

[76] **Clause 72**
Omit the clause. Insert instead –

72 Part 11

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

[77] **Clause 73 Schedules**
Omit the words ‘Schedule 1’ from subclause (1). Insert instead ‘The Dictionary’.

[78] **Clause 73 (4) and (5)**
Omit the subclauses.

[79] **Clause 74**

Omit the clause. Insert instead –

74 Other

- (1) This Plan may be amended to provide rules for the following:
 - (a) (repealed)
 - (b) the management of floodplain harvesting within these water sources,
 - (c) the shepherding of water,
Note. Shepherding is defined in the Dictionary.
 - (d) any new category of access licence established for the purpose of stormwater harvesting, provided that the amendment does not affect the long-term average annual extraction limits specified in this Plan,
 - (e) the interception of water before it reaches a stream or aquifer by plantations or other means, or
 - (f) conditions on the taking of water from Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (2) (Repealed)
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (4) 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.
- (5) This plan may be amended after year 5 to provide for rules for the protection of water dependent Aboriginal cultural assets, including:
 - (a) the identification of water dependent Aboriginal cultural assets in a Schedule to this Plan,
 - (b) amendments to the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restrictions on the granting and amendment of water supply works to protect water dependent Aboriginal cultural assets, and/or
 - (d) amendments to the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* (Cth).

[80] Schedule 1 Dictionary

Omit the note.

[81] Schedule 1

Omit the following terms –

alluvial sediment, cease to take condition, drawdown, fractured rock, grazeable area, groundwater dependent porous rock, in-river dam recharge, registered map, replacement groundwater, runoff harvesting dam, slotted intervals and stream order.

[82] Schedule 1

Insert the following 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.

cease to take condition means any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement that prohibits the taking of water in a particular circumstance.

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 natural flows that characterise a river or water source.

in-river dam means a dam located in a river created by a structure authorised by a water supply work approval.

New South Wales Murray SDL resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

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

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in the harvestable rights orders made under Division 2 of Part 1 of Chapter 3 of the Act and published in the NSW Government Gazette No 40 on 31 March 2006 at page 1628. 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.

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.

target ecological processes means processes that support a range of ecological communities, such as connecting flows or flow events that can mobilise nutrients and other water-borne materials within and between water sources. These processes must be easily monitored and measurable.

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

[83] **Schedule 3 and 4**
Omit the Schedules.

[84] **Schedule 6**
Insert after Schedule 5 –

Schedule 6 Office

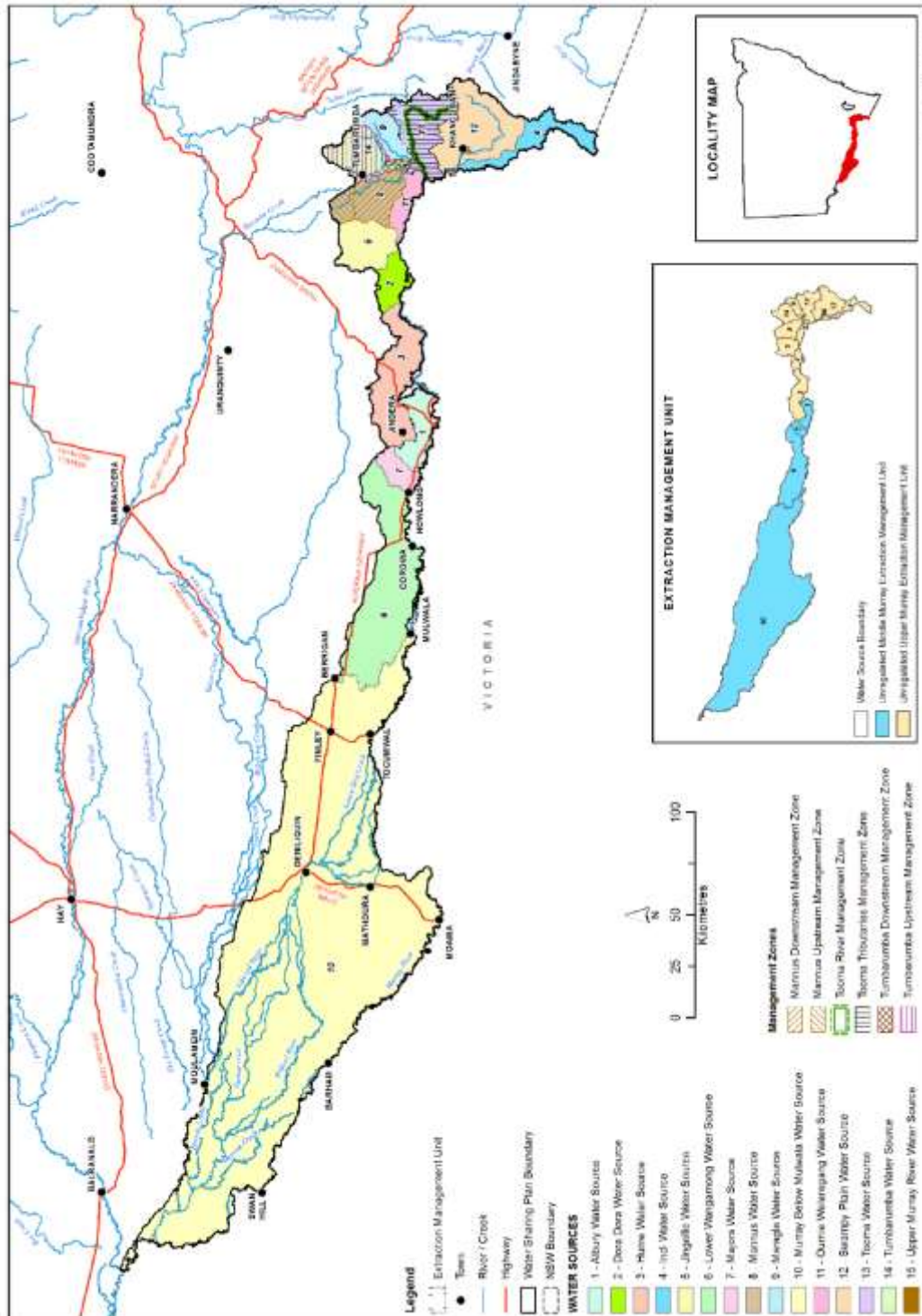
NSW Department of Planning, Industry and Environment – Water
Suite 5B/620 Macauley Street
Albury NSW 2640

[85] Appendix 1 and 2

Omit the Appendices. Insert instead –

Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP045_Version 2) Water Sharing Plan for the Murray
Unregulated River Water Sources 2011



[86] Appendix 3 Access licences with pre-existing cease to pump thresholds that are higher than the upper limit of the relevant cease to take conditions

In Column 3 of the row relating to 50SL033472 Murray Below Mulwala Water Source – omit the words ‘Not withstanding’. Insert instead ‘Notwithstanding’.