

**Water Sharing Plan for the Murrumbidgee 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 Murrumbidgee Unregulated and Alluvial Water Sources 2012*.

Dated 29th June 2020

MELINDA PAVEY, MP
Minister for Water, Property and Housing

Explanatory note

This Order is made under section 45 of the *Water Management Act 2000*. The object of the Order is to amend the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for Energy and Environment was obtained prior to the making of this Order.

1 Name of Order

This Order is the *Water Sharing Plan for the Murrumbidgee 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 Murrumbidgee Unregulated and Alluvial Water Sources 2012

[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 this Plan

Omit “and Alluvial”. Insert instead “River”.

[3] Clause 3 Commencement of this Plan

Insert after Note 2:

- 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 Murrumbidgee surface water resource plan area.
- 4 **Basin Plan** is defined in the Dictionary.

[4] Clause 4 Application of this Plan

Omit subclause (1). Insert instead:

- (1) This Plan applies to the following water sources known as the Murrumbidgee Unregulated River Water Sources (hereafter **these water sources**) within the Murrumbidgee Water Management Area and the Murray Water Management Area:
 - (a) Adjungbilly/Bombowlee/Brungle Water Source,
 - (b) Billabung Water Source,
 - (c) Bredbo Water Source,
 - (d) Burkes/Bullenbung Water Source,
 - (e) Burrinjuck Dam Catchment Water Source,
 - (f) Burrumbuttock Water Source,
 - (g) Gilmore/Sandy Water Source,

- (h) Goobarragandra Water Source,
- (i) Goodradigbee Water Source,
- (j) Hillas Water Source,
- (k) Houlaghans Water Source,
- (l) Jugiong Water Source,
- (m) Kyeamba Water Source,
- (n) Lake George Water Source,
- (o) Lower Billabong Water Source,
- (p) Lower Billabong Anabranh Water Source,
- (q) Middle Billabong Water Source,
- (r) Molonglo Water Source,
- (s) Mountain Water Source,
- (t) Murrumbidgee (Balranald to Weimby) Water Source,
- (u) Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) Murrumbidgee I Water Source,
- (x) Murrumbidgee II Water Source,
- (y) Murrumbidgee III Water Source,
- (z) Murrumbidgee North Water Source,
- (aa) Murrumbidgee Western Water Source,
- (ab) Muttama Water Source,
- (ac) Numeralla East Water Source,
- (ad) Numeralla West Water Source,
- (ae) Queanbeyan Water Source,
- (af) Tantangara Water Source,
- (ag) Ten Mile Water Source,
- (ah) Upper Tumut Water Source,
- (ai) Upper Wangamong Water Source,
- (aj) Urana Water Source,

- (ak) Yarra Yarra Water Source,
- (al) Yass Lower Water Source,
- (am) Yass Upper Water Source,
- (an) Adelong Creek Water Source,
- (ao) Cotter Water Source,
- (ap) Tarcutta Creek Water Source, and
- (aq) Upper Billabong Water Source.

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

[5] Clause 4 (2)

Omit the words “Version 2), Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources 2012”.

Insert instead “Version 3), Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012”.

[6] Clause 4 (2)

Insert after subclause 2:

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

[7] Clause 4 (3)

Omit “the Murrumbidgee Unregulated Water Sources” wherever occurring. Insert instead “these water sources”.

[8] Clause 4 (4)

Omit the subclause and note.

[9] Clause 4 (5)

Omit subclause. Insert instead:

- (5) These water sources do not include water:
 - (a) contained in channels used for the purposes of conveying water within the area of operations of an irrigation corporation specified in Schedule 1 of the Act,
 - (b) contained in the Murrumbidgee Regulated River Water Source to which the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016* applies,

- (c) occurring naturally on the surface of the ground or in rivers, lakes and wetlands in the area marked as Lowbidgee Area shown on the Plan Map, except all water:
 - (i) in Talpee Creek within the Murrumbidgee Western Water Source, and
 - (ii) occurring within Lake Tala in the Murrumbidgee Western Water Source and Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source.

[10] Clause 4 (8)

Insert after subclause (8):

Note. This Plan, as amended by the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Billabong Creek Alluvial Groundwater Source, Bungendore Alluvial Groundwater Source, Gundagai Alluvial Groundwater Source, Kyeamba Alluvial Groundwater Source, Mid Murrumbidgee Zone 3 Alluvial Groundwater Source and Wagga Wagga Alluvial Groundwater Source. The *Water Sharing Plan for the Murrumbidgee Alluvial Groundwater Sources 2020* applies to those water sources.

[11] Clause 5 Management Zones

Omit subclause (1)(g) and note.

[12] Clause 6 Extraction management units for these water sources

Omit subclause (1).

[13] Clause 6 (2)

Insert “corresponding” before “water sources” wherever occurring.

[14] Clause 6 (2)

Insert after subclause (2)(c):

- (d) the Unregulated Billabong Extraction Management Unit, which applies to the corresponding water sources specified in Column 2 of Table A.

[15] Clause 6 (3)

Omit “(1) and”.

[16] Clause 6 (3) Note 1

Omit the note. Insert instead:

- 1** A long-term average annual extraction limit and a long-term average sustainable diversion limit are established in Part 6 of this Plan for each extraction management unit. The long-term average annual extraction limit and long-term average sustainable diversion limit determine the maximum volume of water that may be extracted under access licences and pursuant to basic landholder rights from all water sources within each extraction management unit on a long-term average annual basis.

[17] Clause 8 Interpretation

Insert after subclause (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.

[18] Part 2 Vision, objectives, strategies and performance indicators

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 this 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.

8A Acknowledgement

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

9 Vision statement

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

- (a) the health and enhancement of these water sources and their 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.

10 Environmental objectives

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

Note. The ecological condition of these water sources 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 these water sources. Water-dependent ecosystems in these water sources include instream, riparian and floodplain ecosystems.

(2) The targeted environmental objective of this Plan is to protect, and contribute to the enhancement of, the following over the term of this Plan:

(a) the recorded distribution or extent, and population structure, of target ecological populations,

Notes.

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
 - (a) native fish including trout cod, Murray cod, Macquarie perch, southern pygmy perch and flat-headed galaxias,
 - (b) native vegetation including river red gum and black box communities,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Significant wetlands in these water sources, and the associated ecological communities such as waterbirds and lignum shrublands, are primarily managed by the NSW Environmental Water Manager according to the rules of the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016*. The targeted objectives, management and monitoring activities for these assets and communities are provided in the MER plan for these water sources.
- 4 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 and between water sources to support target ecological processes, in particular to protect connectivity with the Murrumbidgee Regulated River Water Source to support environmental watering of off-river pools and off-river dam pools that may be the intended recipients of environmental water.

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 these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.

- 3 Connectivity may be within or between these water sources or between these water sources and other water sources.
 - 4 Off-river pools and off-river dam pools that may be the intended recipients of environmental water allowance releases are specified in Schedule 4 of this Plan.
- (c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.

Note. Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Murrumbidgee Water Resource Plan Area SW9 and the NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted environmental objective 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 these water sources,

Notes.

- 1 *Flow regimes* is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.
- (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

Notes.

- 1 *In-river pool* and *off-river pool* are defined in the Dictionary.
- 2 The provisions in clause 57 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.
- (d) restrict or prevent water supply work approvals on third order or higher streams,

Notes.

- 1 The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approval for an in-river dam on a third order or higher stream in the water sources listed in clause 62.
- 2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream

ordering method is as described in Schedule 2 to the *Water Management (General) Regulation 2018*.

- (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources and other connected water sources including the Murrumbidgee Regulated River Water Source.

Note. The provisions in clauses 56 and 57 of this Plan ensure that very low flows are protected from extraction.

- (f) prevent the take of water from off-river pools or off-river dam pools that are the intended recipient of environmental water.

Note. The provision in subclause 57 (11) of this Plan ensures that off-river pools or off-river dam pools that are specified in Schedule 4 are protected from pumping when they are the designated recipient of an environmental water release from Burrinjuck Dam water storage or Blowering Dam.

- (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) has contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objective 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 Schedule 4 of this Plan has accurately identified, and the provisions in this Plan have adequately protected, the off-river pools and off-river dam pools that have been recipients of environmental water deliveries,

- (e) the extent to which external influences on these water sources during the term of this Plan have affected progress toward 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.

11 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 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, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another.

- (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 and the flow class and access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

- (c) provide flexibility of access to water,

Note. The individual account management provisions in clauses 48 and 48A 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 limits and the long-term average sustainable diversion limits.

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

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 the changes in the economic benefits of 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 policy or regulation.

12 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 these water sources,
- (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

Note. The provisions in clause 57 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, 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 and between these water sources, and between these water sources and other connected water sources.

Note. The provisions in clauses 56 and 57 of this Plan ensure that a portion of natural 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 associated with 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 capable of being exercised, consistently with any determination of native title or indigenous land use agreement,
 - (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 the 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 access licences,
 - (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward 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.

12A 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 these water sources,
 - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
 - (d) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources 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 licence and local water 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 water-dependant 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.

[19] Clause 13 Bulk access regime

Omit the words “Division 1 of” in subclause (2) whenever occurring.

[20] Clause 13 (2)(b)

Omit the words “Division 2 of”.

[21] Clause 13 (2)(d)

Insert the words “and long-term average sustainable diversion limit,” after ‘annual extraction limit’.

[22] Clause 14 Climatic variability

Omit the words “, contained in Division 1 of” in subclause (a).

Insert instead “and long-term average sustainable diversion limit, contained in”.

[23] Part 4 Planned environmental water provisions

Omit the notes after the Part heading. Insert instead:

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

[24] Clause 17 Establishment and maintenance of planned environmental water

Omit the clause. Insert instead:

17 Establishment and maintenance of planned environmental water

- (1) This Plan establishes planned environmental water in these water sources 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) the 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 (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.

(3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.

(4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

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

[25] **Clause 18 Application**

Omit the words “Division 1 of” in subclause (3).

[26] **Clause 19 Domestic and stock rights**

Omit “5,844 ML/year”. Insert instead “4,385 megalitres per year (hereafter *ML/year*)”.

[27] **Clause 19 (an) – (as)**

Omit subclauses.

[28] **Clause 20 Native title rights**

Omit the clause. Insert instead:

20 Native title rights

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

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

Notes.

- 1 No determinations of native title in relation to these water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth at the commencement of this Plan.
- 2 This Plan may be amended if there is a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

[29] **Clause 21 Harvestable rights**

Omit the words “in these water sources”.

[30] **Clause 22 Share components of domestic and stock access licences**

Omit “3,578.75”. Insert instead “3,458.75”.

[31] **Clause 22 (an) – (as)**

Omit the subclauses.

[32] **Clause 23 Share components of local water utility access licences**

Omit “32,149”. Insert instead “4,960”.

[33] **Clause 23 (i) – (m)**

Omit the subclauses.

[34] **Clause 26 Share components of aquifer access licences, Clause 27 Share components of aquifer (high security) access licences and Clause 28 Share components of salinity and water table management access licences**

Omit these clauses.

[35] **Part 6 Limits to the availability of water**

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 for each extraction management unit,
- (b) a long-term average sustainable diversion limit.

Division 1 Calculations under this Part

29 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following:
 - (a) the long-term average annual extraction limits under clause 30,
 - (b) the annual extraction under clause 31,
 - (c) the annual permitted take under clause 34,
 - (d) the annual actual take under clause 34.

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

- (2) The calculations by the Minister to which this clause applies must:
 - (a) exclude the following:
 - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
 - (ii) in relation to annual extraction under clause 31 only, water committed as licensed environmental water under section 8F of the Act, and
 - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limits under clause 30 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 limits

30 Calculation of the long-term average annual extraction limits

- (1) This clause establishes a long-term average annual extraction limit for each of the extraction management units.

- (2) The long-term average annual extraction limit for the Unregulated Billabong Extraction Management Unit is the sum of:
- (a) the 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 following water sources:
 - (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,
 - (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source,
 - (viii) Yarra Yarra Water Source, and
 - (ix) Upper Billabong Water Source, plus
 - (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
 - (i) Burrumbuttock Water Source,
 - (ii) Lower Billabong Water Source,
 - (iii) Middle Billabong Water Source,
 - (iv) Mountain Water Source,
 - (v) Ten Mile Water Source,
 - (vi) Upper Wangamong Water Source,
 - (vii) Urana Water Source, and
 - (viii) Yarra Yarra Water Source, plus
 - (c) the annual water requirements pursuant to basic landholder rights in the Upper Billabong Water Source at the commencement of the *Water Sharing Plan for the Upper Billabong Water Source 2003*, plus
 - (d) the estimated annual take of water from the Unregulated Billabong Extraction Management Unit by plantation forestry that existed on 30 June 2009.

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

- (3) The long-term average annual extraction limit for the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit is the sum of:
- (a) the 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* in the following water sources:
- (i) Adjungbilly/Bombowlee/Brungle Water Source,
 - (ii) Billabung Water Source,
 - (iii) Burkes/Bullenbung Water Source,
 - (iv) Gilmore/Sandy Water Source,
 - (v) Goobarragandra Water Source,
 - (vi) Hillas Water Source,
 - (vii) Houlaghans Water Source,
 - (viii) Jugiong Water Source,
 - (ix) Kyeamba Water Source,
 - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (xi) Muttama Water Source,
 - (xii) Upper Tumut Water Source,
 - (xiii) Adelong Creek Water Source, and
 - (xiv) Tarcutta Creek Water Source, plus
- (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
- (i) Adjungbilly/Bombowlee/Brungle Water Source,
 - (ii) Billabung Water Source,
 - (iii) Burkes/Bullenbung Water Source,
 - (iv) Gilmore/Sandy Water Source,
 - (v) Goobarragandra Water Source,
 - (vi) Hillas Water Source,
 - (vii) Houlaghans Water Source,
 - (viii) Jugiong Water Source,

- (ix) Kyeamba Water Source,
 - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
 - (xi) Muttama Water Source, and
 - (xii) Upper Tumut Water Source, plus
- the
Sharing
- (c) the annual water requirements pursuant to basic landholder rights in the Adelong Creek Water Source at the commencement of the *Water Plan for the Adelong Creek Water Source 2003*, plus.
 - (d) the annual water requirements pursuant to basic landholder rights in the Tarcutta Creek Water Source at the commencement of the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*, plus
 - (e) the estimated annual take of water from the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit by plantation forestry that existed on 30 June 2009.
- (4) The long-term average annual extraction limit for the Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit and the Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit is the sum of:
- (a) the 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* in the respective extraction management unit, plus
 - (b) the annual water requirements pursuant to basic landholder rights in the respective extraction management units at the commencement of this Plan, plus
 - (c) the estimated annual take of water from the respective extraction management unit by plantation forestry that existed on 30 June 2009.

31 Calculation of annual extraction

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

- (a) the take of water by basic landholder rights and access licences in that water year,
- (b) the estimated take of water by plantation forestry in that water year.

32 Assessment of compliance with the long-term average annual extraction limits

- (1) Following the calculation under clause 31, the Minister is to compare the average of the total annual extraction for each extraction management unit over the preceding three water years against the respective long-term average annual extraction limit.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *Murrumbidgee SDL resource unit* is defined in the Dictionary.

33 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 these water sources is the component of the baseline diversion limit for the Murrumbidgee SDL resource unit calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (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* is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Murrumbidgee surface water SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the Murrumbidgee River Regulated River Water Source and the Murrumbidgee Unregulated River Water Sources.

34 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 these water sources 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 these water sources.

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 they fall 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.

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

- (1) Following the calculation under clause 34 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

36 Action following non-compliance

- (1) Subject to subclauses (2) to (4), if an assessment under clauses 32 or 35 demonstrates non-compliance with either a long-term average annual extraction limit for an extraction management unit or the long-term average sustainable diversion limit, the Minister is to take one or both of the following actions for the water year after the assessment:
 - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
 - (b) make available water determinations for unregulated river (high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take one or both of the actions specified in subclause (1) (a) and (1) (b) if an assessment under clause 35 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 average annual extraction in the extraction management unit to the respective 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.

- (4) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source:
- (a) have caused non-compliance with the long-term average sustainable diversion limit, or
 - (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

37 (Repealed)

Division 5 Available water determinations

38 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
- (a) a percentage of the share component for access licences where share components are specified 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 one of these water sources must not, in any water year, exceed:
- (a) 100% of the access licence share component for all access licences where share components are specified ML/year, or
 - (b) 1 megalitre 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)

39 Available water determinations for domestic and stock access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

40 Available water determinations for local water utility access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

41 Available water determinations for unregulated river access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 36 is to be made for unregulated river access licences,.

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 respective extraction management unit has been assessed to have been exceeded.

42 Available water determinations for unregulated river (high flow) access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 36 is to be made for unregulated river (high flow) access licences.

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

43 - 45 (Repealed)

[36] Part 7 Rules for granting access licences

Omit the notes after the Part heading. Insert instead:

Notes.

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

[37] Clause 46 Specific purpose access licences

Omit the note. Insert instead:

Note. Section 61 of the Act allows for a person to apply for a specific purpose access licence where the regulations or relevant water sharing plan provides that an application can be made.

[38] Clause 46 (1)

Omit the subclause.

[39] Clause 47 Granting of access licences as a result of controlled allocation

Omit the clause.

[40] Part 8 Rules for managing access licences

Insert the words “and the regulations” before the words “provide for the keeping” in the note.

[41] Clause 48 Individual access licence account management rules for the Murrumbidgee Unregulated Water Sources excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source

Omit the words “the Murrumbidgee Unregulated Water Sources” from the heading. Insert instead “these water sources”.

[42] Clause 48 (1)

Omit the words “the Murrumbidgee Unregulated Water Sources”. Insert instead “these water sources”.

[43] Clauses 49 – 54

Omit these clauses.

[44] Clause 56 Flow classes

Omit the words “Appendix 3” from the Note in subclause (5). Insert instead “Schedule 6”.

[45] Clause 57 Access rules for the taking of surface water

Omit the words “the Murrumbidgee Unregulated Water Sources” in subclause (1). Insert instead “these water sources”.

[46] Clause 57 (11) (b)

Omit the words “clause 15 of the *Water Sharing Plan for the Murrumbidgee Regulated Rivers Water Source 2003*”. Insert instead “the *Water Sharing Plan for the Murrumbidgee Regulated Rivers Water Source 2016*”.

[47] Clause 57 (11) (b) Note 1

Omit the words “clause 15 of the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*”. Insert instead “the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016*”.

[48] Clause 57 (22) (b) (ii)

Omit the words “Murrumbidgee Unregulated Water Sources”. Insert instead “water sources”.

[49] Clause 57 (22) (c)

Omit the subclause.

- [50] **Clause 57 (23) (c)**
Omit the subclause.
- [51] **Clause 58 Access rules for local water utility access licences in the Bungendore Alluvial Groundwater Source**
Omit the clause.
- [52] **Clause 59 Total daily extraction limits**
Omit the words “clause 58” in Note 1. Insert instead “clause 60”.
- [53] **Part 9 Rules for water Supply work approvals, Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works that take surface water**
Omit the words “that take surface water” from the heading of the Division.
- [54] **Clause 61 General**
Omit the words “the Murrumbidgee Unregulated Water Sources”. Insert instead “these water sources”.
- [55] **Clause 62 Granting or amending water supply work approvals**
Omit subclause (1) and the Note.
- [56] **Clause 62 (4)**
Omit the words “the Murrumbidgee Unregulated Water Sources”. Insert instead “these water sources”.
- [57] **Part 9, Division 2 Rules applying to granting and amending of water supply work approvals for water supply works that take groundwater**
Omit the Division.
- [58] **Part 9 Division 3 Rules for the use of water supply works used to take groundwater**
Omit the Division.
- [59] **Clause 74 Assignment of rights dealings**
Omit subclauses (1)(l) and (1)(m).
- [60] **Clause 74 (2) (b) (xix)**
Omit the subclause.
- [61] **Clause 75 Amendment of share component dealings (change of water source)**
Omit subclause (1)(c)(xix).

[62] Clause 76 Amendment of extraction component dealings

Omit subclauses (f) and (g).

[63] Clause 77 Assignment of water allocations dealings

Omit subclauses (1)(m) and (1)(n).

[64] Clause 77 (2)(b)(xix)

Omit the subclause.

[65] Clause 78 Interstate transfer of access licences and assignment of water allocations

Omit the words “the States” from subclause (1). Insert instead “, NSW and the other State or Territory”.

[66] Clause 78 (2)(a)(xix)

Omit the subclause.

[67] Clause 78 (4)

Omit the words “the States”. Insert instead “, NSW and the other State or Territory”.

[68] Clause 78 (5)(a)(xix)

Omit the subclause.

[69] Clause 79 Nomination of water supply works dealings

Omit the words “the States” in subclause (2). Insert instead “, NSW and the other State or Territory”.

[70] Clause 79 (3)

Omit the subclause. Insert instead:

- (3) A dealing under section 71W of the Act is prohibited if it involves 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.

[71] Clause 80 General

Omit subclause (a). Insert instead:

- (a) a requirement to notify the Minister will be 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.

[72] **Clause 81 General**

Omit the word ‘and’ after subclause (1)(c)(ii).

[73] **Clause 81**

Omit the words “, except for the holder of a salinity or water table management access licence,” from subclause (2) (b).

[74] **Clause 81 (2)(b)**

Omit the words “the Murrumbidgee Unregulated Water Sources” wherever occurring. Insert instead “these water sources”.

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

Omit the words “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 48 (2)”. Insert instead “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 48 (3)”.

[76] **Clause 81 (2)(b)(vi)**

Omit the subclause.

[77] **Clause 81 (2)(b)(viii)**

Omit the subclause.

[78] **Clause 81 (2)(c)**

Omit the subclause.

[79] **Clause 81 (4)**

Omit the subclause. Insert instead:

- (4) 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.

- (5) Subclauses (2), (3) and (4) 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*.

[80] Clause 82 General

Insert after subclause (1):

(1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.

(1B) Subclauses (1) (a) 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 (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 these water sources from 1 December 2022.

[81] Clause 82 (2)

Omit the words “or is nominated only by a salinity and water table management access licence,”.

[82] Clause 82

Insert after subclause (3):

(3A) 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, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.

(3B) Subclauses (2), (3) and (3A) 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*.

[83] Clause 82 (5)

Omit the subclause. Insert instead:

(5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition where required 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.

[84] Clause 82 (6)

Omit the words “or specified by the Minister in accordance with”.

[85] Clause 83 Water supply works used to take water from the Murrumbidgee Alluvial Groundwater Sources

Omit the clause.

[86] Clause 86 Part 4

Omit the clause.

[87] Clause 87 Part 6

Omit subclause (1) and the note. Insert instead:

- (1) 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 Murrumbidgee Regulated River Water Source.

[88] Clause 88 Part 8

Omit subclause (1)(e).

[89] Clause 88 (1)(j)

Omit “(f) or (h)” and insert instead “(g) or (i)”.

[90] Clause 88 (1)(k)

Omit “(g) and (h)” and insert instead “(h) or (i)”.

[91] Clause 89 Part 9

Omit subclauses (b) – (d). Insert instead:

- (b) amend the definition of a replacement surface water supply work in clause 62 (4).

[92] Clause 90 Part 10

Omit the clause. Insert instead:

Clause 90 Part 10

Part 10 may be amended to permit conversion of regulated river (high security) access licences in the Murrumbidgee Regulated River Water Source to access licences in unregulated river water sources that are upstream of Burrinjuck Dam or Blowering Dam

[93] Clause 91 Part 11

Omit the clause. Insert instead:

91 Part 11

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

[94] Clause 93 Schedules

Omit subclauses (8) and (9).

[95] Clause 94 Other

Omit subclause (1)(a) and the note.

[96] Clause 94 (1)(f)

Omit the subclause.

[97] Clause 94 (1)(g)

Omit the subclause.

[98] Clause 94 (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.

[99] Dictionary

Omit the following definitions:

alluvial sediments, drawdown, fractured rock, grazeable area, groundwater dependent ecosystem, high environmental value areas, Minimum Construction Requirements for Water Bores in Australia, porous rock, recharge.

[100] Dictionary

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.

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

Murrumbidgee 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.

target ecological populations are 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 are 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.

[101] Dictionary

In the definition of *trading zone*, omit the words “clause 71”. Insert instead “clause 72”.

[102] Schedule 6 Contamination sources in these water sources

Omit the Schedule. Insert instead:

Schedule 6 Office

NSW Department of Planning, Industry and Environment - Water

Private Mail Bag

YANCO NSW 2703

[103] Schedule 7 High priority groundwater dependent ecosystems

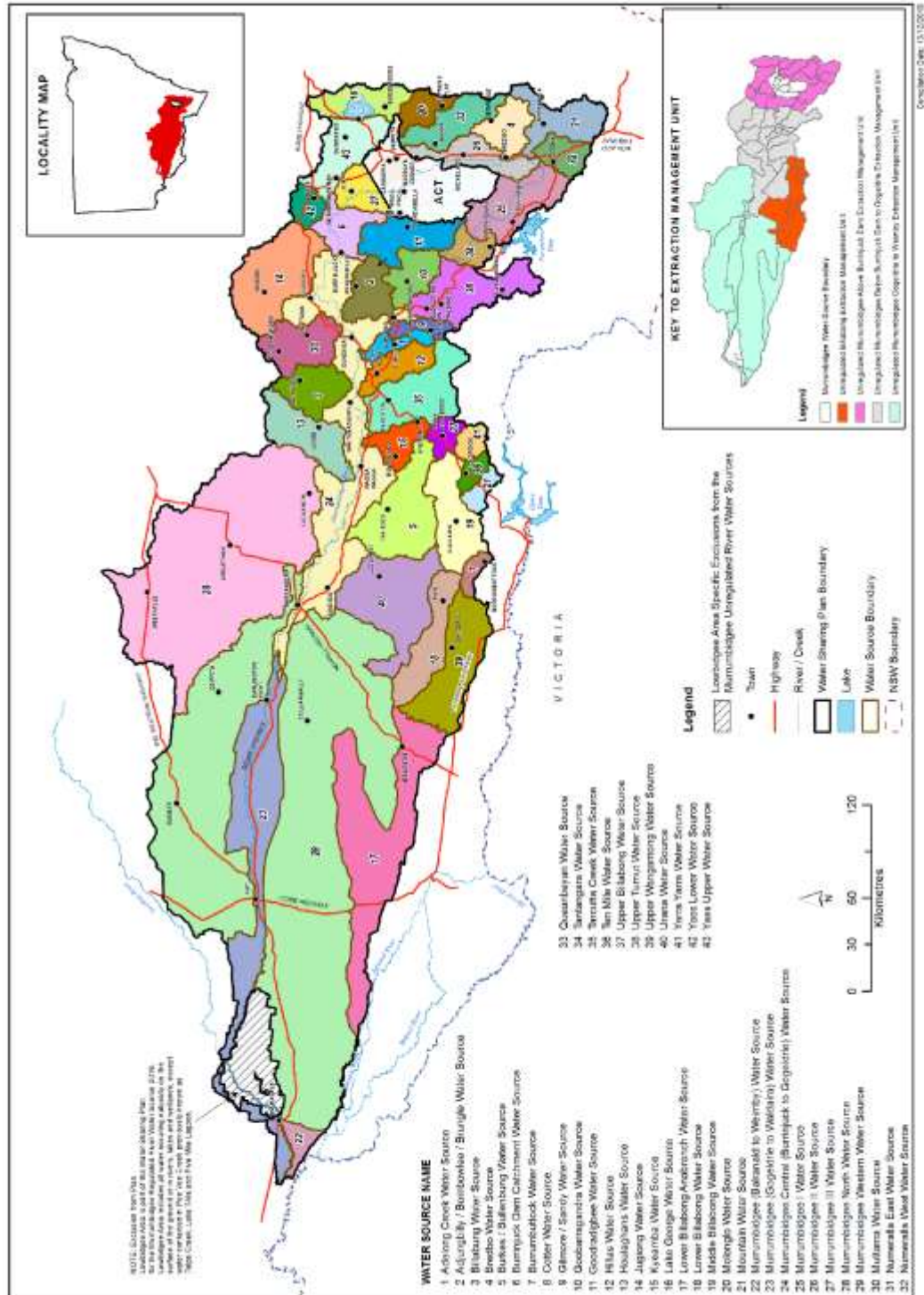
Omit the Schedule.

[104] Appendix 1 Overviews of the Plan Map

Omit the Appendix. Insert instead:

Appendix 1 Overview of the Plan Map

Overview of Plan Map (WSP023_Version 3), Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012



Omit the appendix.

[106] Appendix 3 Office

Omit the appendix.