

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37 (Repealed)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- (3) (Repealed)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

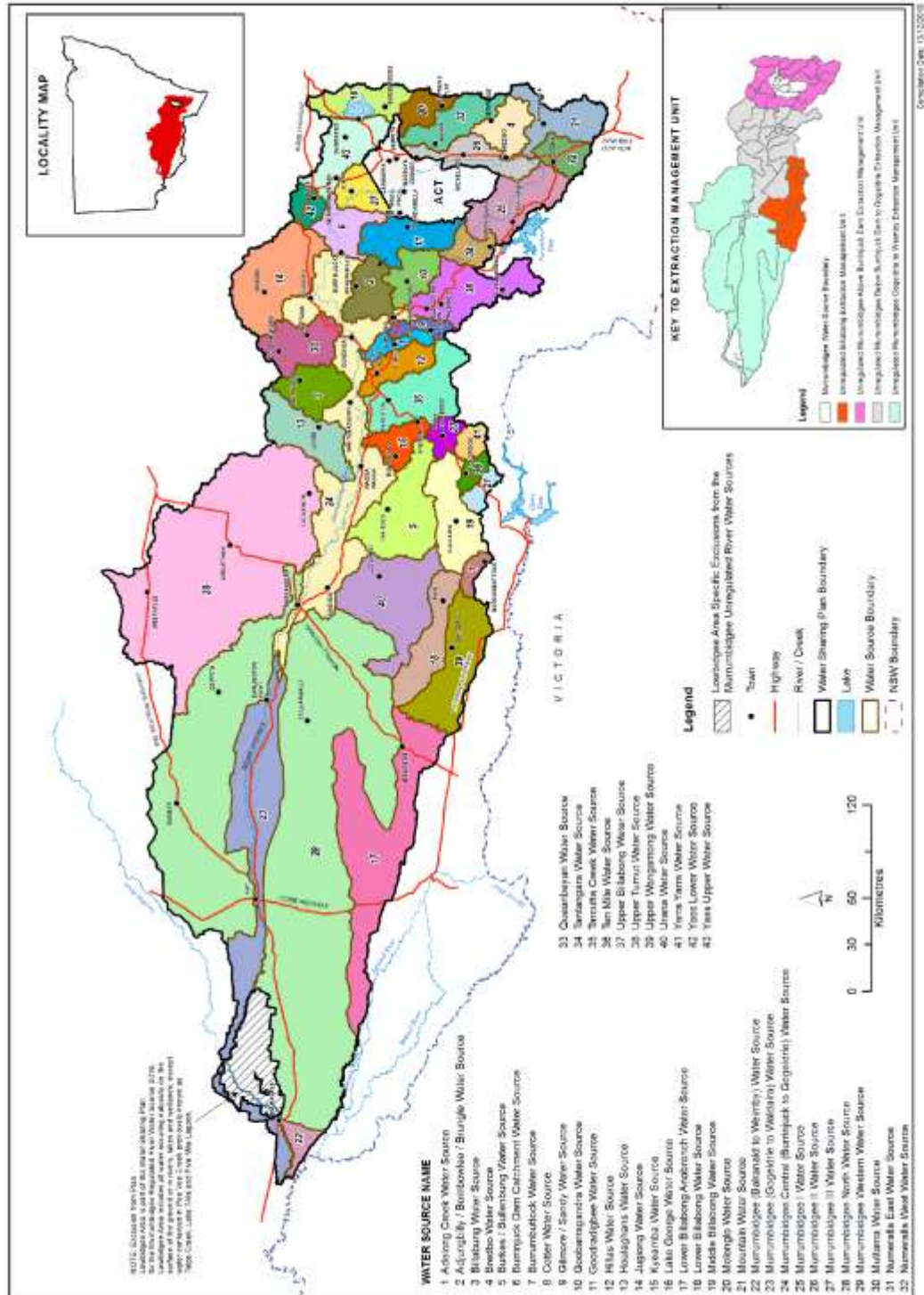
Omit the Schedule.

[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.