

Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2019

[2019-303]



New South Wales

Status Information

Currency of version

Repealed version for 28 June 2019 to 29 June 2020 (accessed 27 July 2024 at 21:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

This Plan was repealed by cl 3 of the [Water Sharing Plan for the Murrumbidgee Alluvial Groundwater Sources Order 2020 \(345\)](#) with effect from 30.6.2020.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2019



New South Wales

Contents

Part	6
Notes	6
Part 1 Introduction	6
1 Name of Plan	6
2 Nature and status of this Plan	6
3 Date of commencement	6
4 Area to which this Plan applies	6
5 Waters to which this Plan applies	7
6 Interpretation	7
Part 2 Vision, objectives, strategies and performance indicators	7
7 Vision, objectives, strategies and performance indicators	7
8 Vision	7
9 Objectives	8
10 Strategies	8
11 Performance indicators	8
Part 3 Basis for water sharing	9
12 Basis for water sharing	9
13 Climatic variability	9
14 Recharge	9

Part 4 Environmental water provisions	10
15 Environmental water provisions	10
16 Planned environmental water	10
17 Adaptive environmental water	11
Part 5 Basic landholder rights	12
18 Basic landholder rights	12
19 Domestic and stock rights	13
20 Native title rights	13
Part 6 Bulk access regime	13
21 Bulk access regime	13
Part 7 Requirements for water for extraction under access licences	14
22 Requirements for water under access licences	14
23 Share components of domestic and stock access licences	14
24 Share components of local water utility access licences	15
25 Share components of aquifer access licences	15
26 Changes to share components	15
Part 8 Rules for granting access licences	15
27 Rules for granting access licences	15
Part 9 Limits to the availability of water	17
Division 1 Long-term average extraction limits	17
28 Extraction limits	17
29 Variation of extraction limits	17
30 Compliance with extraction limits	17
Division 2 Available water determinations	18
31 Available water determinations	18
Part 10 Rules for managing access licences	19
Division 1 General	19

32 Rules for managing access licences	19
Division 2 Water allocation account management	19
33 Water allocation account management.....	19
34 Water allocation accounts	19
35 Accrual of water allocations.....	19
36 Annual accounting for water extraction.....	19
Division 3 Management of local impacts.....	20
37 Management of local impacts.....	20
38 Water level management	20
39 Water quality management	21
40 Protection of groundwater dependent ecosystems	22
41 Protection of aquifer integrity	22
42 Extraction restrictions	23
43 Group registration	23
44 Infrastructure failure.....	23
Part 11 Access licence dealing rules	24
45 Access licence dealing rules	24
46 Rules relating to constraints within a Groundwater Source	24
47 Rules for change of water source	24
48 Rules for conversion of access licence category.....	25
49 Rules for interstate access licence transfer	25
50 Rules for water allocation assignments between water sources	25
51 Rules for interstate assignment of water allocations	26
Part 12 Mandatory conditions	26
52 Mandatory conditions on access licences.....	26
53 Access licence conditions	26
54 Mandatory conditions on water supply work (bore) approvals	27
Part 13 Monitoring and reporting.....	28
55 Monitoring	28
Part 14 Amendment of this Plan	29

56 Amendment of this Plan 29

57 Amendment relating to planned environmental water 29

Dictionary 29

Schedule 2 Lower Murrumbidgee Groundwater Sources.....31

Schedule 3 High priority groundwater dependent ecosystems.....32

Appendix 1 Murrumbidgee, Lachlan and Murray Water Management Areas
..... 32

Appendix 2 Location of maps..... 32

Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2019



New South Wales

Notes—

- 1 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.
- 2 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.

Part 1 Introduction

1 Name of Plan

This Plan is the [Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2019](#) (hereafter **this Plan**).

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the [Water Management Act 2000](#) as amended (hereafter **the Act**).
- (2) This Plan covers the core provisions of section 20 of the Act for water sharing, and additional provisions of section 21 of the Act, and other relevant matters.

3 Date of commencement

This Plan takes effect on 1 July 2019.

4 Area to which this Plan applies

The area in respect of which this Plan is made is that area of land within the Murrumbidgee, Lachlan and Murray Water Management Areas known as the Lower Murrumbidgee Groundwater Sources (hereafter **these Groundwater Sources**) as shown on the map in Schedule 2.

Note—

The Murrumbidgee, Lachlan and Murray Water Management Areas are shown on the map in Appendix 1.

5 Waters to which this Plan applies

- (1) The groundwater sources referred to in this Plan are—
 - (a) the Lower Murrumbidgee Shallow Groundwater Source (***the Shallow Groundwater Source***), characterised by the Shepparton Formation, which is generally yellow and brown poorly sorted sand and clay sediments that extend to a depth of between 50 and 70 metres below the ground surface. The Shallow Groundwater Source extends to a depth of 40 metres, or the bottom of the Shepparton formation, whichever is the deeper, and
 - (b) the Lower Murrumbidgee Deep Groundwater Source (***the Deep Groundwater Source***), generally represented by the Calivil and Renmark Formations, which are characterised by pale grey to white quartz sand layers, with lenses of grey to white clay, extending from the bottom of the Shepparton down to the bedrock, with a typical thickness of 100 to 300 metres.

Note—

Maps referred to in this Plan may be inspected at offices of the Department listed in Schedule 2. A schematic representation of these groundwater sources is also available at these offices.

- (2) The water in these Groundwater Sources includes all water contained in the Shepparton, Calivil and Renmark unconsolidated alluvial aquifers.

6 Interpretation

- (1) Terms that are defined in the Act have the same meaning in this Plan and the effect of these terms may be explained in Notes.
- (2) Additional terms to those identified in subclause (1) are defined in Schedule 1.
- (3) Notes in the text of this Plan do not form part of this Plan.
- (4) Schedules to this Plan form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

7 Vision, objectives, strategies and performance indicators

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

8 Vision

The vision for this Plan is the optimal, equitable and sustainable management of groundwater for environmental, economic and social purposes in the Lower Murrumbidgee.

9 Objectives

The objectives of this Plan are to—

- (a) share groundwater sustainably between users and the environment,
- (b) share groundwater equitably amongst extractive users,
- (c) provide for basic landholder rights and priorities of use,
- (d) protect groundwater quality,
- (e) maximise the social, economic and environmental benefits of groundwater management strategies, and
- (f) minimise the negative social and economic impacts of groundwater management strategies.

10 Strategies

The strategies of this Plan are to—

- (a) establish environmental water rules and manage access to groundwater consistent with those rules,
- (b) establish rules for the protection of basic landholder rights,
- (c) establish an extraction limit for each Groundwater Source, taking into account the requirements of the environment,
- (d) establish rules for the granting of access licences,
- (e) establish rules for determining the groundwater available from time to time under access licences,
- (f) establish water allocation account management rules,
- (g) establish rules for minimising the local impacts of groundwater extraction on the environment, the aquifer itself, and between users,
- (h) establish the access licence dealing rules, and
- (i) establish the mandatory conditions that will apply to all access licences and water supply work (bore) approvals.

11 Performance indicators

For the purpose of section 35 (1) (b) of the Act, the following indicators are to be used to determine the performance of this Plan against its objectives—

- (a) change in groundwater extraction relative to the extraction limits,

- (b) change in climate adjusted groundwater levels,
- (c) change in water levels adjacent to identified groundwater dependent ecosystems,
- (d) change in groundwater quality,
- (e) change in economic benefits derived from groundwater extraction and use,
- (f) change in structural integrity of the aquifer,
- (g) extent to which domestic and stock requirements have been met,
- (h) extent to which local water utility requirements have been met,
- (i) extent to which native title rights requirements have been met, and
- (j) extent of recognition of spiritual, social and customary values of groundwater to Aboriginal people.

Part 3 Basis for water sharing

12 Basis for water sharing

This Part is made in order to give effect to section 5 (3) of the Act, and in accordance with sections 20 (2) (c) and 21 (e) of the Act.

13 Climatic variability

- (1) This Plan recognises climatic variability and therefore that the level of natural recharge to these Groundwater Sources will vary.
- (2) To give effect to subclause (1), this Plan has provisions that manage—
 - (a) the sharing of water in these Groundwater Sources within the limits of water availability on a long-term average basis, and
 - (b) water extractions to enable the protection of groundwater dependent ecosystems, aquifer integrity and water quality of these Groundwater Sources.

14 Recharge

- (1) The overall basis for water sharing in this Plan is the average annual recharge to these Groundwater Sources, plus the requirements for basic landholder rights at the commencement of this Plan and is as follows—
 - (a) 65,000 megalitres per year (hereafter **ML/yr**), plus the requirements for basic landholder rights at the commencement of this Plan for the Shallow Groundwater Source and,
 - (b) 335,000 ML/yr, plus the requirements for basic landholder rights at the

commencement of this Plan for the Deep Groundwater Source.

Note—

The recharge to the Shallow Groundwater Source of 65,000 megalitres is the net recharge resulting from inflow of 400,000 megalitres minus 335,000 ML/yr that passes through to the underlying Deep Groundwater Source, and is 65,000 ML/yr.

Note—

These recharge figures incorporate some recharge from irrigation losses to the shallow groundwater system. It is expected that, as irrigation losses diminish through infrastructure refurbishment and water efficiency measures, this component of the recharge will also diminish.

- (2) The Minister may under section 45 (1) (b) of the Act, amend subclause (1) to vary the average annual recharge values for these Groundwater Sources following further recharge studies undertaken by the Minister.

Note—

The extent of impact of this change on access by licence holders is limited by the provisions in clause 29.

Part 4 Environmental water provisions

15 Environmental water provisions

This Part is made in accordance with sections 5 (3) and 8 (1), 8 (2) and 20 (1) (a) of the Act.

16 Planned environmental water

Note—

It is anticipated that the planned environmental water provisions in this Part and management of local impact provisions in Part 10 of this Plan will also protect the cultural and spiritual values of groundwater.

- (1) This Plan establishes the following planned environmental water rules—

- (a) subject to Part 10 Division 2 of this Plan, the physical water contained in the storage component of these Groundwater Sources, will be reserved for the environment,
- (b) subject to Part 10 Division 2 of this Plan 55,000 ML/yr of the average annual recharge to the Shallow Groundwater Source is reserved for the environment.
- (c) subject to Part 10 Division 2 of this Plan 65,000 ML/yr of the average annual recharge to the Deep Groundwater Source is reserved for the environment.

- (2) The Minister may under section 45 (1) (b) of the Act, amend subclause (1) to vary the proportion of recharge reserved as planned environmental water based on further studies of groundwater ecosystem dependency undertaken by the Minister.

Note—

The studies may recommend management options other than reservation of a portion of recharge to protect groundwater dependant ecosystems.

Note—

The extent of impact of this change on access by licence holders is limited by the provisions in clause 29.

17 Adaptive environmental water

- (1) Water may be committed in these Groundwater Sources for environment purposes by an adaptive environmental water condition pursuant to section 8B of the Act.
- (2) The holder of an access licence may request that the Minister impose an adaptive environmental water condition in respect of the whole or a part of the share component of the access licence.
- (3) The condition imposed under subclause (2) will continue until the holder requests its removal.
- (4) An access licence may be held by the Minister, Local Land Services or another public body to the extent that the whole or part of that access licence has been surrendered as a result of on farm water savings made by works or other improvements, subject to—
 - (a) the share component of the access licence held being equal to the value of the on-farm water savings made,
 - (b) the access licence held being the highest priority category in these Groundwater Sources, other than a specific purpose category, and
 - (c) an adaptive environmental water condition being imposed on the access licence and that condition not being removed.
- (5) The adaptive environmental water condition specified in subclause (1) and the plan for implementation of that condition, as required by section 8E (7) of the Act—
 - (a) are to be established by the Minister, and
 - (b) shall be such as to ensure that there will be a contribution to the objectives of this Plan.
- (6) The allocation of water for access licences with an adaptive environmental water condition will be in accordance with the available water determination for the relevant category of access licence under this Plan.
- (7) If the adaptive environmental water condition on an access licence requires the water to be left in the water source for environmental purposes, then the water allocation account is to be debited when the water is available in accordance with the adaptive environmental water condition on the access licence.

- (8) If the adaptive environmental water condition requires the environmental water to be taken from the water source then the water allocation account is to be debited when it is taken.
- (9) For the purposes of auditing compliance with the long-term extraction limit under this Plan, water credited to an access licence that has been committed as adaptive environmental water shall be accounted for as extraction where it occurs pursuant to a licence under subclause (2) or subclause (4).
- (10) To the extent that the water allocation of an access licence which is subject to an adaptive environmental water condition is not required to meet the requirement of the condition it may be the subject of an assignment dealing in accordance with the Dealings Rules in this Plan.
- (11) Notwithstanding subclause (10) an access licence with an adaptive environmental water condition may be the subject of any other dealing permitted by the Dealing Rules in this Plan, provided the benefit to the environment provided for in the adaptive environmental condition is not diminished.
- (12) At the commencement of this clause, there were no access licences with an adaptive environmental water condition in these Groundwater Sources.

Part 5 Basic landholder rights

18 Basic landholder rights

- (1) This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.
- (2) If a landholder is unable to exercise their basic landholder rights due to interference of their supply by extraction authorised by access licences—
 - (a) the Minister may amend a water supply works approval to allow the landholder's affected bore to be replaced or deepened to ensure continuing access to water for basic landholder rights, or
 - (b) the Minister may amend another water supply works approval so that basic rights water may be supplied by an alternative water supply work during critical times.
- (3) In accordance with the legislative requirements, the Minister may impose a charge on access licence holders in these Groundwater Sources under section 114 of the Act, as a contribution to the costs of activities or works associated with subclause (2).
- (4) Basic landholders rights exercised under section 52 of the Act must be exercised in accordance with any guidelines established by the Minister with respect to the reasonable use of water for domestic consumption and stock watering by landholders authorised to use water for either or both of those purposes.

Note—

The Minister may, by order made under section 323 of the Act, impose temporary restrictions on basic landholder rights when it is necessary to do so in the public interest, such as to cope with a water shortage or threat to public health or safety.

Note—

The Minister may enforce any reasonable use guidelines by serving orders on individual landholders under section 325 of the Act. The Minister may also order individual landholders accessing basic landholder rights to take specified measures to protect the environment, to preserve basic landholder rights or to overcome a threat to public health under section 328 of the Act.

19 Domestic and stock rights

Note—

It is not recommended that the water from these Groundwater Sources be consumed without prior treatment. Land use activities may have polluted the groundwater in some areas.

- (1) At the commencement of this Plan, the water requirements of holders of domestic and stock rights are estimated to be a total of 14,500 ML/yr, comprising—
 - (a) 10,875 ML/yr in the Lower Murrumbidgee Shallow Groundwater Source,
 - (b) 3,625 ML/yr in the Lower Murrumbidgee Deep Groundwater Source,
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note—

Increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings overlying these Groundwater Sources, or as a result of the increase in the exercise of basic landholder rights by existing landholders.

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 any determination of native title.

Notes—

- 1 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.
- 2 Native title rights may be exercised in accordance with the [Native Title Act 1993](#) of the Commonwealth including section 211 of that Act.

Part 6 Bulk access regime

21 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these Groundwater Sources having regard to—

- (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2)—
- (a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 2 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 9 and 10 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 9 of this Plan.

Part 7 Requirements for water for extraction under access licences

22 Requirements for water under access licences

This part is made in accordance with section 20 (1) (c) of the Act.

Note—

The amount of water specified in this Part represents the total volumes or total shares specified in the share components on access licence in these Groundwater Sources. The actual volume of water available at any time will depend on climate, access licence priority and the rules in this Plan.

23 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to extract water from these Groundwater Sources will total 324 ML/yr, distributed as follows—

- (a) 0 ML/yr in the Shallow Groundwater Source, and
- (b) 324 ML/yr in the Deep Groundwater Source.

24 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to extract water from these Groundwater Sources will total 2,210 ML/yr, distributed as follows—

- (a) 0 ML/yr in the Shallow Groundwater Source, and
- (b) 2,210 ML/yr in the Deep Groundwater Source.

Note—

Local water utility access licences at the commencement of the Plan were for the towns of Carrathool, Coleambally and Darlington Point.

25 Share components of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to extract water from these Groundwater Sources will total 278,069 ML/yr, distributed as follows—

- (a) 5,201 ML/yr in the Shallow Groundwater Source, and
- (b) 272,868 ML/yr in the Deep Groundwater Source.

26 Changes to share components

This Plan recognises that the total requirements for water for extraction within these Groundwater Sources may change during the term of this Plan as a result of—

- (a) the granting, surrender or cancellation of access licences, or
- (b) the variation of local water utility access licences under section 66 of the Act.

Part 8 Rules for granting access licences

27 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b), 61 and 63 of the Act, having regard to the limits to water availability in these Groundwater Sources and the need to protect groundwater dependent ecosystems and groundwater quality.
- (2) Applications for access licences may be made and access licences granted in these Groundwater Sources if they are for—
 - (a) a specific purpose access licence for which application is provided for under clause 10 of the [Water Management \(General\) Regulation 2018](#) (hereafter **the Regulation**) in accordance with section 61 (1) (a) of the Act,

Note—

At the commencement of this Plan, clause 10 of the Regulation provides for the following specific

purpose access licences to be applied for—

- (a) a local water utility access licence (subcategory “domestic and commercial”), for the purpose of domestic consumption and commercial activities,
- (b) a domestic and stock access licence (subcategory “domestic”), for the purpose of domestic consumption,
- (c) an aquifer access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities, and
- (d) any category of specific purpose access licence (subcategory “Aboriginal cultural”), for Aboriginal cultural purposes.

Note—

Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility’s share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.

- (b) an access licence with a zero share component in accordance with sections 61 (1) (b) and 63 (5) of the Act,
 - (c) an access licence that may be granted in accordance with a dealing that is permitted by Part 11 of this Plan,
 - (d) an aquifer (community and education) access licence, or
 - (e) an access licence within the Shallow Water Source that accesses water from less than 20 metres below the ground surface and, in the opinion of the Minister, are in areas where the water table has risen, and lowering of the water table is required, and only if the sum of all access licence share components in the Shallow Water Source remain below 10,000.
- (3) In applying for a new access licence in accordance with subclause (2) (a) or 2 (d), the applicant must establish the purpose and circumstances relating to that access licence, and that the share and extraction component sought will be the minimum required to meet that purpose and circumstance.
- (4) Access licences granted under this Part cannot be used to extract water through a water supply work (bore) located in areas where the extraction authorised by the access licence plus the full extraction authorised by existing access licences nominating water supply works (bores) located in the area and the exercise of basic landholder rights, are likely to cause an adverse local impact, as outlined in Part 10 Division 3 of this Plan.

Part 9 Limits to the availability of water

Division 1 Long-term average extraction limits

28 Extraction limits

- (1) This Division is made in accordance with section 20 (2) (a) of the Act.
- (2) The extraction limit for each Groundwater Source each year of this Plan is the recharge established in clause 14, minus the proportion of recharge reserved as planned environmental water in clause 16, plus the total requirements for basic landholder rights at the commencement of this Plan, and are as follows—
 - (a) 10,000 ML/yr in the Shallow Groundwater Source, plus the total requirements for basic landholder rights at the commencement of this Plan, and
 - (b) 270,000 ML/yr in the Deep Groundwater Source, plus the total requirements for basic landholder rights at the commencement of this Plan.

29 Variation of extraction limits

- (1) The Minister may under section 45 (1) (b) of the Act amend clause 28 to vary the extraction limit in accordance with—
 - (a) any change to the average annual recharge arising from clause 14 (2), or
 - (b) any change to the environmental health water arising from clause 16 (2).
- (2) If the extraction limit is amended under subclause (1) then—
 - (a) the extraction limit will not be greater than 390,000 ML/yr in the Deep Groundwater Source, plus the total requirements for basic landholder rights at the commencement of this Plan, and
 - (b) the extraction limit will not be less than 230,000 ML/yr in the Deep Groundwater Source, plus the total requirements for basic landholder rights at the commencement of this Plan.

30 Compliance with extraction limits

- (1) Water extraction in these Groundwater Sources will be monitored each water year to determine if there is any growth in volume extracted above the extraction limit specified in clause 28, based on a comparison of the extraction limit against the average extraction within each Groundwater Source over that year and the preceding 2 years.

Note—

Growth in extractions may occur due to the granting of new licences in accordance with Part 8 of this Plan.

- (2) For the purposes of auditing compliance with the extraction limit, if water that—

- (a) pursuant to an access licence is committed as adaptive environmental water to be left in the aquifer for environmental purposes, then extraction will be assumed to be equal to 100% of the available water determination made under clause 31, or
 - (b) pursuant to an access licence is committed as adaptive environmental water to be extracted for environmental purposes, then extraction will be that measured through the approved water supply work (bore).
- (3) If the 3 year average of extraction in a Groundwater Source exceeds the extraction limit established in clause 28 by 5% or greater, then the available water determination made for aquifer access licences under clause 31 (5) for the following water year, should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the extraction limit for that Groundwater Source.

Division 2 Available water determinations

31 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these Groundwater Sources shall be expressed as either—
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit of share component for all access licences where share components are specified as a number of shares.
- (3) An available water determination for each category of access licence in these Groundwater Sources should be made at the commencement of each water year.
- (4) The available water determinations made at the commencement of the water year for domestic and stock and local water utility access licences should be 100% of share components.
- (5) The available water determination made at the commencement of the water year for aquifer access licences should be such that the total of available water determinations under this clause for each Groundwater Source equals the extraction limit set in clause 28 (2) as varied by clause 29 minus the total requirements for basic landholder rights, minus the total available water determinations for domestic and stock and local water utility access licences, or such lower amount as results from the operation of clause 30 (3) or subclause (6).
- (6) The available water determination for all aquifer access licences in the Shallow Groundwater Source will not exceed 1 ML per unit of share component.

Part 10 Rules for managing access licences

Division 1 General

32 Rules for managing access licences

This Part is made in accordance with sections 20 (2) (b), 21 (a) and 21 (c) of the Act, having regard to—

- (a) the environmental water rules established in Part 4 of this Plan,
- (b) requirements for water to satisfy basic landholder rights identified in Part 5 of this Plan, and
- (c) requirements for water for extraction under access licences in Part 7 of this Plan.

Division 2 Water allocation account management

33 Water allocation account management

This Division is made in accordance with sections 20 (2) (b) and 21 (c) of the Act.

34 Water allocation accounts

In accordance with section 85 of the Act, a water allocation account shall be established for each access licence in these Groundwater Sources.

Note—

Water allocation may be assigned to, or from, these accounts by a water allocation assignment made under section 71T of the Act, where these are allowed under rules specified in Part 11 of this Plan.

35 Accrual of water allocations

Water allocations will be accrued into these water allocation accounts each water accounting year in accordance with the Minister's available water determinations as specified in clause 31.

36 Annual accounting for water extraction

- (1) Water taken from these Groundwater Sources will be accounted for at least annually.
- (2) Water taken by a water supply work (bore) nominated by an access licence will be periodically debited against the access licence water allocation account.
- (3) A water allocation account shall remain at or above zero at all times.
- (4) Unused water allocations in the water allocation accounts of domestic and stock access licences or of local water utility access licences cannot be carried over from one water year to the next.

- (5) In any water year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken under a local water utility access licence or a domestic and stock access licence may not exceed a volume equal to—
 - (a) 100% of the share component of the access licence,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act in that year,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (d) minus any water allocations assigned to another licence under section 71T of the Act in that year.
- (6) Unused water allocations in the water allocation accounts of aquifer access licence may be carried over from one water year to the next, subject to subclause (7).
- (7) The maximum amount of unused water allocations that can be carried over under subclause (6) is equal to 2 ML per unit of share component.
- (8) In any water year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken from these Groundwater Sources under an aquifer access licence may not exceed a volume that is equal to—
 - (a) 2 ML per unit of aquifer access licence share component,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act in that year, and
 - (c) minus any water allocations assigned to another access licence under section 71T of the Act in that year.

Division 3 Management of local impacts

37 Management of local impacts

This Division is made in accordance with section 21 (a) of the Act.

38 Water level management

- (1) The Minister may declare that, in order to protect water levels within these Groundwater Sources, local access rules are to apply in a defined area known as a local impact area.
- (2) Local extraction restrictions will first apply once contoured drawdown or recovery depths exceed trigger levels specified by the Minister for 2 or more successive years, or unacceptable levels of drawdown or recovery specified by the Minister are observed in a single year.

- (3) Local extraction restrictions will apply to such an extent and for such time as to reduce the rate of pressure decline, or in response to unacceptable seasonal drawdown or recovery, to ensure pressure recovery occurs to acceptable levels.
- (4) Local extraction restrictions may increase to prevent unacceptable seasonal drawdown and unacceptable recovery levels, as specified by the Minister.
- (5) In the Shallow Groundwater Source, if the depth to the watertable outside areas where the water table has risen unnaturally, and its lowering is required, is identified as having a declining trend to the extent that local ecosystems could be adversely impacted upon, then a review of extraction by access licence holders in the affected area will be undertaken.
- (6) If the review in subclause (5) reveals it is required, extraction will be restricted in the local impact area to such an extent and for such a time as required to stabilise and if necessary restore the watertable to an appropriate level, as determined by the Minister.
- (7) This clause does not apply to local water utility access licences.

Note—

This clause recognises that in some locations, at certain periods of high groundwater demand, critical water level declines may occur, and that additional extraction limitations may be required.

Groundwater pressures are referenced to the top of the relevant aquifer. A local impact area is to be identified from a map of the piezometric surface change, showing seasonal, annual or longer patterns of drawdown or recovery in an aquifer.

39 Water quality management

- (1) The beneficial uses of these Groundwater Sources, based on the beneficial use classes identified in the Australian and New Zealand Environment and Conservation Council *Water Quality Guidelines 2001*, and the National Health and Medical Research Council *Raw Water for Drinking Purposes Guidelines 1996*, are
 - (a) ecosystem protection and agricultural water for the Shallow Groundwater Source, and
 - (b) raw water for drinking, ecosystem protection and agricultural water for the Deep Groundwater Source.

Note—

It is not recommended that the groundwater from these Groundwater Sources be consumed without prior treatment. Land use activities may have polluted the groundwater in some areas.

- (2) Water quality decline will be deemed unacceptable if extraction is likely to cause water quality to decline to a lower beneficial use class.

- (3) The Minister may declare that, in order to protect water quality within these Groundwater Sources, local access rules are to apply in a defined area known as a local impact area.
- (4) If unacceptable water quality declines are occurring, extraction from all water supply works (bores) within a local impact area declared under subclause (3) that are nominated by an access licence will be restricted to such an extent and for such a time as is required to halt that decline, or restore the beneficial uses of these Groundwater Sources.

40 Protection of groundwater dependent ecosystems

- (1) High priority groundwater dependent ecosystems are listed in Schedule 3.
- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 3, based on further studies of groundwater ecosystem dependency undertaken by the Minister.
- (3) The Minister should consult with the Minister for the Environment before adding further high priority groundwater dependent ecosystems to Schedule 3.
- (4) Extraction of groundwater from a new or replacement water supply work (bore) is excluded within 200 metres of designated high priority groundwater dependent ecosystems, or any creek or river, for those exercising basic landholder rights, and 1,000 metres for extraction authorised by all other access licences, unless the water supply work (bore)—
 - (a) only draws water from an aquifer at depths as approved by the Minister, and
 - (b) has an impermeable seal constructed within the annulus of the bore to isolate aquifers preventing water ingress from the restricted aquifer, as specified by the Minister.
- (5) Subclause (4) will not apply to extraction from an existing water supply work (bore) until such time as the work is replaced.

41 Protection of aquifer integrity

- (1) The Minister may declare that, in order to protect the integrity of the aquifers within these Groundwater Sources, local access restrictions are to apply in a defined area known as a local impact area.
- (2) The Minister may, on presentation of evidence of land subsidence or aquifer compaction, restrict extraction from all water supply works (bores) within a local impact area declared under subclause (1), that are nominated by an access licence, to such an extent and for such time as to stabilise that subsidence or compaction.

Note—

This clause recognises that damage of aquifers through excessive water storage loss is irreversible, and destroys the resource for future water users, including the environment.

42 Extraction restrictions

The Minister may, in the event of local impact restrictions arising from this Division, impose by Order a reduction in annual, quarterly, monthly, weekly or daily extraction rates from water supply works (bores) in the affected area.

43 Group registration

This Plan allows for the formation of a group of access licences with respect to the sharing of local impact restrictions arising from this Division, subject to the following rules—

- (a) the group register will be maintained by the Minister,
- (b) holders of access licences must make a request to the Minister to form a group,
- (c) total extraction by all access licences within a group will be assessed as a whole against their combined restricted extraction and must not exceed that amount,
- (d) no access licence holder within the group may extract more than is permitted by Division 2 of this Part in any one water accounting year as a result of participation in a group,
- (e) an access licence holder may apply to be removed by the Minister from the group and the extraction by the group will be reduced by the extraction restriction of that access licence,
- (f) an access licence holder may apply to be added by the Minister to the group and the combined restricted extraction of the group will be increased by the extraction restriction of that access licence, and
- (g) the Minister reserves the right to remove a licence holder from a group where that individual causes the group extraction restriction to be exceeded, or to dissolve a group where its members exceed their combined extraction restriction.

44 Infrastructure failure

- (1) The operational rules relating to local impact management may rely on water levels at specified monitoring bores.
- (2) In the event of a monitoring bore failure the Minister may—
 - (a) continue with the current access rules until the monitoring bore is reinstated,
 - (b) adjust the current access rules based on climatic conditions and any other monitoring bore information, until the monitoring bore is reinstated, or
 - (c) rely on another monitoring bore in the area to provide information.

Part 11 Access licence dealing rules

45 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (d) of the Act and with the Minister's access licence dealing principles gazetted under section 71Z of the Act.
- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71Z of the Act and the rules in this Part.

Note—

There are a number of mechanisms within the Act, called access licence dealings, to change either the ownership of all or part of an access licence, or the location within a water source at which all or part of the share and extraction components of access licences can be exercised. These dealings are governed by the principles in section 5 of the Act, Minister's access licence dealing principles, and the rules in this Part.

Note—

Where there is an inconsistency between access licence dealing rules established in this Plan and Minister's access licence dealing principles gazetted subsequent to the commencement of this Plan, section 71Z of the Act provides for the Minister's access licence dealing principles to prevail.

46 Rules relating to constraints within a Groundwater Source

- (1) This clause applies to any relevant dealings under sections 71Q, 71S, and 71W of the Act, and section 71T of the Act with respect to water allocation assignments within a Groundwater Source.
- (2) Dealings are prohibited under this clause if—
 - (a) any of the access licences or water allocations involved are not within these Groundwater Sources, or
 - (b) the dealing would result in the total extraction under access licences through nominated works in an area, plus basic landholder rights extraction, causing any adverse local impact in accordance with Part 10 Division 3 of this Plan.

47 Rules for change of water source

- (1) This clause relates to dealings under section 71R of the Act.

Note—

Section 71R dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been effected, if permitted, the new licence will have to nominate specified works (by a dealing under section 71W of the Act) in the receiving water source before extraction can commence.

- (2) Dealings under this section 71R of the Act that change the water source to which an access licence applies are prohibited in these Groundwater Sources, except as

provided for in this clause.

- (3) An access licence with a share component specifying one of these Groundwater Sources may be cancelled and a new licence issued specifying another of these Groundwater Sources only if the total share components of all access licences in the Groundwater Source in which the access licence is to be issued remains below—
 - (a) for the Shallow Groundwater Source: the recharge established in clause 14 (1) (a) minus the proportion of recharge reserved for the environment in clause 16 (1) (b),
 - (b) for the Deep Groundwater Source: the recharge established in clause 14 (1) (b) minus the proportion of recharge reserved for the environment in clause (16) (1) (c), minus total volume of share components for domestic and stock access licences established in clause 23 (b), minus the volume or share components for local water utilities as established clause 24 (b).
- (4) The volume of the share component on a licence issued under a dealing provided for in subclause (3) is to be the volume of the cancelled access licence share component.

48 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 710 of the Act.
- (2) Dealings that result in conversion of an access licence of one category to an access licence of another category are prohibited in these Groundwater Sources.

49 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71U of the Act.
- (2) Dealings that result in an interstate access licence transfer into or out of these Groundwater Sources are prohibited.

50 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act.
- (2) Dealings that assign water allocations between access licences in other water sources and access licences in these Groundwater Sources are prohibited.
- (3) Dealings that assign water allocations between an access licence in one of these Groundwater Sources and an access licence in another of these Groundwater Sources may be permitted only if—
 - (a) the total water allocations credited to all access licences in the Groundwater Source to which the water allocation is assigned remain below the extraction limit of that Groundwater Source established in clause 28, and
 - (b) the assignment would not result in the total extraction of credited water

allocations through nominated works in an area, plus basic landholder rights extraction, causing any adverse local impact in accordance with Part 10 Division 3 of this Plan.

Note—

Each water allocation assignment must be applied for. Access licence holders may enter into private contracts to assign water allocations for a number of years. Such contracts are not guaranteed by the Government, and approval must be sought annually. Approval will be subject to the rules in this Plan, including local impact assessment.

51 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71V of the Act.
- (2) Dealings that result in an interstate assignment of water allocations to or from these Groundwater Sources are prohibited.

Part 12 Mandatory conditions

52 Mandatory conditions on access licences

This Part is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.

53 Access licence conditions

- (1) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following—
 - (a) the specification of the share component of the access licence,
 - (b) the specification of the extraction component of the access licence,
 - (c) the requirement that all taking of water under the access licence will be subject to the available water determinations,
 - (d) the requirement that all taking of water under the access licence will be subject to any local impact management restrictions established in this Plan,
 - (e) the requirement that all taking of water under the access licence will be subject to the account management rules established in this Plan,
 - (f) the requirement that water may only be taken under the access licence by the water supply work (bore) nominated by the access licence,
 - (g) the taking of water in accordance with the access licence may only occur if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and
 - (h) any other conditions required to implement the provisions of this Plan.

- (2) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.
- (3) All access licences shall have mandatory conditions to give effect to clauses 38, 39 and 40, in relation to water level management, water quality management and protection of groundwater dependent ecosystems.

54 Mandatory conditions on water supply work (bore) approvals

All approvals for a water supply work (bore) to which this Plan applies shall have mandatory conditions in relation to the following—

- (a) the water supply work (bore) is only to be constructed by a driller licensed under section 349 of the Act,
- (b) the water supply work (bore) must comply with drilling standards as specified by the Minister,
- (c) construction of a water supply work (bore) must prevent contamination between aquifers through proper bore construction,
- (d) a water supply work (bore) approval holder must ensure decommissioning procedures comply with applicable standards as specified by the Minister,
- (e) a new or replacement water supply work (bore) to access water for basic rights will be required, as a condition of approval, to be constructed to sufficient depth to maintain access to the water source for the life of the work,
- (f) the water supply work (bore) approval holder is, within 2 months of completion of the work, or after the issue of the approval if the water supply work (bore) is existing, to provide the Minister with—
 - (i) details of the work on the prescribed form,
 - (ii) a plan showing accurately the location of the work in relation to portion and property boundaries, and
 - (iii) details of any water analysis and/or pumping tests required by the Minister,
- (g) if during the construction of the water supply work (bore), saline or contaminated water is encountered above the producing aquifer, such water is to be sealed off by—
 - (i) inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or contaminated water from the work, and
 - (ii) placing an impermeable seal between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level, as specified by the Minister,

- (h) if a water supply work (bore) is abandoned, the water supply work (bore) approval holder is to—
 - (i) notify the Minister that the work has been abandoned, and
 - (ii) seal off the aquifer by backfilling the work to ground level after withdrawing the casing (lining), as specified by the Minister,
- (i) an extraction measurement device shall be installed and maintained on each water supply work (bore) used for extraction of water under an access licence, and such device shall be of a type, and shall be maintained in a manner, which is acceptable to the Minister,
- (j) a water supply work (bore) must comply with the relevant local impact management rules in Part 10 of this Plan,
- (k) notwithstanding the available water determination, it is the responsibility of the water supply work (bore) approval holder to ascertain from the Minister whether or not there are in place any local impact restrictions before commencing to take water from these Groundwater Sources,
- (l) extraction under an access licence through the approved water supply work (bore) is only authorised with respect to the access licences specified on the water supply work (bore) approval,
- (m) a water supply work (bore) approval holder must supply to the Minister on request, and to the required standards, a report pertaining to the quality of the water obtained from the water supply work (bore), and
- (n) any other conditions required to implement the provisions of this Plan.

Note—

It is recommended that the Minister also apply conditions to water use approvals requiring the supply of information on an annual basis on types and areas of irrigated crops.

Part 13 Monitoring and reporting

55 Monitoring

The monitoring of the performance indicators specified in clause 11 shall be undertaken by the Minister.

Note—

Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the State priorities for local land services relevant to natural resource management (as referred to in the [Local Land Services Act 2013](#)).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the Local Land Services region.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Part 14 Amendment of this Plan

56 Amendment of this Plan

- (1) This Part is made in accordance with section 45 (1) (b) of the Act.
- (2) This Plan can be amended in accordance with the following clauses of this Plan—
 - (a) clause 14 in respect to average annual recharge,
 - (b) clause 16 in respect to planned environmental water,
 - (c) clause 29 in respect to long-term average extraction limits,
 - (d) clause 36 in respect to the water allocation account management rules, or
 - (e) clause 40 in respect to high priority groundwater dependent ecosystems.

57 Amendment relating to planned environmental water

- (1) The Minister may amend this Plan to provide for the recovery of planned environmental water as follows—
 - (a) the recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act,
 - (b) the amount of additional water to be provided as planned environmental water is to be equivalent to the annual average extraction of water under the cancelled licence over the long-term,
 - (c) the average annual long-term availability of water for the remaining access licences that relate to the water source concerned is to be reduced by the average annual long-term extraction of water under the cancelled licence.
- (2) The Minister may amend this Plan to specify the purposes for which planned environmental water committed under section 8A of the Act is to be used.

Dictionary

The following definitions apply to this Plan in addition to the definitions set out in the Act—

abandoned (work) refers to a water supply work (bore) that is no longer being used.

aquifer compaction refers to the reduction in the porosity (pore spaces) of an aquifer, and may

result from over pumping the aquifer.

available head is the difference between the depth to the top of the target aquifer, and an initial piezometric level.

available water in relation to a water management area or water source, is the water that is available in that area or water source in accordance with an available water determination that is in force in respect of that area or water source.

available water determination is a written Order by the Minister as to the availability of water for the various categories of access licence in relation to a specified water management area or water source.

Note—

An available water determination gives rise to a water allocation that is credited to a water allocation account for each licensed holder.

bedrock is the solid rock underlying unconsolidated sediments such as the soil and weathered rock. Bedrock is a general term for solid rock that lies beneath soil, loose sediments, or other unconsolidated material.

buffer zone is an area surrounding a groundwater dependent ecosystem or other feature (such as an area of low quality) within which extraction, or the impact of extraction, is restricted.

contoured drawdown or recovery depths refers to spatial water levels data indicating drawdown or lack of recovery.

drawdown refers to a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

extraction limit is the amount of the long-term average annual recharge and storage that can be extracted, on average, each water accounting year.

groundwater is water that occurs beneath the ground surface in the saturated zone.

groundwater dependent ecosystems are ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater.

long term average storage component is the volume of water in the aquifer less the combined average annual recharge and requirements for basic rights at the commencement of this Plan.

monitoring bore refers to a bore constructed for the purpose of measuring water levels and/or taking samples for water quality analysis.

piezometric surface (potentiometric surface) is a surface that represents the level to which water will rise in cased bores. (The watertable is the potentiometric surface of an unconfined aquifer).

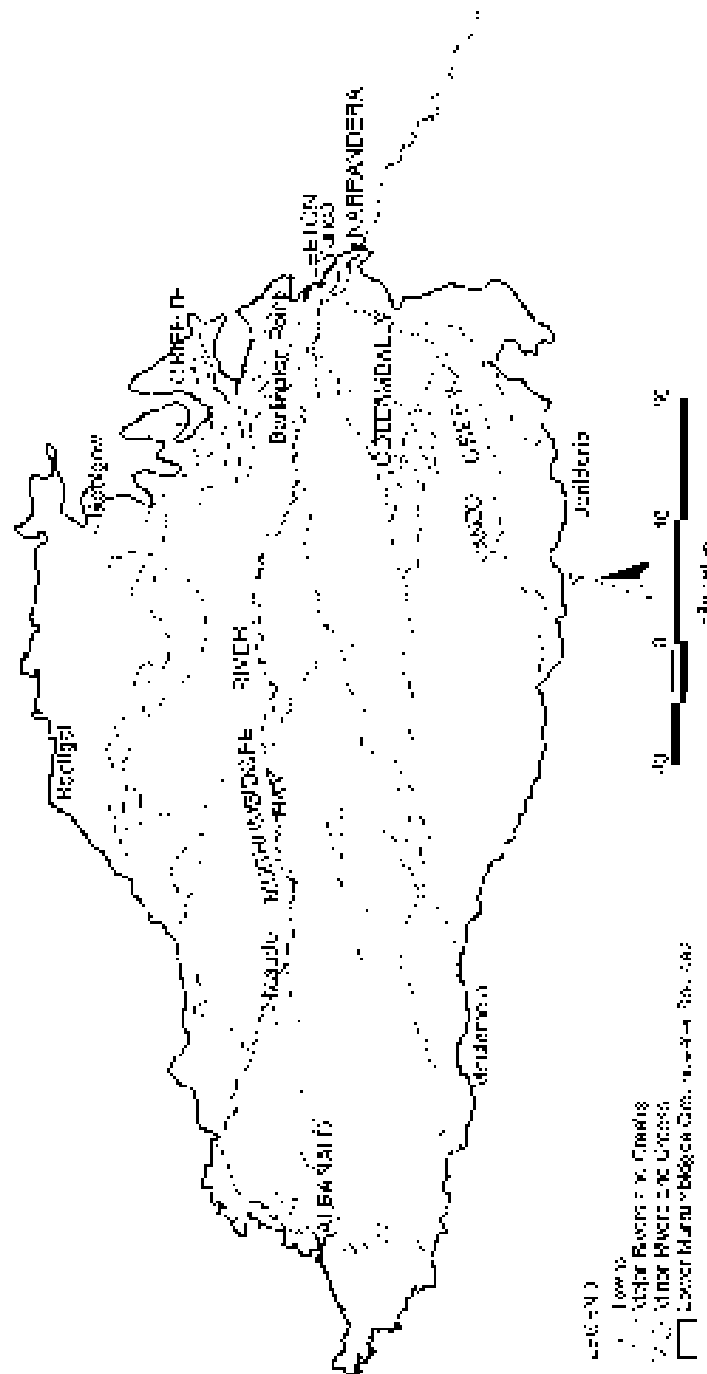
recharge is the addition of water, usually by infiltration, to an aquifer.

recovery depths see contoured drawdown

share component is the share component of an access licence.

Page 31 of 32

watertable is the upper surface of an unconfined aquifer.



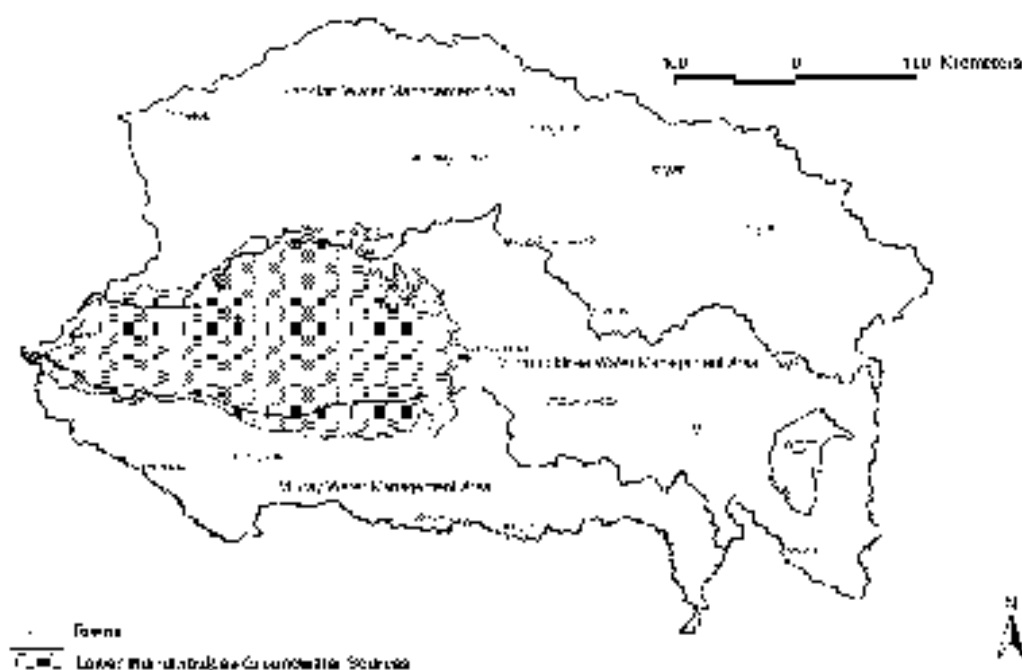
Schedule 3 High priority groundwater dependent ecosystems

High priority groundwater dependent ecosystems in the Lower Murrumbidgee Groundwater Sources are, 'Prior streams' as shown on Sheet 1 of 3 drawings accompanying in the *Murrumbidgee Local Environment Plan 1994*.

Note—

The high priority groundwater dependant ecosystems listed in this Schedule may change during the period of this Plan. The offices of the Department of Land and Water Conservation, shown in Appendix 2, should be contacted for a current list.

Appendix 1 Murrumbidgee, Lachlan and Murray Water Management Areas



Appendix 2 Location of maps

The maps in relation to this Plan may be inspected at—

Department of Industry, Water
7161 Olympic Highway
WAGGA WAGGA NSW 2650

Department of Industry, Water
449 Charlotte Street
DENILIQUIN NSW 2710

Department of Industry, Water
126 Lachlan Street
HAY NSW 2711