

Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011

[2012-23]



New South Wales

Status information

Currency of version

Historical version for 6 July 2012 to 30 June 2020 (accessed 12 July 2022 at 14:28)

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[Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources Amendment Order 2020 \(362\)](#)

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File last modified 1 July 2020.

Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011

[2012-23]



New South Wales

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Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011



New South Wales

Part 1 Introduction

Note. Part 12 allows for amendments to be made to Part 1.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011* (hereafter *this Plan*).

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter *the Act*).
- (2) This Plan is a plan for water sharing and generally deals with the matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

Note. Where a provision of this Plan is made under another section of the Act, the section is referred to in notes to this Plan.

3 Commencement of this Plan

This Plan commences on 30 January 2012.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2012.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Murray Unregulated and Alluvial Water Sources (hereafter *these water sources*) within the Murray Water Management Area:
 - (a) the Murray Unregulated River Water Sources, comprised of:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Indi Water Source,
 - (v) Jingellic Water Source,

- (vi) Lower Wangamong Water Source,
 - (vii) Majors Water Source,
 - (viii) Mannus Water Source,
 - (ix) Maragle Water Source,
 - (x) Murray Below Mulwala Water Source,
 - (xi) Ournie Welaregang Water Source,
 - (xii) Swampy Plain Water Source,
 - (xiii) Tooma Water Source,
 - (xiv) Tumbarumba Water Source,
 - (xv) Upper Murray River Water Source, and
- (b) Upper Murray Groundwater Source.

Note. The Murray Water Management Area was constituted by Ministerial order made under section 11 of the [Water Management Act 2000](#) published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These water sources are shown on the registered map called [The Murray Unregulated and Alluvial Water Sources](#) held by the Department, hereafter the **Registered Map**.

Note. An overview of the Registered Map is shown in Appendix 1. Copies of the Registered Map may be inspected at the offices listed in Appendix 2.

- (3) Subject to subclause (5), the Murray Unregulated River Water Sources include all water:
- (a) occurring naturally on the surface of the ground shown on the Registered Map, and
 - (b) in rivers, lakes and wetlands in these water sources.
- (4) Subject to subclause (5), the Upper Murray Groundwater Source includes all water contained within all alluvial sediments below the surface of the ground within the groundwater source boundaries shown on the Registered Map.
- (5) These water sources do not include water:
- (a) contained in any fractured rocks or porous rocks,
 - (b) contained in the New South Wales Murray Regulated River Water Source as defined in the [Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003](#),
 - (c) contained in the Lower Murray Groundwater Source as defined in the [Water Sharing Plan for the Lower Murray Groundwater Source 2006](#), and
 - (d) taken under a floodplain harvesting access licence with a share component that does not specify one of these water sources.

5 Management zones

(1) For the purposes of this Plan, the following water sources are divided into the following management zones:

(a) Mannus Water Source:

(i) Mannus Upstream Management Zone, and

Note. The Mannus Upstream Management Zone is the area of the Mannus Water Source upstream of the Glenroy Gauge.

(ii) Mannus Downstream Management Zone,

Note. The Mannus Downstream Management Zone is the area of the Mannus Water Source downstream of the Glenroy Gauge.

(b) Tooma Water Source:

(i) Tooma River Management Zone, and

Note. The Tooma River Management Zone is the area of the Tooma Water Source including only the Tooma River.

(ii) Tooma Tributaries Management Zone,

Note. The Tooma Tributaries Management Zone is the area of the Tooma Water Source excluding the Tooma River.

(c) Tumbarumba Water Source:

(i) Tumbarumba Upstream Management Zone, and

Note. The Tumbarumba Upstream Management Zone is the area of the Tumbarumba Water Source upstream of Paddy's River.

(ii) Tumbarumba Downstream Management Zone.

Note. The Tumbarumba Downstream Management Zone is the area of the Tumbarumba Water Source downstream of Paddy's River.

(2) The management zones in subclause (1) are shown on the Registered Map.

6 Extraction management units in these water sources

(1) This Plan establishes the following extraction management units (hereafter *the EMUs*):

(a) Unregulated Upper Murray Extraction Management Unit, which applies to the water sources specified in item (a) of Column 2 in Table A, and

(b) Unregulated Middle Murray Extraction Management Unit, which applies to the water sources specified in item (b) of Column 2 in Table A.

(2) The EMUs are shown on the Registered Map.

Notes.

1 A long-term average annual extraction limit is established in Part 6 of this Plan for each extraction management unit. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences from all sources within the extraction management unit on a long-term average

annual basis.

2 The EMUs and any water source to which the EMUs apply, may be amended as provided for in Part 12 of this Plan.

Table A — Extraction Management Units

	Column 1 — Extraction Management Unit	Column 2 — Water Sources
(a)	Unregulated Upper Murray Extraction Management Unit	Dora Dora Water Source Hume Water Source Indi Water Source Jingellic Water Source Mannus Water Source Maragle Water Source Ournie Welaregang Water Source Swampy Plain Water Source Tooma Water Source Tumbarumba Water Source Upper Murray River Water Source
(b)	Unregulated Middle Murray Extraction Management Unit	Albury Water Source Lower Wangamong Water Source Majors Water Source Murray Below Mulwala Water Source

7 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect by mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

Note. The rules in this Plan include environmental water rules, access licence dealing rules, rules for granting and managing access licences, rules for water supply work approvals, rules for the making of available water determinations, water allocation account rules and daily access rules.

8 Interpretation

- (1) Words and expressions that are defined in the Dictionary in Schedule 1 to this Plan have the meaning set out in that Schedule.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations to the Act (hereafter *the Regulations*) have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) Schedules to this Plan form part of this Plan.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

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

9 Vision statement

The vision for this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in these water sources.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,
- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints,
- (f) provide water allocation account management rules which allow sufficient flexibility in water use,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater,
- (i) adaptively manage these water sources, and
- (j) contribute to the environmental and other public benefit outcomes identified under the Water Access Entitlements and Planning Framework in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter ***the NWI***).

Note. Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (i) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for,
- (ii) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (iii) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market, when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,
- (b) identify water requirements for basic landholder rights,

- (c) identify water requirements for access licences,
- (d) establish rules for the granting of access licences and approvals,
- (e) establish rules that place limits on the availability of water for extraction,
- (f) establish rules for making available water determinations,
- (g) establish rules for the operation of water accounts,
- (h) establish rules which specify the circumstances under which water may be extracted,
- (i) establish access licence dealing rules,
- (j) establish performance indicators, and
- (k) identify triggers for and limits to changes to the rules in this Plan.

12 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limit,
- (d) change in local water utility access,
- (e) change in, or maintenance of, the ecological value of key water sources and their dependent ecosystems,
- (f) the extent to which basic landholder rights requirements have been met,
- (g) the extent to which local water utility requirements have been met,
- (h) the extent to which native title rights requirements have been met,
- (i) the change in economic benefits derived from water extraction and use, and
- (j) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Part 3 Bulk access regime

13 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
 - (a) the environmental water rules established in Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of

this Plan,

- (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
 - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime established in this Plan for these water sources:
- (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Division 1 of Part 6 of this Plan,
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Division 2 of Part 6 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 14,
 - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan,
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
 - (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

14 Climatic variability

This Plan recognises the effects of climatic variability on river flow and groundwater levels in these water sources by having provisions that:

- (a) manage the sharing of water in these water sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis in these water sources, contained in Division 2 of Part 8 of this Plan.

Note. Other statutory tools are available to manage climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

Part 4 Planned environmental water provisions

Notes.

- 1 This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2 Part 12 allows for amendments to be made to Part 4.

15 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these water sources.

Note. In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot to the extent committed be taken or used for any other purpose.

16 Commitment and identification of planned environmental water

- (1) Planned environmental water is committed and identified in these water sources as set out in this clause.
- (2) Water is committed and identified as planned environmental water in the Murray Unregulated River Water Sources and the Upper Murray Groundwater Source in the following ways:
 - (a) by reference to the commitment of the physical presence of water in these water sources,
 - (b) by reference to the long-term average annual commitment of water as planned environmental water, and
 - (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

17 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established and maintained in these water sources as set out in this clause.
- (2) Planned environmental water in these water sources is established as follows:
 - (a) it is the physical presence of water:
 - (i) in the Murray Unregulated River Water Sources that results 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 for the Murray Unregulated River Water Sources set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
 - (ii) in the Upper Murray Groundwater Source that is estimated to be equal to 8% of the long-term average annual recharge, and

Note. At the commencement of this Plan the long-term average annual recharge for the Upper Murray Groundwater Source is estimated to be 15,300 megalitres per year.
 - (iii) within the groundwater storage of the Upper Murray Groundwater Source over the long term,
 - (b) it is the long-term average annual commitment of water as planned environmental water in:
 - (i) the Murray Unregulated River Water Sources that results from the application of the available water determination rules as specified in Division 2 of Part 6 of this Plan, the water allocation account management rules as specified in Division 1 of Part 8 of this Plan and the resulting long-term average annual extraction limit as specified in

Division 1 of Part 6 of this Plan,

- (ii) the Upper Murray Groundwater Source that is estimated to be equal to 8% of the long term average annual recharge, and
 - (iii) the Upper Murray Groundwater Source that is estimated to be equal to the volume of water within the groundwater storage over the long term, and
- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences in:
- (i) the Murray Unregulated River Water Sources in accordance with rules specified in Parts 6 and 8 of this Plan, and
 - (ii) the Upper Murray Groundwater Source in accordance with the rules specified in Parts 6 and 8 of this Plan.
- (3) The planned environmental water established under subclause (2) (a) is maintained in:
- (a) the Murray Unregulated River Water Sources by the rules specified in Division 2 of Part 8 of this Plan, and
 - (b) the Upper Murray Groundwater Source by the rules specified in Parts 6 and 8 of this Plan.
- (4) The planned environmental water established under subclause (2) (b) is maintained in:
- (a) the Murray Unregulated River Water Sources by the available water determination rules as specified in Division 2 of Part 6 of this Plan, the water allocation account management rules as specified in Division 1 of Part 8 of this Plan and the resulting long-term average annual extraction limit as specified in Division 1 of Part 6 of this Plan, and
 - (b) the Upper Murray Groundwater Sources by the rules specified in Part 6 of this Plan which limit the water available for extraction under access licences.
- (5) The planned environmental water established under subclause (2) (c) is maintained in:
- (a) the Murray Unregulated River Water Sources by the rules specified in Parts 6 and 8 of this Plan, and
 - (b) the Upper Murray Groundwater Source by the rules specified in Part 6 and Division 1 of Part 8 of this Plan.

Note. The rules 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. The rules in Part 6 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limits have been assessed to have been exceeded.

Part 5 Requirements for water

Division 1 General

18 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder

rights (Division 2) and for extraction under access licences (Division 3).

- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources and the total volumes or unit shares specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

Note. The total share components of access licences in these water sources may change during the terms of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in these water sources,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of [Water Act 1912](#) entitlements that are currently non-volumetric.

Division 2 Requirements for water for basic landholder rights

19 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 4.2 megalitres per day (hereafter *ML/day*), distributed as follows:

- (a) 0.1 ML/day in the Albury Water Source,
- (b) 0.1 ML/day in the Dora Dora Water Source,
- (c) 0.1 ML/day in the Hume Water Source,
- (d) 0.1 ML/day in the Indi Water Source,
- (e) 0.2 ML/day in the Jingellic Water Source,
- (f) 0.1 ML/day in the Lower Wangamong Water Source,
- (g) 0.1 ML/day in the Majors Water Source,
- (h) 0.5 ML/day in the Mannus Water Source,
- (i) 0.1 ML/day in the Maragle Water Source,
- (j) 0.5 ML/day in the Murray Below Mulwala Water Source,
- (k) 0.1 ML/day in the Ournie Welaregang Water Source,
- (l) 0.1 ML/day in the Swampy Plain Water Source,

- (m) 0.1 ML/day in the Tooma Water Source,
- (n) 0.2 ML/day in the Tumbarumba Water Source,
- (o) 0.7 ML/day in the Upper Murray River Water Source, and
- (p) 1.1 ML/day in the Upper Murray Groundwater Source.

Notes.

1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.

2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

20 Native title rights

At the commencement of this Plan, there are no native title rights in these water sources. Therefore the water requirements for native title rights total 0 ML/year (hereafter *ML/year*).

Note. A change in native title rights may occur pursuant to the provisions of the [Native Title Act 1993](#) (Cth).

21 Harvestable rights

The requirement for water under harvestable rights in these water sources is the total amount of water that owners or occupiers of landholdings are entitled to capture and store, pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water for extraction under access licences

22 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 take water from these water sources will total 720 ML/year, distributed as follows:

- (a) 61 ML/year in the Albury Water Source,
- (b) 0 ML/year in the Dora Dora Water Source,
- (c) 32 ML/year in the Hume Water Source,
- (d) 7 ML/year in the Indi Water Source,
- (e) 2 ML/year in the Jingellic Water Source,
- (f) 7 ML/year in the Lower Wangamong Water Source,
- (g) 5 ML/year in the Majors Water Source,
- (h) 16 ML/year in the Mannus Water Source,
- (i) 16 ML/year in the Maragle Water Source,
- (j) 402 ML/year in the Murray Below Mulwala Water Source,

- (k) 7 ML/year in the Ournie Welaregang Water Source,
- (l) 21 ML/year in the Swampy Plain Water Source,
- (m) 7 ML/year in the Tooma Water Source,
- (n) 53 ML/year in the Tumbarumba Water Source,
- (o) 84 ML/year in the Upper Murray River Water Source, and
- (p) 0 ML/year in the Upper Murray Groundwater Source.

23 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 take water from these water sources will total 790 ML/year, distributed as follows:

- (a) 140 ML/year in the Swampy Plain Water Source,
- (b) 499 ML/year in the Tumbarumba Water Source,
- (c) 151 ML/year in the Upper Murray Groundwater Source, and
- (d) 0 ML/year in all other water sources.

24 Share components of unregulated river access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from these water sources will total 42,077 unit shares, distributed as follows:

- (a) 398 unit shares in the Albury Water Source,
- (b) 0 unit shares in the Dora Dora Water Source,
- (c) 208 unit shares in the Hume Water Source,
- (d) 2,359 unit shares in the Indi Water Source,
- (e) 231 unit shares in the Jingellic Water Source,
- (f) 16 unit shares in the Lower Wangamong Water Source,
- (g) 76 unit shares in the Majors Water Source,
- (h) 1,397 unit shares in the Mannus Water Source,
- (i) 401 unit shares in the Maragle Water Source,
- (j) 28,828 unit shares in the Murray Below Mulwala Water Source,
- (k) 53 unit shares in the Ournie Welaregang Water Source,
- (l) 174 unit shares in the Swampy Plain Water Source,

- (m) 1,380 unit shares in the Tooma Water Source,
- (n) 1,009 unit shares in the Tumbarumba Water Source, and
- (o) 5,547 unit shares in the Upper Murray River Water Source.

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 take water from the Upper Murray Groundwater Source will total 41,125 unit shares.

26 Share components of unregulated river (high flow) access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river (high flow) access licences authorised to take water from these water sources will total 0 unit shares, distributed as follows:

- (a) 0 unit shares in the Indi Water Source,
- (b) 0 unit shares in the Mannus Water Source,
- (c) 0 unit shares in the Maragle Water Source,
- (d) 0 unit shares in the Tooma Water Source, and
- (e) 0 unit shares in the Tumbarumba Water Source.

Note. The water sources listed above are the only water sources within the Plan area which have been identified as suitable for unregulated river (high flow) access licences. This Plan allows for a specified amount of share components to be traded into these water sources as unregulated river (high flow) access licences. However, at the commencement of this Plan, there are no existing access licences of this category, hence the 0 unit shares indicated.

Part 6 Limits to the availability of water

Note. Part 12 allows for amendments to be made to Part 6.

Division 1 Long-term average annual extraction limit

27 General

The availability of water for extraction in these water sources on a long-term basis is to be managed in accordance with this Part.

28 Volume of the long-term average annual extraction limits

- (1) This clause establishes long-term average annual extraction limits for these water sources.
- (2) Subject to any variation under subclause (4), the long-term average annual extraction limit for each extraction management unit is:
 - (a) the estimated annual extraction of water averaged over the period from July 1993 to June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the water sources in the respective extraction management unit, plus

- (b) the estimated annual extraction of water averaged over the period from July 1993 to June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the respective extraction management unit, plus
- (c) the estimated annual water requirements pursuant to domestic and stock rights in the respective extraction management unit at the commencement of this Plan.

Note. In unregulated river water sources (including those in the Murray Unregulated River Water Sources) the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvesting access licences will be issued in accordance with the NSW Floodplain Harvesting Policy. Subclause (2) (b) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the [Water Act 1912](#).

- (3) The long-term average annual extraction limit for the Upper Murray Groundwater Source is 14,109 megalitres (hereafter *ML*).

Note. The long-term average annual extraction limit for the Upper Murray Groundwater Source is as follows:

- (a) the sum of the maximum 5-year average of annual extractions for each individual entitlement issued under Part 5 of the [Water Act 1912](#) in this water source in the period since records began in July 1992 to June 2010 that were metered, plus
 - (b) an estimate of annual extraction of water for those entitlements issued under Part 5 of the [Water Act 1912](#) in this water source that were not metered, plus
 - (c) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source.
- (4) Following the surrender under section 77 of the Act and then the cancellation under 77A (6) of the Act of an access licence in these water sources, the Minister may vary the respective long-term average annual extraction limit.

Note. Under section 8F of the Act the long-term extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

29 Calculation of current levels of annual extraction

- (1) After each water year, the total volume of water extracted during that water year under access licences and pursuant to domestic and stock rights and native title rights must be calculated for each extraction management unit specified in clause 6 and the Upper Murray Groundwater Source.
- (2) For the purpose of calculating the total volume of water extracted during a water year, the following shall be taken into account:
 - (a) all water taken by holders of all categories of access licence in the water source, and
 - (b) all water taken pursuant to domestic and stock rights and native title rights in the water source.

30 Assessment of average annual extraction against the long-term average annual extraction limit

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for each extraction management unit specified in clause 6 and the Upper Murray Groundwater Source as set out in this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 28 for the respective extraction management unit against the annual extraction averaged over the preceding three water years.
- (3) For the Upper Murray Groundwater Source, commencing in the second water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 28 against the annual extraction averaged over the preceding five water years (including years prior to the commencement of this Plan).

31 Compliance with the long-term average annual extraction limit for the EMUs

- (1) Compliance with the long-term average annual extraction limits established for each extraction management unit is to be managed in accordance with this clause.
- (2) For the Unregulated Upper Murray Extraction Management Unit, commencing in the fourth water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 30 (2) demonstrates that annual extractions in the extraction management unit averaged over the preceding three water years have exceeded the long-term average annual extraction limit for that extraction management unit by 5% or more, then the available water determination for unregulated river access licences in that extraction management unit are to be reduced in the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return average annual extractions in the extraction management unit to the long-term average annual extraction limit established in this Part.
- (4) For the Unregulated Middle Murray Extraction Management Unit, commencing in the fourth water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 30 (2) demonstrates that annual extractions in the extraction management unit averaged over the preceding three water years have exceeded the long-term average annual extraction limit for that extraction management unit by 5% or more, then the available water determinations for unregulated river access licences and unregulated river (high flow) access licences in that extraction management unit are to be reduced in the following water year in accordance with subclause (5).
- (5) The reduction under subclause (4) is to be of an amount that is, in the Minister's opinion, necessary to return average annual extractions in the extraction management unit to the long-term average annual extraction limit established in this Part.

32 Compliance with the long-term average annual extraction limits in the Upper Murray Groundwater Source

- (1) Compliance with the long-term average annual extraction limits established for the Upper Murray Groundwater Source is to be managed in accordance with this clause.

- (2) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 30 (3) demonstrates that annual extractions in Upper Murray Groundwater Source averaged over the preceding five water years (including years prior to the commencement of this Plan) have exceeded the long-term average annual extraction limit for that water source by 10% or more, then the available water determination for aquifer access licences in that water source are to be reduced in the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return average annual extractions in Upper Murray Groundwater Source to the long-term average annual extraction limit established in this Part.

Division 2 Available water determinations

33 General

- (1) Available water determinations for access licences with a share component that specifies one of these water sources are to be expressed as either:
 - (a) a percentage of share components for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) Subject to subclause (3), 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 or such lower amount that results from Division 1 of this Part, for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component or such lower amount that results from Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect, subclause (2) does not apply to access licences with a share component that specifies one of the Murray Unregulated River Water Sources.

34 Available water determinations made at the commencement of this Plan for the Murray Unregulated River Water Sources

- (1) In making available water determinations at the commencement of this Plan for access licences with a share component that specifies one of the Murray Unregulated River Water Sources, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, the following available water determinations should be made for access licences with a share component that specifies one of the Murray Unregulated River Water Sources:
 - (a) 200% of the access licence share component for domestic and stock access licences,

- (b) 200% of the access licence share component for local water utility access licences,
- (c) 2 megalitres per unit of share component for unregulated river access licences, and
- (d) 2 megalitres per unit of share component for unregulated river (high flow) access licences.

35 Available water determinations after the first water year in which this Plan has effect for the Murray Unregulated River Water Sources

- (1) In making available water determinations after the first water year in which this Plan has effect for access licences with a share component that specifies one of the Murray Unregulated River Water Sources, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year after the first water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies one of the Murray Unregulated River Water Sources:
 - (a) 100% of the access licence share component for domestic and stock access licences,
 - (b) 100% of the access licence share component for local water utility access licences,
 - (c) 1 megalitre per unit of share component for unregulated river access licences, and
 - (d) 1 megalitre per unit of share component for unregulated river (high flow) access licences,or such lower amount that results from Division 1 of this Part.

Note. Division 1 of this Part provides for available water determinations for unregulated river access licences and unregulated river (high flow) access licences to be reduced where the long-term average annual extraction limit in an EMU has been exceeded, as per clauses 30 and 31.

36 Available water determinations for the Upper Murray Groundwater Source

- (1) In making available water determinations under section 59 of the Act for access licences with a share component that specifies the Upper Murray Groundwater Source, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies the Upper Murray Groundwater Source:
 - (a) 100% of the access licence share component for domestic and stock access licences,
 - (b) 100% of the access licence share component for local water utility access licences, and
 - (c) 1 megalitre per unit of share component for aquifer access licences,or such lower amount that results from Division 1 of this Part.

Note. Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for the water source has been exceeded, as per clauses 30 and 32.

Part 7 Rules for granting access licences

Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

37 Specific purpose access licences

- (1) Applications for specific purpose access licences other than those permitted under the Regulation must not be made in these water sources.
- (2) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) An access licence of the subcategory “Aboriginal cultural” must not be granted in these water sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.

38 Granting of access licences as a result of controlled allocation

The Minister may grant an access licence where the right to apply for the licence has been acquired in accordance with an order made under section 65 of the Act.

Part 8 Rules for managing access licences

Division 1 Water allocation account management rules

39 General

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

Note. The Act provides for the keeping of water allocation accounts. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water contained in this Plan. For further clarification, these rules do not authorise the taking of more water than is credited to the respective water allocation account for the access licence at the time water is taken. It is an offence under the Act to take water other than in accordance with the water allocation for an access licence.

40 Individual access licence account management rules for the Murray Unregulated River Water Sources

- (1) The rules in this clause apply to taking of water under an access licences with a share component that specifies one of the Murray Unregulated River Water Sources.
- (2) For the period of the first three water years in which this Plan has effect, water taken under an access licence to which this clause applies must not exceed a volume equal to:
 - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus

- (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those water years, plus
 - (d) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under an access licence to which this clause applies must not exceed a volume equal to the lesser of:
- (a) the sum of:
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (ii) the water allocations carried over from the water year prior to those three water years under subclause (4),
 - (iii) the net amount of water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
 - (b) the sum of:
 - (i) the share component of the access licence at the beginning of the first of those three water years,
 - (ii) the share component of the access licence at the beginning of the second of those three water years,
 - (iii) the share component of the access licence at the beginning of the third of those three water years,
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) The maximum water allocation that can be carried over in the water allocation account for an access licence to which this clause applies, from one water year to the next is equal to:
- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.

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

- (1) This clause applies to all access licences with a share component that specifies the Upper Murray Groundwater Source.
- (2) In any water year, the maximum volume of water that may be taken under an aquifer access licence to which this clause applies must not exceed a volume equal to:
 - (a) 1.37 ML per unit share of the access licence share component, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (c) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence to which this clause applies, from one water year to the next, is equal to 0.74 ML per unit share of access licence share component for aquifer access licences with share component expressed as a number of unit shares.
- (4) In any water year, water taken under a domestic and stock access licence or a local water utility access licence to which this clause applies must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (c) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for a domestic and stock access licence or local water utility access licence to which this clause applies cannot be carried over from one water year to the next.

Division 2 Flow classes and daily access rules

Note. Part 12 of this Plan allows for amendments to be made to this Division.

42 General

The rules in this Division apply to the taking of water under access licence with a share component that specifies one of these water sources.

43 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B as the basis for the sharing of flows on a daily basis in the Murray Unregulated River Water Sources.
- (2) The flow classes in Column 3 and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 and each management zone specified in

Column 2 of Table B.

- (3) The flow classes commence in the year specified in Column 4 of Table B.
- (4) A flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) or river height (metres) as measured at the reference point specified in Column 6 of Table B are equal to the flow or river height specified in Column 5 of Table B.
- (5) For the purpose of Table B, **Year 1 of this Plan** means from the date of commencement of this Plan.

Notes.

- 1 The flow classes, reference points, the water sources or management zones to which a flow class applies, or any other matter listed in Table B may be amended as provided for in Part 12 of this Plan.
- 2 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.

Table B — Flow Classes

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water Source	Management Zone	Flow class	Commencement	Flow (ML/day) or river height (m)	Reference point	Day on which flow class applies
Indi Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 87 ML/day	Murray River at Biggara gauge (401012)	Same day
		A Class	Year 1 of this Plan	More than 87 ML/day and less than or equal to 157 ML/day		Same day
		B Class	Year 1 of this Plan	More than 157 ML/day and less than or equal to 467 ML/day		Same day
		C Class	Year 1 of this Plan	More than 467 ML/day		Same day
Jingellic Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Jingellic Creek at Jingellic gauge (401013)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day		Same day

Mannus Water Source	Mannus Upstream Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 0.2 m or less at Mannus Creek at Glenroy gauge	Mannus Creek at Glenroy gauge (40110008) and Mannus Creek at Yarramundi gauge (401017)	Same day
		A Class	Year 1 of this Plan	More than 0.2 m at Mannus Creek at Glenroy gauge and less than or equal to 61 ML/day at Mannus Creek at Yarramundi gauge		Same day
		B Class	Year 1 of this Plan	More than 0.2 m at Mannus Creek at Glenroy gauge and more than 61 ML/day at Mannus Creek at Yarramundi gauge		Same day
	Mannus Downstream Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 9.4 ML/day	Mannus Creek at Yarramundi gauge (401017)	Same day
		A Class	Year 1 of this Plan	More than 9.4 ML/day and less than or equal to 61 ML/day		Same day
		B Class	Year 1 of this Plan	More than 61 ML/day		Same day
Maragle Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Maragle Creek at Maragle gauge (401009)	Same day

		A Class	Year 1 of this Plan	More than 10 ML/day and less than or equal to 41 ML/day		Same day
		B Class	Year 1 of this Plan	More than 41 ML/day		Same day
Tooma Water Source	Tooma River Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 79 ML/day	Tooma River at Pinegrove gauge (401014)	Same day
		A Class	Year 1 of this Plan	More than 79 ML/day and less than or equal to 297 ML/day		Same day
		B Class	Year 1 of this Plan	More than 297 ML/day		Same day
Tumbarumba Water Source	Tumbarumba Upstream Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 14 ML/day	Tumbarumba Creek at Tumbarumba Gauge No 2 (401007)	Same day
		A Class	Year 1 of this Plan	More than 14 ML/day and less than or equal to 79 ML/day		Same day
		B Class	Year 1 of this Plan	More than 79 ML/day		Same day
	Tumbarumba Downstream Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 32 ML/day	Tumbarumba Creek at Tooma (Bakers) gauge (401024)	Same day
		A Class	Year 1 of this Plan	More than 32 ML/day and less than or equal to 120 ML/day or less		Same day
		B Class	Year 1 of this Plan	More than 120 ML/day		Same day
Upper Murray River Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 600 ML/day	Murray River at Jingellic gauge (401201A)	Same day
		A Class	Year 1 of this Plan	More than 600 ML/day		Same day

Notes.

- 1 For Murray River at Biggara gauge (401012):
 - 87 ML/day corresponds to the estimated 98th percentile flow,
 - 157 ML/day corresponds to the estimated 95th percentile flow, and
 - 467 ML/day corresponds to the estimated 70th percentile flow.
- 2 For Jingellic Creek at Jingellic gauge (401013), 10 ML/day corresponds to the 87th percentile flow.
- 3 For Mannus Creek at Yarramundi gauge (401017):
 - 9.4 ML/day corresponds to the 72nd percentile flow, and
 - 61 ML/day corresponds to the 30th percentile flow.
- 4 For Maragle Creek at Maragle gauge (401009):
 - 10 ML/day corresponds to the 85th percentile flow, and
 - 41 ML/day corresponds to the 50th percentile flow.
- 5 For Tooma River at Pinegrove gauge (401014):
 - 79 ML/day corresponds to the estimated 95th percentile flow, and
 - 297 ML/day corresponds to the estimated 70th percentile flow.
- 6 For Tumbarumba Creek at Tumbarumba Gauge No. 2 (401007):
 - 14 ML/day corresponds to the 95th percentile flow, and
 - 79 ML/day corresponds to the 50th percentile flow.
- 7 For Tumbarumba Creek at Tooma (Bakers) gauge (401024):
 - 32 ML/day corresponds to the 95th percentile flow, and
 - 120 ML/day corresponds to the 70th percentile flow.
- 8 When real-time data for the Swampy Plain River at Khancoban 2 (401501) gauge becomes publicly available a Very Low Flow Class will be established for when flows are at the 95th percentile or a lesser flow of critical month flow, for those users on Swampy Plain River upstream of Khancoban Pondage.
- 9 For Murray River at Jingellic gauge (401201A), percentile flows are not used to determine the flow class.
- 10 The flow percentiles above refer to critical month flows (February) at the gauge and include all days of record.

44 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from the Murray Unregulated Water Sources, except for the taking of water under an access licence that does not nominate a water supply work approval in the Murray Unregulated Water Sources, where the access licence is used to account for the taking of water in association with an activity authorised by an aquifer interference approval.
- (2) Subject to subclause (12), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class. This clause does not apply to:
 - (a) the taking of water under an access licence to which subclause (5) applies, and
 - (b) the taking of water from natural pools, lagoons and lakes to which subclause (7) applies.

- (3) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies one of these water sources, excluding the Indi Water Source, when flows are in A Class.
- (4) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies the Indi Water Source when flows are in A Class or B Class.
- (5) Water must not be taken under an access licence where the cease to pump threshold on the entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces is in the Minister's opinion, higher than the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table B) or the cease to take condition specified in subclauses (2) and (6) to (8), when flows are at or less than the cease to pump threshold that was specified on the replaced *Water Act 1912* entitlement. In this subclause, **cease to pump threshold** means a condition or restriction on the replaced entitlement which places a limit on when water may be taken.

Note. Those licences and access rules that have been identified as higher than the upper limit of the cease to take conditions are referred to in Appendix 3.

- (6) Subject to subclause (12), water must not be taken under an access licence if there is less than a visible flow in the water source at the location at which water is proposed to be taken. This subclause does not apply to the following:
 - (a) the taking of water from natural pools, lagoons and lakes that are subject to the 80% of the full containment volume cease to take condition specified in subclause (7), and
 - (b) the taking of water from natural pools, lagoons and lakes within rivers.
- (7) Subject to subclause (12), water must not be taken from natural pools, lagoons or lakes that are not within a river, when the water level in that pool, lagoon or lake is less than 80% of the full containment volume of the respective pool, lagoon or lake.
- (8) Subject to subclause (12), water must not be taken from natural pools, lagoons or lakes within rivers in water sources or management zones where flow classes have not been established, when the water level in that pool, lagoon or lake is less than 100% of the full containment volume of the respective pool, lagoon or lake.
- (9) Subject to subclause (10), water must not be taken from a pool created by a structure covered by a water supply work approval under an access licence when flows are at or less than the cease to pump threshold that was specified on the entitlement issued under Part 2 of the *Water Act 1912* that the access licence replaces.

Note. This subclause applies to in-river dam pools and lagoons where the water level is maintained through the use of a regulator, such as Moonyah Lagoon in the Murray Below Mulwala Water Source.

- (10) Water must not be taken from an in-river dam pool unless the in-river dam is passing such flows as specified on the water supply work approval for the in-river dam.
- (11) The flows to be specified on the water supply work approval for the in-river dam referred to in subclause (10) are:
 - (a) the flows that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or

- (b) where no flows were specified, the amount of flows determined by the Minister.
- (12) Subclauses (2) and (6) to (8) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 2 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (14):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,
 - (d) the taking of water from a runoff harvesting dam or a pool created by structures covered by a water supply work approval, and
 - (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 2 applies.
- (13) Water must not be taken under a local water utility access licence or an unregulated river (“Town water supply”) access licence specified in Column 1 of Schedule 5 in contradiction of the access rule specified in Column 3 of Schedule 5.
- (14) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (12) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in that subclause.

Note. A reduction made under subclause (14) will be given effect by amending the mandatory conditions of the water supply work approval nominated by the access licence. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

45 Total daily extraction limits

This Plan establishes a total daily extraction limit (hereafter **TDEL**) of 24 ML/day for the A Class flow class for all access licences in the Indi Water Source.

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

the imposition of individual daily extractions limits under clause 46.

46 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 45 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

Part 9 Rules for water supply work approvals

Notes.

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to Part 9.

Division 1 Rules applying to water supply works that take surface water

47 General

The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from the Murray Unregulated River Water Sources.

48 Granting or amending water supply work approvals

- (1) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
 - (a) a dealing,
 - (b) the surrender under section 77 of the Act and then the cancellation under 77A (6) of the Act of an access licence,
 - (c) the amendment of the share components of the 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,

the Minister may require the modification or removal of the dam to ensure that the capacity of the dam to capture runoff is reduced to reflect the reduction in share components.

Notes.

- 1 Water supply work approvals may be granted or amended for in-river dams on third or higher order streams within all water sources and management zones, excluding Dora Dora Water Source, to which this Plan applies, consistent with the principles of the Act.
- 2 Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

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

- (3) A water supply work approval must not be granted or amended to authorise a water supply work which, in the Minister's opinion, is located within a pool, lagoon or lake that is not within a river, unless the Minister is satisfied that the location of the water supply work would result in no more than minimal impact on existing extractions within these water sources.
- (4) Subject to subclause (6), a water supply work approval must not be granted or amended to authorise a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source, unless the applicant is entitled to take water under a water access licence that nominates water supply work approval 50WA503603. The Eagle Creek System includes the Eagle Creek Cutting, Eagle Creek, Hudson Creek and two unnamed watercourses (hereafter the ***Eagle Creek System***).
- (5) Subject to subclause (6), a water supply work approval must not be granted or amended to authorise a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source unless the applicant is entitled to take water under a water access licence that nominates water supply work approval 50WA500048.
- (6) Subclauses (4) and (5) do not apply to the granting or amendment of a water supply work approval for a replacement water supply work used to take water from the Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source. For the purposes of this subclause, a ***replacement water supply work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from the Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source where:
 - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement water supply work is to be constructed to extract water from the same location as the existing water supply work.

Division 2 Rules applying to water supply works that take water from the Upper Murray Groundwater Source

49 General

- (1) The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from the Upper Murray Groundwater Source.
- (2) In this Division, a reference to a water supply work is limited to a water supply work that may be used to take water from the Upper Murray Groundwater Source.

50 Rules for amending water supply work approvals for replacement groundwater works

- (1) The Minister may amend a water supply work approval to alter the water supply work to which the approval relates if the Minister is satisfied that the amendment is to authorise a replacement groundwater work.

Note. Under section 107 of the Act, the Minister may amend an approval on the application of the holder of the approval. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

- (2) For the purpose of this Plan, ***replacement groundwater work*** means a water supply work that

replaces an existing water supply work constructed and used for the purpose of taking water from an aquifer where:

- (a) the existing water supply work is authorised by a water supply work approval under the Act,
 - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work,
 - (c) the replacement groundwater work is to be constructed to extract water from:
 - (i) the same depth as the existing water supply work, or
 - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
 - (d) the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work, or
 - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
 - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore and *excavation footprint* means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.
- (3) For the purpose of subclause (2) (c) (ii), the Minister may require that the applicant submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (4) For the purpose of subclause (2) (d) (ii) or (2) (e) (ii), the Minister may require that the applicant submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

51 Rules to minimise interference between water supply works

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located within:
 - (a) 1000 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to another access licence,
 - (b) 400 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to basic landholder rights,
 - (c) 500 metres from the boundary of the land on which the water supply work is located, unless the owner of the land adjoining the boundary has provided consent in writing,
 - (d) 1000 metres of a water supply work authorised to take water from the same water source by a local water utility or a major utility, unless the local water utility or major utility has provided consent in writing, or
 - (e) 1000 metres of a Departmental observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may request the applicant to undertake a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work referred to in subclause 2 (d) to minimise the impact of the work on existing water levels or extraction, if the Minister is satisfied that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

Note. Under section 201 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to ensure compliance with or to give effect to a relevant management plan.

52 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located:
 - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 3,

- (b) between 250 and 500 metres of that plume associated with a contamination source listed in Schedule 3, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume, or
 - (c) at a distance that is more than 500 metres from the plume associated with a contamination source listed in Schedule 3, if a greater distance is determined by the Minister to be necessary to protect the water source, the environment or public health and safety.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the proposed distance is adequate to protect the water source, its dependent ecosystems and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (3) For the purpose of subclause (2) (a), the Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on dependent ecosystems and public health and safety.

53 Rules for water supply works located near sensitive environmental areas

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located:
- (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 4 in the case of a water supply work used solely to take water pursuant to basic landholder rights,
 - (b) at a distance that is more than 100 metres from a high priority groundwater dependent ecosystem listed in Schedule 4, in the case of a work used solely to take water pursuant to basic landholder rights, if a greater distance is determined by the Minister to be necessary to protect the high priority groundwater dependent ecosystem listed in Schedule 4,
 - (c) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 4 in the case of a water supply work not used solely to take water pursuant to basic landholder rights,
 - (d) at a distance that is more than 200 metres from a high priority groundwater dependent ecosystem listed in Schedule 4, in the case of a work not used solely to take water pursuant to basic landholder rights, if a greater distance is determined by the Minister to be necessary to protect the high priority groundwater dependent ecosystem listed in Schedule 4, or
 - (e) within 40 metres of the top of the high bank of a river.
- (2) The distance restrictions specified in subclause (1) (a) and (c) do not apply to the granting or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 4.

- (3) The distance restrictions specified in subclause (1) do not apply to the granting or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and any groundwater dependent ecosystems listed in Schedule 4.
- (4) The Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant to demonstrate to the Minister's satisfaction that:
 - (a) for the purpose of subclause (2), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 4, or
 - (b) for the purpose of subclause (3) (d), the location of the water supply work at a lesser distance would result in no greater impact on these groundwater sources and their groundwater dependent ecosystem listed in Schedule 4.

54 Rules for water supply works located near groundwater dependent culturally significant sites

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located within:
 - (a) 100 metres of a groundwater dependent culturally significant site, in the case of a water supply work used solely to take water pursuant to basic landholder rights, or
 - (b) 200 metres of a groundwater dependent culturally significant site, in the case of a water supply work not used solely to take water pursuant to basic landholder rights.
- (2) The distance restrictions specified in subclause (1) in relation to the granting or amendment of a water supply work approval do not apply if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
 - (c) the water supply work is sealed off to the nearest impervious layer above the slotted intervals of the work with an impermeable seal constructed between the casing and the bore hole in accordance with any requirement specified by the Minister,
 - (d) the water supply work is a replacement groundwater work, or
 - (e) the location of the water supply work at a lesser distance would result in no more than minimal impact on these water sources and their groundwater dependent culturally significant sites.

- (3) For the purpose of subclause (2) (e), the Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant to demonstrate to Minister's satisfaction that the location of the water supply work at a lesser distance would result in no more than minimal impact on these water sources and their groundwater dependent culturally significant sites.

Note. Culturally significant sites will be identified as a part of the assessment undertaken by the Department during the processing of an application for the granting or amending of a water supply work approval.

55 Rules for the use of water supply works located within restricted distances

- (1) Subject to subclauses (2) and (3), a water supply work that is located within a restricted distance specified in clauses 51 to 54 must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.
- (2) Subject to subclause (3), a water supply work that becomes located within a restricted distance specified in clauses 51 to 54, as a result of an amendment to this Plan, must not, in any water year, be used to take more water than the volume of water that is equal to the sum of share components of access licences nominating that water supply work at the date of the amendment.
- (3) Subclauses (1) and (2) do not apply where a restricted distance does not apply in accordance with clause 51 (2), 52 (2), 53 (2) and (3) or 54 (2).

Note. The water quality from any bore can be affected by land use activities and inherent water quality in the aquifer. Water quality cannot be guaranteed and extracted water may be unsuitable for human consumption and other uses. The quality of water extracted should be tested before being used and appropriately treated. Such testing and treatment is the responsibility of the licence holder.

Part 10 Access licence dealing rules

56 General

The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.

Notes.

- 1** Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2** The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

57 Conversion of access licence to new category

- (1) This clause relates to dealings under section 71O of the Act in these water sources.
- (2) Dealings under section 71O of the Act are prohibited unless the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence in the following water sources or management zones:
- (a) Mannus Water Source,
 - (b) Tooma River Management Zone in the Tooma Water Source,
 - (c) Tumbarumba Water Source,

- (d) Indi Water Source, and
 - (e) Maragle Water Source.
- (3) A dealing under subclause (2) is subject to the share component of the unregulated river (high flow) access licence being equal to the share component of the unregulated river access licence.

58 Assignment of rights dealings (within water sources)

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

Tooma River Management Zone at the date of commencement of this Plan plus 2,177,

- (d) an access licence with an extraction component that specifies the Tooma River Management Zone in the Tooma Water Source to an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source,
- (e) an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,233,
- (f) an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960,
- (g) an access licence that does not nominate a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on the Eagle Creek System within the Murray Below Mulwala Water Source, or
- (h) an access licence that does not nominate a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.

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

- (1) This clause relates to dealings under section 71R of the Act in these water sources.
- (2) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
 - (a) the cancellation of an access licence with a share component specifying a water source in

- one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,
- (b) the granting of a new access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit,
 - (c) the granting of a new access licence with a share component that specifies one of the following water sources:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source,
 - (ix) Swampy Plain Water Source, and
 - (x) Upper Murray Groundwater Source,
 - (d) the granting of a new access licence with a share component that specifies the Indi Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 3,238,
 - (e) the granting of a new access licence with a share component that specifies the Mannus Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement

of this Plan plus 1,668,

- (f) the granting of a new access licence with a share component that specifies the Maragle Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 567,
 - (g) the granting of a new access licence with a share component that specifies the Tooma Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 2,177, or
 - (iii) the dealing involves an access licence with an extraction component that specifies the Tooma Tributaries Management Zone,
 - (h) the granting of a new access licence with a share component that specifies the Tumbarumba Water Source, if:
 - (i) the dealing involves an access licence of a category other than unregulated river (high flow),
 - (ii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,233, or
 - (iii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 960,
 - (i) the cancellation of an access licence with a share component specifying the Upper Murray Groundwater Source in order to grant an access licence with a share component specifying another water source.
- (3) The share component of a new access licence specifying one of these water sources granted in accordance with subclause (2), shall be equal to:
- (a) the share component of the cancelled access licence where a conversion factor has not been established by the Minister under section 71Z of the Act, or
 - (b) the share component of the cancelled access licence multiplied by a conversion factor

established by the Minister, and published in an order made under section 71Z of the Act.

- (4) The extraction component of a new access licence granted in accordance with section 71R dealing shall not carry over the extraction component from the cancelled access licence.

60 Amendment of extraction component dealings

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

- (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,233, or
- (f) an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source being varied to specify the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source, if:
- (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960.

61 Assignment of water allocations dealings

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

of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Mannus Downstream Management Zone at the date of commencement of this Plan plus 1,668,

- (c) from an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source to an access licence with an extraction component that specifies the Tooma River Management Zone in the Tooma Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tooma River Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tooma River Management Zone at the date of commencement of this Plan plus 2,177,
- (d) from an access licence with an extraction component that specifies the Tooma River Management Zone in the Tooma Water Source to an access licence with an extraction component that specifies the Tooma Tributaries Management Zone in the Tooma Water Source,
- (e) from an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,233,
- (f) from an access licence with an extraction component that specifies the Tumbarumba Upstream Management Zone in the Tumbarumba Water Source to an access licence with an extraction component that specifies the Tumbarumba Downstream Management Zone in the Tumbarumba Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences with extraction components that specified the Tumbarumba

Downstream Management Zone at the date of commencement of this Plan plus 960,

- (g) from an unregulated river (high flow) access licence to an access licence of another category,
 - (h) from an access licence that does not nominate a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on the Eagle Creek System within the Murray Below Mulwala Water Source, or
 - (i) from an access licence that does not nominate a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (3) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves any of the following:
- (a) an assignment of water allocation from an access licence in one extraction management unit to an access licence in another extraction management unit,
 - (b) an assignment of water allocation to an access licence in the:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source,
 - (ix) Swampy Plain Water Source, or
 - (x) Upper Murray Groundwater Source,
 - (c) an assignment of water allocation to an access licence with a share component that specifies the Indi Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source from available water determinations or dealings under section 71T of the Act in that water year to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 3,238,

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

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

62 Interstate transfer of access licences and assignment of water allocations

- (1) This clause relates to dealings under section 71U or 71V of the Act in these water sources.
- (2) Subject to subclause (3), dealings involving the interstate transfer of an access licence to or from these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (3) Dealings involving the interstate transfer of an access licence to these water sources are prohibited if the dealing involves any of the following:
 - (a) the granting of a new access licence with a share component that specifies one of the following water sources:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source,
 - (ix) Swampy Plain Water Source, or
 - (x) Upper Murray Groundwater Source,
 - (b) the granting of a new access licence with a share component that specifies the Indi Water Source, if:
 - (i) the dealing involves the granting of an access licence of a category other than unregulated river (high flow), or

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

of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,233, or

- (iii) the dealing would cause the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 960.
- (4) The share component of a new access licence specifying one of these water sources granted in accordance with subclause (3) shall be equal to:
- (a) the share component equivalent of the cancelled access licence where a conversion factor has not been established by the Minister under section 71Z of the Act, or
 - (b) the share component equivalent of the cancelled access licence multiplied by a conversion factor established by the Minister and published in an order made under section 71Z of the Act.
- (5) Subject to subclause (6), dealings involving the interstate assignment of water allocations to or from access licences in these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (6) Dealings involving the interstate assignment of water allocations to access licences in these water sources are prohibited if the dealing involves any of the following:
- (a) an assignment of water allocation to an access licence in the:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source,
 - (ix) Swampy Plain Water Source, or
 - (x) Upper Murray Groundwater Source,
 - (b) an assignment of water allocation to an access licence with a share component that specifies the Indi Water Source, if:
 - (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow), or
 - (ii) the dealing would cause the sum of water allocations credited to the water allocation

accounts of all access licences in the water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan plus 3,238,

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

the Tumbarumba Water Source, if:

- (i) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
- (ii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Upstream Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,223 or
- (iii) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Tumbarumba Downstream Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960.

63 Nomination of water supply works dealings

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence which nominates a water supply work located in the Mannus Downstream Management Zone of the Mannus Water Source being amended to nominate a water supply work located in the Mannus Upstream Management Zone of the Mannus Water Source if:
 - (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in the Mannus Upstream Management Zone at the date of commencement of this Plan plus 1,310,
 - (b) an access licence which nominates a water supply work located in the Mannus Upstream Management Zone of the Mannus Water Source being amended to nominate a water supply work located in the Mannus Downstream Management Zone of the Mannus Water Source if:
 - (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that existed in the Mannus Downstream Management Zone at the date of commencement of this Plan plus 1,668,
 - (c) an access licence which nominates a water supply work located in the Tooma Tributaries Management Zone of the Tooma Water Source being amended to nominate a water supply work located in the Tooma River Management Zone of the Tooma Water Source if:
 - (i) the access licence is of a category other than unregulated river (high flow), or

- (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in the Tooma River Management Zone at the date of commencement of this Plan plus 2,177,
 - (d) an access licence which nominates a water supply work located in the Tooma River Management Zone of the Tooma Water Source being amended to nominate a water supply work located in the Tooma Tributaries Management Zone of the Tooma Water Source,
 - (e) an access licence which nominates a water supply work located in the Tumbarumba Downstream Management Zone of the Tumbarumba Water Source being amended to nominate a water supply work located in the Tumbarumba Upstream Management Zone of the Tumbarumba Water Source, if:
 - (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences that existed in the Tumbarumba Upstream Management Zone at the date of commencement of this Plan plus 1,233,
 - (f) an access licence which nominates a water supply work located in the Tumbarumba Upstream Management Zone of the Tumbarumba Water Source being amended to nominate a water supply work located in the Tumbarumba Downstream Management Zone of the Tumbarumba Water Source, if:
 - (i) the access licence is of a category other than unregulated river (high flow), or
 - (ii) it would cause the sum of the share components of all access licences with extraction components that specify the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in the Tumbarumba Downstream Management Zone at the date of commencement of this Plan plus 960,
 - (g) an access licence that does not nominate a water supply work located on the Eagle Creek System within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on the Eagle Creek System within the Murray Below Mulwala Water Source, or
 - (h) an access licence that does not nominate a water supply work located on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source to an access licence that nominates a water supply work on Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (3) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources may only be permitted where administrative arrangements have been agreed to and put in place by the States.
- (4) Dealings under section 71W of the Act that involve the interstate nomination of a water supply work by an access licence in these water sources are prohibited if the dealing involves an unregulated river (high flow) access licence.
- (5) Dealings under section 71W of the Act that involve the nomination of water supply works in

these water sources by an access licence or its equivalent from another State may only be permitted where administrative arrangements have been agreed to and put in place by the States.

- (6) Dealings under section 71W of the Act that involve the nomination of water supply works in these water sources by an access licence or its equivalent from another State are prohibited if the dealing involves:
- (a) the nomination of a water supply work located in one of the following water sources:
 - (i) Albury Water Source,
 - (ii) Dora Dora Water Source,
 - (iii) Hume Water Source,
 - (iv) Jingellic Water Source,
 - (v) Lower Wangamong Water Source,
 - (vi) Majors Water Source,
 - (vii) Murray Below Mulwala Water Source,
 - (viii) Ournie Welaregang Water Source,
 - (ix) Swampy Plain Water Source, or
 - (x) Upper Murray Groundwater Source,
 - (b) the nomination of a water supply work located in the Indi Water Source if:
 - (i) the dealing involves an access licence or its equivalent in another State which is subject to access rules less restrictive than those applying to an unregulated river (high flow) access licence in the Indi Water Source, or
 - (ii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 3,238,
 - (c) the nomination of a water supply work located in the Mannus Water Source, if:
 - (i) the dealing involves an access licence or its equivalent in another State which is subject to access rules less restrictive than those applying to an unregulated river (high flow) access licence in the Mannus Water Source,
 - (ii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the Mannus Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,310, or
 - (iii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the Mannus Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that

management zone at the date of commencement of this Plan plus 1,668,

- (d) the nomination of a water supply work located in the Maragle Water Source, if:
 - (i) the dealing involves an access licence or its equivalent in another State which is subject to access rules less restrictive than those applying to an unregulated river (high flow) access licence in the Maragle Water Source, or
 - (ii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the water source to exceed the sum of the share components of all access licences that existed in the water source at the date of commencement of this Plan plus 567,
- (e) the nomination of a water supply work located in the Tooma Water Source, if:
 - (i) the dealing involves an access licence or its equivalent in another State which is subject to access rules less restrictive than those applying to an unregulated river (high flow) access licence in the Tooma Water Source,
 - (ii) the dealings would involve the nomination of a water supply work located in the Tooma Tributaries Management Zone in the Tooma Water Source, or
 - (iii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the Tooma River Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 2,177,
- (f) the nomination of a water supply work located in the Tumbarumba Water Source, if:
 - (i) the dealing involves an access licence or its equivalent in another State which is subject to access rules less restrictive than those applying to an unregulated river (high flow) access licence in the Tumbarumba Water Source,
 - (ii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the Tumbarumba Upstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 1,233, or
 - (iii) the dealing would cause the sum of the share components (or share component equivalents) of all access licences in the Tumbarumba Downstream Management Zone to exceed the sum of the share components of all access licences that existed in that management zone at the date of commencement of this Plan plus 960.

Part 11 Mandatory conditions

Note. Part 12 allows for amendments to be made to Part 11.

Division 1 General

64 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to one of the addresses listed in Appendix 2 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

Note. At the commencement of this Plan, the email address for the Water Licensing Enquiries Information Centre is information@water.nsw.gov.au.

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

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

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

Division 2 Access licences

Note. This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

65 General

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan for the respective category or subcategory of access licence,
 - (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
 - (c) the holder of the access licence, must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,

- (iv) the purpose or purposes for which the water taken on that date was used,
 - (v) for unregulated river access licences, unregulated river (high flow) access licences, domestic and stock access licences and local water utility access licences in the Murray Unregulated Water Sources, the volume of water taken in the first three water years of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 40 (2),
 - (vi) for unregulated river access licences, unregulated river (high flow) access licences, domestic and stock access licences and local water utility access licences in the Murray Unregulated Water Sources, the volume of water taken in any three consecutive water years after the first water year of this Plan, by comparison to the maximum volume of water permitted to be taken in those years under clause 40 (3),
 - (vii) for aquifer access licences, domestic and stock access licences and local water utility access licences in the Upper Murray Groundwater Source, the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 41 (2), and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of the access licence must produce the Logbook to the Minister for inspection when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
 - (4) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.
 - (5) An access licence for a project issued under Part 4 for State Significant Development or Part 3A for State Significant Infrastructure under Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required, to give effect to the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan and to give effect to the rules for the use of water supply works located within restricted distances specified in clause 55.

Division 3 Water supply work approvals

Note. This Division is made in accordance with sections 17 (c) and 100 of the Act.

66 General

- (1) Water supply work approvals for water supply works in these water sources, must have

mandatory conditions where required to give effect to the following:

- (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,

Note. This paragraph applies to water supply works used to take water under an access licence. It does not apply to water supply works used to take water under an authority other than an access licence, such as the exemption under the regulations for water users in the Eagle Creek System, Bingera Creek and Bungaree Creek within Murray Below Mulwala Water Source.

- (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:

(i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,

(ii) the metering equipment must comply with the Australian Technical Specification: *ATS 4747 Meters for non-urban water supply* as may be updated or replaced from time to time,

(iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,

(iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment, and

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

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

- (c) any other conditions required to implement the provisions of the Plan.

- (2) Water supply work approvals for water supply works in these water sources, must have mandatory conditions where required to give effect to the following, provided that these requirements do not apply to a water supply work that is a metered water supply work with a data logger:

- (a) the holder of a water supply work approval must keep a Logbook,

- (b) the holder of a water supply work approval must record the following in the Logbook:

(i) each date and period of time during which water was taken using the water supply work,

(ii) the volume of water taken on that date,

(iii) the access licence number of the access licence under which water was taken on that date or if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,

(iv) the purpose or purposes for which the water taken on that date,

- (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (4) Water supply work approval for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 48 (1).
- (5) A water supply work approval for a replacement groundwater work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 50.

67 Water supply works used to take water from the Upper Murray Groundwater Source

- (1) This clause applies to all water supply work approvals for water supply works that may be used to take water in the Upper Murray Groundwater Source.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
 - (a) the rules for limiting the taking of water within the distance restrictions as specified in clause 55,
 - (b) the approval holder must ensure that the construction of a new water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the work, and
 - (ii) sealed off from all other water sources,
 - (c) the construction of a new water supply work must:

- (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 51 to 54,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, and
 - (iii) be constructed appropriately so as to prevent contamination between aquifers,
- (d) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, unless otherwise directed by the Minister in writing,
- (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
- (f) the approval holder must, within two months of completion of the construction of the water supply work or within two months after the issue of the water supply approval if the water supply work is existing, submit to the Department in a form approved by the Minister, the details of the work,
- (g) if, during the construction of the water supply work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
- (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all reasonable steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the saline or contaminated water from the water supply work and if specified by the Minister, place an impermeable seal between the casing(s) and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quantity of water obtained using the water supply work,
- (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
- (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 51 (2) (d) applies must have a mandatory condition where required to give effect to clause 51 (4).

Part 12 Amendment of this Plan

68 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

Note. For example, if Part 1 is amended to add a new management zone, this may require amendment to other parts of this Plan to include rules for that management zone.

- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime, is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

69 Part 1

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof) or modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Registered Map.

70 Part 8

Division 2 of Part 8 of this Plan may be amended to do any of the following:

- (a) amend the existing flow classes, and amend the reference point to specify a newly installed gauge in the Mannus Upstream Management Zone in the Mannus Water Source, such that the top of the Very Low Flow Class will be equivalent to the current Very Low Flow Class as measured at the Glenroy gauge (40110008),
- (b) establish new flow classes to apply to users on Swampy Plain River upstream of Khancoban Pondage in the Swampy Plain Water Source, when real-time data for the Swampy Plain River at Khancoban 2 gauge (401501) becomes publicly available, such that the top of the Very Low Flow Class is at the 95th percentile flow or a lesser flow at that gauge,
- (c) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended during the term of this Plan as specified in clause 69,
- (d) amend clause 44:
 - (i) in relation to aquifer interference approvals,

- (ii) to specify alternate access rules for lagoons, lakes, in-river pools and other lentic water bodies, or
- (iii) to extend the exemption to the cease to take conditions for stock watering purposes specified in clause 44 (12) (c) beyond year five of this Plan and/or modify the volume of water permitted to be taken for stock watering purposes after year five of this Plan,
- (e) establish or assign TDELS in these water or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (f) establish or assign TDELS in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (g) amend or remove TDELS if TDELS have been established or assigned,
- (h) include rules for the establishment, assignment and removal of IDELS,
- (i) amend clause 44 to remove the existing access rules where TDELS and/or IDELS have been established under paragraphs (f) and (h) to protect a proportion of flow within each flow class for the environment, or
- (j) amend clause 44 to reinstate access rules that applied at the commencement of this Plan, where TDELS and IDELS have been removed under paragraphs (g) and (h).

71 Part 9

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

- (a) amend clause 48 (2) to specify additional water sources or management zones or amend the water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on third or higher order streams,
- (b) include further restrictions on the granting or amending of water supply works,
- (c) amend the definition of a replacement groundwater work in clause 50,
- (d) add, remove or modify a restricted distance specified in:
 - (i) clause 51 after year 5 of this Plan, or
 - (ii) clause 53 based on the outcomes of further studies of groundwater dependent ecosystems that are to the Minister's satisfaction, or
- (e) amend clause 55 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

72 Part 11

Part 11 may be amended to do any of the following:

- (a) amend the rules in relation to record-keeping including amendments in relation to requirements for Logbooks, or

- (b) amend clause 67 to specify different standards for decommissioning water supply works or construction requirements for water supply works.

73 Schedules

- (1) Schedule 1 may be amended to add, modify and/or remove a definition.
- (2) Schedule 2 may be amended to do any of the following:
 - (a) add a new access licence to clause 1 of Schedule 2, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 44 (12) (a) and that purpose was specified on or referred to in the conditions of the former *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 2, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or former *Water Act 1912* entitlement from Schedule 2 if:
 - (i) an access licence dealing results in water being taken under the licence from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the licence is surrendered or cancelled or its purpose ceases to exist, or
 - (d) remove a local water utility access licence or an access licence of the subcategory “Town water supply” or former *Water Act 1912* entitlement from clause 2 of Schedule 2 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan.
- (3) Schedule 2 may be deleted if the Minister is satisfied that it is no longer required.
- (4) Schedule 3 may be amended to add or remove a contamination source.
- (5) Schedule 4 may be amended to add or remove a high priority groundwater dependent ecosystem.
- (6) Schedule 5 may be amended to change the access rules and to add or remove licences.

74 Other

- (1) This Plan may be amended to provide rules for the following:
 - (a) manage aquifer recharge,
 - Note.** Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.
 - (b) the management of floodplain harvesting within these water sources,
 - (c) the shepherding of water,

- (d) any new category of access licence established for the purpose of stormwater harvesting, provided that the amendment does not affect the long-term average annual extraction limit specified in this Plan,
 - (e) the interception of water before it reaches a stream or aquifer by plantations or other means, or
 - (f) conditions on the taking of water from Eagle Creek System, Bingera or Bungaree Creeks within the Murray Below Mulwala Water Source.
- (2) This Plan may be amended to allow for the granting of aquifer interference approvals and the management of aquifer interference activities.
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (4) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
- (5) This plan may be amended after year 5 to provide for rules for the protection of water dependent Aboriginal cultural assets, including:
- (a) the identification of water dependent Aboriginal cultural assets in a Schedule to this Plan,
 - (b) amendments the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restrictions on the granting and amendment of water supply works to protect water dependent Aboriginal cultural assets, and/or
 - (d) amendments to the dealing rules to protect water dependent Aboriginal cultural assets.

Schedule 1 Dictionary

Note. Unless otherwise defined in this Plan, words and expressions that are defined in the Act or the Regulations have the same meaning in this Plan see Clause 6 (2).

Aboriginal person has the same meaning as under section 4 of the *Aboriginal Land Rights Act 1983*.

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

drawdown means 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.

cease to take condition means any condition on a water supply work approval or an access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance.

fractured rock means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

full containment volume means the volume of water that is impounded in the pool, lagoon or lake when the level of water in the pool, lagoon or lake is at the high water mark.

grazeable area means, for an individual landholding, the area of pasture in hectares for a pasture type that is accessible for stock grazing and able to grow appropriate vegetation for stock grazing, but does not include

impervious surfaces (such as rocks or rocky terrain, man-made structures, mines or quarries) or other such surfaces that do not support grazing vegetation, such as water bodies and forested floors with no undergrowth.

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

individual daily extraction limit (IDEL) is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

in-river dam means a dam located in a river.

in-river dam pool means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

Logbook, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules of this Plan.

management zone is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

porous rock means consolidated sedimentary rock containing voids, pores or other openings (such as joints, cleats and/or fractures) which are interconnected, in the rock mass and are capable of transmitting water.

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

Registered Map has the same meaning as in clause 4 (2) of this Plan.

replacement groundwater work has the same meaning as in clause 50 (2) of this Plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the Act. For the purposes of this Plan references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

shepherding means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

slotted intervals means that part of the water bore where slots in the casing occur which are designed to allow water to enter the bore.

stream order means the stream order defined by the Strahler stream ordering method set out in Part 1 of Schedule 2 to the *Water Management (General) Regulation 2011*.

total daily extraction limit (TDEL) is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

visible flow means a flow equivalent to the full flow of water through a 200 mm pipe.

Water Act 1912 entitlement has the same meaning as an entitlement has in clause 2 of Schedule 10 to the Act.

Schedule 2 Access licences used to take surface water exempt from cease to pump rules

1 General

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

***Water Act 1912* entitlements that will be replaced by access licences on commencement of this Plan**

50SL075423
50SL075510
50SL075386
50SL046469
50SL075561
50SL040857

2 Local water utility access licences and access licences of subcategory “Town water supply”

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

***Water Act 1912* entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan**

50SL075708
50SL075439

Schedule 3 Contamination sources in these water sources

Contamination sources in these water sources comprise the following:

- (a) on site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of any activity listed in Table 1 of the contaminated land planning guidelines as published under the *Environmental Planning and Assessment Act 1979* from time to time, and
- (d) any sites listed in an agency database relating to contamination sources.

Schedule 4 High priority groundwater dependent ecosystems

At the commencement of this Plan, no high priority groundwater dependent ecosystems have been identified in this Schedule.

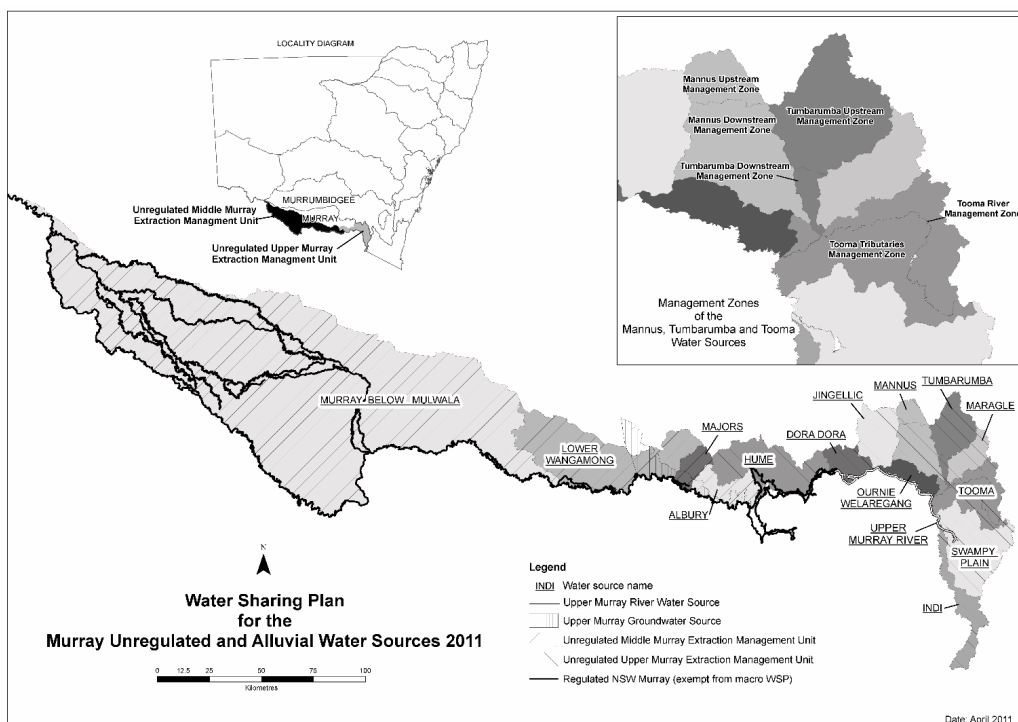
Note. High priority groundwater dependent ecosystems (hereafter **GDEs**) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any applications for water supply works approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.

Schedule 5 Access rules for local water utility access licences or unregulated river (“Town water supply”) access licences subject to

clause 44 (6)

Column 1 Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water Source	Column 3 Access rule
50SL075708	Tumbarumba Water Source	Water must not be taken unless there is a flow equal to or greater than 5 megalitres at the Tumbarumba 2 gauge (No 401007) on the Tumbarumba Creek.
50SL075439	Tumbarumba Water Source	Water must not be taken using works on Burra Creek unless a flow equal to or greater than 2 megalitres is maintained at all times downstream of any pumpsite or diversion work. Water must not be taken using works on Pound Creek or Paddys River unless a flow equivalent to the full flow of a 100 millimetre pipe set at bed level is maintained at all times downstream of any pumpsite or diversion work.

Appendix 1 Overview of the Registered Map



Appendix 2 Inspection of Registered Map

Copies of the Registered Map may be inspected at the following offices:

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
10 Valentine Avenue
PARRAMATTA NSW 2150

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
512 Dean Street
ALBURY NSW 2640

NSW Office of Water
Department of Trade and Investment, Regional Infrastructure and Services
8–20 Edwardes Street
DENILIQVIN NSW 2710

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

It is expected that those access licences which replace a *Water Act 1912* entitlement listed in Column 1 of the table below and which have a share component that specifies the water sources listed in Column 2 of the table below, will have the access rule specified in Column 3 imposed as a mandatory condition on all water supply work approvals nominated by that access licence to give effect to clause 44 (5) of this Plan.

Column 1	Column 2	Column 3
<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Water Source	<i>Water Act 1912</i> conditions
50SL033472	Murray Below Mulwala Water Source	When there is a natural flow in Bullockhide Ck, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Portion 71, Parish of Mellool and road adjacent to portion 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the office of the Department of Infrastructure Planning and Natural Resources. Notwithstanding the above, the authorised work may be used for the purpose of irrigation from the storage of the dam presently authorised by licence no 50SL31670 provided that any natural flow entering the said storage is maintained in Bullockhide Ck downstream from the said dam in accordance with the conditions of the said licence no 50SL31670.

50SL049957	Murray Below Mulwala Water Source	<p>When there is a natural flow in Bullockhide Ck, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Portion 71, Parish of Mellool and road adjacent to portion 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the NSW Office of Water.</p> <p>Notwithstanding the above, water diverted from the Murray River by the Bullockhide Ck Water Supply Syndicate may be abstracted from Bullockhide Ck for irrigation purposes provided the prior consent of that Syndicate is obtained.</p>
50SL038645	Murray Below Mulwala Water Source	<p>When a natural flow is entering the storage of the dam, the pipe referred to in condition 8 shall be so operated as to maintain a flow in Bullockhide Ck downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 metres below the level of the bench mark established on a box tree on the left bank of Bullockhide Ck near that dam an particulars of which are retained in the Office of the NSW Office of Water.</p>
50SL048135	Murray Below Mulwala Water Source	<p>When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the Office of the NSW Office of Water.</p> <p>Notwithstanding the above, water diverted from the Murray River by the Bullockhide Creek Water Supply Syndicate may be abstracted from Bullockhide Creek for irrigation purposes, provided the prior consent of that syndicate is obtained.</p>
50SL048136	Murray Below Mulwala Water Source	<p>When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the Office of the NSW Office of Water.</p> <p>Notwithstanding the above, water diverted from the Murray River by the Bullockhide Creek Water Supply Syndicate may be abstracted from Bullockhide Creek for irrigation purposes, provided the prior consent of that syndicate is obtained.</p>

50SL048147	Murray Below Mulwala Water Source	<p>When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the Office of the NSW Office of Water.</p> <p>Notwithstanding the above, water diverted from the Murray River by the Bullockhide Creek Water Supply Syndicate may be abstracted from Bullockhide Creek for irrigation purposes, provided the prior consent of that syndicate is obtained</p>
50SL038680	Murray Below Mulwala Water Source	<p>When a natural flow is entering the storage of the dam, the pipe referred to in condition 8 shall be so operated as to maintain a flow in Bullockhide Ck downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 metres below the level of the bench mark established on a box tree on the left bank of Bullockhide Ck near that dam an particulars of which are retained in the Office of the NSW Office of Water.</p>
50SL038669	Murray Below Mulwala Water Source	<p>When there is a natural flow in Bullockhide Creek, the authorised work shall not be used for the purpose of irrigation unless the said natural flow has reached the storage of the licensed work located on Lot 71, Parish of Mellool and road adjacent to Lot 13, Parish of Toolmah, both County of Wakool and the level of the water in that dam is higher than 2.5 metres below the level of a bench mark established on a box tree on the left bank of the watercourse near that dam and particulars of which are retained in the Office of the NSW Office of Water.</p>
50SL038744	Murray Below Mulwala Water Source	<p>When a natural flow is entering the storage of the dam, the pipe referred to in condition 9 shall be so operated as to maintain a flow in Bullockhide Ck downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 metres below the level of the bench mark established on a box tree on the left bank of Bullockhide Ck near that dam and particulars of which are retained in the Office of the NSW Office of Water.</p>

50SL038560	Murray Below Mulwala Water Source	When a natural flow is entering the storage of the upstream dam, the pipe shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the downstream dam and the level of the water stored in that dam is higher than 2.5 metres below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near the downstream dam and particulars of which are retained in the Office of the Department of Land & Water Conservation.
50SL042817	Murray Below Mulwala Water Source	When a natural flow is entering the storage of the dam, the pipe shall be so operated as to maintain a flow in Bullockhide Creek downstream of the dam equivalent to the natural flow entering the storage for the time being or the capacity of the said pipe, whichever is the lesser, provided however, that the pipe may be closed when the natural flow has reached the storage of the licensed dam located on Portion 71, Parish of Mellool and road adjacent to Portion 13, Parish of Toolmah, both County of Wakool and the level of the water stored in that dam is higher than 2.5 metres below the level of the bench mark established on a box tree on the left bank of Bullockhide Creek near that dam and particulars of which are retained in the Office of NSW Office of Water.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Water Sharing Plan for the Murray Unregulated and Alluvial Water Sources 2011 (2012-23). LW 27.1.2012. Date of commencement, 30.1.2012, cl 3. This Plan has been amended as follows:

2012 No 42 *Statute Law (Miscellaneous Provisions) Act 2012*. Assented to 21.6.2012.
Date of commencement of Sch 2.54, 6.7.2012, sec 2 (1).

Table of amendments

Cl 51 Am 2012 No 42, Sch 2.54.