

# Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012

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# Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012

## Notes.

- 1 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 2 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 3 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

## Part 1 Introduction

**Note.** Part 12 allows for amendments to be made to this Part.

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012* (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 the notes to this Plan.

### 3 Commencement of this Plan

This Plan commences on the 4th October 2012.

#### Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 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.
- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources consistent with the requirements of the Basin Plan. This Plan was amended in 2020, partly to meet NSW's commitments under these agreements. Certain provisions of this Plan form part of the water resource plan for the Murrumbidgee surface water resource plan area.
- 4 *Basin Plan* is defined in the Dictionary.

#### 4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Murrumbidgee Unregulated River Water Sources (hereafter *these water sources*) within the Murrumbidgee Water Management Area and the Murray Water Management Area:
- (a) Adjungbilly/Bombowlee/Brungle Water Source,
  - (b) Billabung Water Source,
  - (c) Bredbo Water Source,
  - (d) Burkes/Bullenbung Water Source,
  - (e) Burrinjuck Dam Catchment Water Source,
  - (f) Burrumbuttock Water Source,
  - (g) Gilmore/Sandy Water Source,
  - (h) Goobarragandra Water Source,
  - (i) Goodradigbee Water Source,
  - (j) Hillas Water Source,
  - (k) Houlaghans Water Source,
  - (l) Jugiong Water Source,
  - (m) Kyeamba Water Source,
  - (n) Lake George Water Source,
  - (o) Lower Billabong Water Source,
  - (p) Lower Billabong Anabranh Water Source,
  - (q) Middle Billabong Water Source,
  - (r) Molonglo Water Source,
  - (s) Mountain Water Source,
  - (t) Murrumbidgee (Balranald to Weimby) Water Source,
  - (u) Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (v) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
  - (w) Murrumbidgee I Water Source,

- (x) Murrumbidgee II Water Source,
- (y) Murrumbidgee III Water Source,
- (z) Murrumbidgee North Water Source,
- (aa) Murrumbidgee Western Water Source,
- (ab) Muttama Water Source,
- (ac) Numeralla East Water Source,
- (ad) Numeralla West Water Source,
- (ae) Queanbeyan Water Source,
- (af) Tantangara Water Source,
- (ag) Ten Mile Water Source,
- (ah) Upper Tumut Water Source,
- (ai) Upper Wangamong Water Source,
- (aj) Urana Water Source,
- (ak) Yarra Yarra Water Source,
- (al) Yass Lower Water Source,
- (am) Yass Upper Water Source,
- (an) Adelong Creek Water Source,
- (ao) Cotter Water Source,
- (ap) Tarcutta Creek Water Source, and
- (aq) Upper Billabong Water Source.

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

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP023\_Version 3), Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012* (hereafter ***the Plan Map***) held by the Department.

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

- (3) Subject to subclause (5), these water sources include all water:

- (a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and
- (b) in rivers, lakes and wetlands within the boundaries of these water sources as shown on the Plan Map.
- (4) (Repealed)
- (5) These water sources do not include water:
  - (a) contained in channels used for the purposes of conveying water within the area of operations of an irrigation corporation specified in Schedule 1 of the Act,
  - (b) contained in the Murrumbidgee Regulated River Water Source to which the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020* applies,
  - (c) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence, or  
**Note. Floodplain harvesting** is defined in the Dictionary.
  - (d) occurring naturally on the surface of the ground or in rivers, lakes and wetlands in the area marked as Lowbidgee Area shown on the Plan Map, except all water:
    - (i) in Talpee Creek within the Murrumbidgee Western Water Source, and
    - (ii) occurring within Lake Tala in the Murrumbidgee Western Water Source and Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source.
- (6) This Plan, as amended by the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Adelong Creek Water Source 2003*.
- (7) This Plan, as amended by the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*.
- (8) This Plan, as amended by the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Upper Billabong Water Source 2003*.

**Note.** This Plan, as amended by the *Water Sharing Plan for the Murrumbidgee Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Billabong Creek Alluvial Groundwater Source, Bungendore Alluvial Groundwater Source, Gundagai Alluvial Groundwater

Source, Kyeamba Alluvial Groundwater Source, Mid Murrumbidgee Zone 3 Alluvial Groundwater Source and Wagga Wagga Alluvial Groundwater Source. The *Water Sharing Plan for the Murrumbidgee Alluvial Groundwater Sources 2020* applies to those water sources.

## 5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:
  - (a) Adjungbilly/Bombowlee/Brungle Water Source:
    - (i) Adjungbilly Creek Management Zone,
    - (ii) Brungle Creek Management Zone,
    - (iii) Bombowlee Creek Management Zone,
    - (iv) Killimicat Creek Management Zone, and
    - (v) Oak Creek Management Zone,
  - (b) Jugiong Water Source:
    - (i) Demondrille Creek Management Zone,
    - (ii) Currawong Creek Management Zone, and
    - (iii) Jugiong Tributaries Management Zone,
  - (c) Lower Billabong Water Source:
    - (i) Lower Billabong Creek Management Zone, and
    - (ii) Nowranie Creek Management Zone,
  - (d) Middle Billabong Water Source:
    - (i) Billabong Creek Upstream of Culcairn Management Zone, and
    - (ii) Billabong Creek Downstream of Culcairn Management Zone,
  - (e) Numeralla West Water Source:
    - (i) Cooma Management Zone, and
    - (ii) Bunyan Management Zone,
  - (f) Yass Upper Water Source:
    - (i) Yass River Upstream of Gundaroo Gauge Management Zone, and
    - (ii) Yass River Downstream of Gundaroo Gauge Management Zone,

- (g) (repealed)
- (h) Tarcutta Creek Water Source:
  - (i) Borambola Management Zone,  
**Note.** The Borambola Management Zone includes all rivers downstream of the confluence of Tarcutta Creek and Umbango Creek, to the Tarcutta Creek junction with the Murrumbidgee River.
  - (ii) Westbrook Management Zone, and  
**Note.** The Westbrook Management Zone includes all rivers flowing into and including Tarcutta Creek, to its confluence with Umbango Creek.
  - (iii) Umbango Management Zone.  
**Note.** The Umbango Management Zone includes all rivers flowing into and including Umbango Creek, to its confluence with Tarcutta Creek.

**Note.** *Management zone* is defined in the Dictionary.

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

## 6 Extraction management units for these water sources

- (1) (Repealed)
- (2) This Plan establishes the following extraction management units (hereafter *the EMUs*):
  - (a) the Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit, which applies to the corresponding water sources specified in Column 2 of Table A,
  - (b) the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit, which applies to the corresponding water sources specified in Column 2 of Table A, and
  - (c) the Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit, which applies to the corresponding water sources specified in Column 2 of Table A, and
  - (d) the Unregulated Billabong Extraction Management Unit, which applies to the corresponding water sources specified in Column 2 of Table A.
- (3) The EMUs specified in subclause (2) are shown on the Plan Map.

### Notes.

- 1 A long-term average annual extraction limit and a long-term average sustainable diversion limit are established in Part 6 of this Plan for each extraction management unit. The long-term average annual extraction limit and long-term average sustainable diversion limit determine the maximum volume of water that may be extracted under



access licences and pursuant to basic landholder rights from all water sources within each extraction management unit on a long-term average annual basis.

- 2 The Unregulated Billabong Extraction Management Unit was established under the *Water Sharing Plan for the Upper Billabong Water Source 2003*.

**Table A—Extraction management units**

	<b>Column 1—Extraction management unit</b>	<b>Column 2—Water sources</b>
(a)	Unregulated Billabong Extraction Management Unit	Burrumbuttock Water Source Lower Billabong Water Source Middle Billabong Water Source Mountain Water Source Ten Mile Water Source Upper Billabong Water Source Upper Wangamong Water Source Urana Water Source Yarra Yarra Water Source
(b)	Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit	Bredbo Water Source Burrinjuck Dam Catchment Water Source Cotter Water Source Goodradigbee Water Source Lake George Water Source Molonglo Water Source Murrumbidgee I Water Source Murrumbidgee II Water Source Murrumbidgee III Water Source Numeralla East Water Source Numeralla West Water Source Queanbeyan Water Source Tantangara Water Source Yass Lower Water Source Yass Upper Water Source
(c)	Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit	Adelong Creek Water Source Adjungbilly/Bombowlee/Brungle Water Source Billabung Water Source Burkes/Bullenbung Water Source Gilmore/Sandy Water Source Goobarragandra Water Source Hillas Water Source Houlaghans Water Source Jugiong Water Source Kyeamba Water Source Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source Muttama Water Source Tarcutta Creek Water Source Upper Tumut Water Source
(d)	Unregulated Murrumbidgee Gogeldrie to	Lower Billabong Anabranche Water Source

	Weimby Extraction Management Unit	Murrumbidgee (Balranald to Weimby) Water Source Murrumbidgee (Gogeldrie to Waldaira) Water Source Murrumbidgee North Water Source Murrumbidgee Western Water Source
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## **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.

## **8 Interpretation**

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations made under the Act 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) The Dictionary and Schedules to this Plan form part of this Plan.
- (4A) The Plan Map forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (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

### Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 A monitoring, evaluation and reporting (**MER**) plan has been developed for water sources in the Murrumbidgee Surface Water Resource Plan area, which includes these water sources, and is available on the Department's website. The MER plan describes the following:
  - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators,
  - (b) selection criteria used to identify target ecological populations,
  - (c) selection criteria used for identifying priority monitoring locations for targeted objectives,
  - (d) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies,
  - (e) selection criteria used to determine how the objectives to 'protect' or 'enhance' will be measured for different target populations and performance indicators,
  - (f) which strategies contribute to the achievement of which objectives.
- 3 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

### 8A Acknowledgement

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

### 9 Vision statement

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

- (a) the health and enhancement of these water sources and their water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,
- (d) social and cultural benefits to urban and rural communities that depend on surface water.

## 9A Acknowledgment (Repealed)

### 10 Environmental objectives

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

**Note.** The ecological condition of these water sources will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER plan for these water sources. Water-dependent ecosystems in these water sources include instream, riparian and floodplain ecosystems.

- (2) The targeted environmental objective of this Plan is to protect, and where possible enhance, the following over the term of this Plan:

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

**Notes.**

- 1 **Target ecological populations** is defined in the Dictionary.
- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
  - (a) native fish including trout cod, Murray cod, Macquarie perch, southern pygmy perch and flat-headed galaxias,
  - (b) native vegetation including river red gum and black box communities,
  - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Significant wetlands in these water sources, and the associated ecological communities such as waterbirds and lignum shrublands, are primarily managed by the NSW Environmental Water Manager according to the rules of the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2020*. The targeted objectives, management and monitoring activities for these assets and communities are provided in the MER plan for these water sources.
- 4 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

- (b) the longitudinal and lateral connectivity within and between water sources to support target ecological processes, in particular to protect connectivity with the Murrumbidgee Regulated River Water Source to support environmental watering of off-river pools and off-river dam pools that may be the intended recipients of environmental water.

**Notes.**

- 1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.
- 2 Target ecological processes in these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.
- 3 Connectivity may be within or between these water sources or between these water sources and other water sources.
- 4 Off-river pools and off-river dam pools that may be the intended recipients of environmental water allowance releases are specified in Schedule 4 of this Plan.

- (c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.

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

- (3) The strategies for reaching the targeted environmental objective of this Plan are as follows:

- (a) reserve all water volume in excess of the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,

**Note.** Part 4 of this Plan reserves all water remaining above the long-term average annual extraction limit and long-term average sustainable diversion limit for the environment. This contributes to the protection of target ecological populations.

- (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,

**Notes.**

- 1 **Flow regimes** is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.

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

**Notes.**

- 1 **In-river pool** and **off-river pool** are defined in the Dictionary.
- 2 The provisions in clause 57 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

- (d) restrict or prevent water supply work approvals on third order or higher streams,

**Notes.**

- 1 The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approval for an in-river dam on a third order or higher stream in the water sources listed in clause 62.
  - 2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream
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ordering method is as described in Schedule 2 to the *Water Management (General) Regulation 2018*.

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

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

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

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

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) has contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objective in subclause (2) are the changes or trends in ecological condition during the term of this Plan, as assessed using one or more of the following:
  - (a) the recorded range, extent or condition of target ecological populations,
  - (b) measurements of fish movements through priority fish passage areas,
  - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
  - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,

- (d) the extent to which Schedule 4 of this Plan has accurately identified, and the provisions in this Plan have adequately protected, the off-river pools and off-river dam pools that have been recipients of environmental water deliveries,
- (e) the extent to which external influences on these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

**Note.** External influences may include climate trends, land use patterns, decisions made by the NSW Environmental Water Manager and other factors.

## 11 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.

- (2) The targeted economic objectives of this Plan are as follows:

- (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,

**Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.

- (b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses and landholders,
- (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.

- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows:

- (a) provide for trade of water allocations and share components subject to environmental constraints.

**Note.** The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another.

- (b) provide a stable and predictable framework for sharing water among water users,

**Note.** The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan and the flow class and access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

- (c) provide flexibility of access to water,
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**Note.** The individual account management provisions in clauses 48 and 48A of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

- (d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit.

**Note.** Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limits and the long-term average sustainable diversion limits.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the economic benefits of water extraction and use,
  - (b) the economic benefits of water trading as demonstrated by:
    - (i) the annual number or volume of share components of access licences transferred or assigned,
    - (ii) the weighted average unit price of share components of access licences transferred or assigned,  
**Note.** *Weighted average unit price* is defined in the Dictionary.
    - (iii) the annual volume of water allocations assigned,
    - (iv) the weighted average unit price of water allocations assigned,
  - (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,



- (b) the extent to which the changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

**Note.** External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in policy or regulation.

## 12 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) to provide access to water in the exercise of native title rights,
  - (b) to provide access to water for Aboriginal cultural use, including fishing,
  - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
  - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) manage access to water consistently with the exercise of native title rights,
  - (b) provide for water associated with Aboriginal cultural values and uses,

**Note.** The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.
  - (c) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,

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

**Note.** The provisions in clause 57 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.

- (e) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.

**Note.** The provisions in clauses 56 and 57 of this Plan ensure that a portion of natural flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan associated with one or more of the following:
  - (a) the use of water by Aboriginal people by measuring factors including:
    - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement,
    - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
  - (b) the recorded range or extent of target populations of native fish,
  - (c) the recorded range or condition of target populations of riparian vegetation,
  - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
  - (a) the extent to which the strategies in subclause (3) and provisions in the Plan have been implemented and complied with,

- (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
- (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
- (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.

**Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation.

## **12A Social and cultural objectives**

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
  - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
  - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,
  - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
  - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
  - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in these water sources,
  - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

- (d) reserve a portion of natural flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the social and cultural uses of water during the term of this Plan, by measuring factors including:
    - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
    - (ii) the extent to which major utility access licence and local water utility access licence requirements have been met,
  - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
  - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
  - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,

- (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
- (d) the extent to which external influences on water-dependant social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

**Note.** External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate or changes in policy or regulation.

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## **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 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 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 are to be made contained in 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 and long-term average sustainable diversion limit, contained in 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 in these water sources by having provisions that:

- (a) manage the sharing of water 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 reductions in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit and long-term average sustainable diversion limit, contained in Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis, contained in Division 2 of Part 8 of this Plan.

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

## Part 4 Planned environmental water provisions

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

### 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

Water is committed and identified as planned environmental water in these water sources 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) This Plan establishes planned environmental water in these water sources as follows:
  - (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

**Note.** The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
  - (b) the long-term average annual commitment of water as planned environmental water, resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,
  - (c) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act in accordance with the rules specified in Parts 6 and 8 of this Plan.



- (2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

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

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## 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 Part 6 of this Plan.

**Note.** The total share components of access licences in these water sources may change during the term 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

The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 4,385 megalitres per year (hereafter **ML/year**), distributed as follows:

- (a) 91 ML/year in the Adjungbilly/Bombowlee/Brungle Water Source,
- (b) 75 ML/year in the Billabung Water Source,
- (c) 72 ML/year in the Bredbo Water Source,

- (d) 82 ML/year in the Burkes/Bullenbung Water Source,
- (e) 45 ML/year in the Burrinjuck Dam Catchment Water Source,
- (f) 0 ML/year the Burrumbuttock Water Source,
- (g) 67 ML/year in the Gilmore/Sandy Water Source,
- (h) 39 ML/year in the Goobarragandra Water Source,
- (i) 28 ML/year in the Goodradigbee Water Source,
- (j) 113 ML/year in the Hillas Water Source,
- (k) 100 ML/year in the Houlaghans Water Source,
- (l) 291 ML/year in the Jugiong Water Source,
- (m) 75 ML/year in the Kyeamba Water Source,
- (n) 178 ML/year in the Lake George Water Source,
- (o) 44 ML/year the Lower Billabong Water Source,
- (p) 169 ML/year the Lower Billabong Anabranh Water Source,
- (q) 156 ML/year the Middle Billabong Water Source,
- (r) 103 ML/year in the Molonglo Water Source,
- (s) 73 ML/year the Mountain Water Source,
- (t) 2 ML/year in the Murrumbidgee (Balranald to Weimby) Water Source,
- (u) 34 ML/year in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) 92 ML/year in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) 218 ML/year in the Murrumbidgee I Water Source,
- (x) 133 ML/year in the Murrumbidgee II Water Source,
- (y) 116 ML/year in the Murrumbidgee III Water Source,
- (z) 73 ML/year in the Murrumbidgee North Water Source,
- (aa) 476 ML/year in the Murrumbidgee Western Water Source,
- (ab) 92 ML/year in the Muttama Water Source,
- (ac) 150 ML/year in the Numeralla East Water Source,

- (ad) 128 ML/year in the Numeralla West Water Source,
- (ae) 133 ML/year in the Queanbeyan Water Source,
- (af) 5 ML/year in the Tantangara Water Source,
- (ag) 1 ML/year the Ten Mile Water Source,
- (ah) 10 ML/year in the Upper Tumut Water Source,
- (ai) 50 ML/year the Upper Wangamong Water Source,
- (aj) 24 ML/year the Urana Water Source,
- (ak) 64 ML/year the Yarra Yarra Water Source,
- (al) 87 ML/year in the Yass Lower Water Source,
- (am) 338 ML/year in the Yass Upper Water Source,
- (an) (repealed)
- (ao) (repealed)
- (ap) (repealed)
- (aq) (repealed)
- (ar) (repealed)
- (as) (repealed)
- (at) 59 ML/year in the Adelong Creek Water Source,
- (au) 0 ML/year in the Cotter Water Source,
- (av) 248 ML/year in the Tarcutta Creek Water Source, and
- (aw) 51 ML/year in the Upper Billabong Water 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

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

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

### Notes.

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

## 21 Harvestable rights

The requirements for water under harvestable rights is equal to 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 the share components of domestic and stock access licences authorised to take water from these water sources total 3,458.75ML/year, distributed as follows:

- (a) 20 ML/year in the Adjungbilly/Bombowlee/Brungle Water Source,
- (b) 13 ML/year in the Billabung Water Source,
- (c) 0 ML/year in the Bredbo Water Source,
- (d) 22 ML/year in the Burkes/Bullenbung Water Source,
- (e) 105 ML/year in the Burrinjuck Dam Catchment Water Source,
- (f) 0 ML/year the Burrumbuttock Water Source,
- (g) 70.5 ML/year in the Gilmore/Sandy Water Source,
- (h) 12 ML/year in the Goobarragandra Water Source,

- (i) 1 ML/year in the Goodradigbee Water Source,
- (j) 30 ML/year in the Hillas Water Source,
- (k) 12 ML/year in the Houlaghans Water Source,
- (l) 59 ML/year in the Jugiong Water Source,
- (m) 35 ML/year in the Kyeamba Water Source,
- (n) 0 ML/year in the Lake George Water Source,
- (o) 2,044 ML/year the Lower Billabong Water Source,
- (p) 12 ML/year the Lower Billabong Anabranh Water Source,
- (q) 31 ML/year the Middle Billabong Water Source,
- (r) 12 ML/year in the Molonglo Water Source,
- (s) 7 ML/year the Mountain Water Source,
- (t) 0 ML/year in the Murrumbidgee (Balranald to Weimby) Water Source,
- (u) 51 ML/year in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) 123 ML/year in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) 59.5 ML/year in the Murrumbidgee I Water Source,
- (x) 25 ML/year in the Murrumbidgee II Water Source,
- (y) 45 ML/year in the Murrumbidgee III Water Source,
- (z) 37 ML/year in the Murrumbidgee North Water Source,
- (aa) 36 ML/year in the Murrumbidgee Western Water Source,
- (ab) 27 ML/year in the Muttama Water Source,
- (ac) 20.25 ML/year in the Numeralla East Water Source,
- (ad) 11 ML/year in the Numeralla West Water Source,
- (ae) 4 ML/year in the Queanbeyan Water Source,
- (af) 0 ML/year in the Tantangara Water Source,
- (ag) 0 ML/year the Ten Mile Water Source,
- (ah) 2 ML/year in the Upper Tumut Water Source,

- (ai) 0 ML/year the Upper Wangamong Water Source,
- (aj) 179 ML/year the Urana Water Source,
- (ak) 20 ML/year the Yarra Yarra Water Source,
- (al) 31 ML/year in the Yass Lower Water Source,
- (am) 115 ML/year in the Yass Upper Water Source,
- (an) (repealed)
- (ao) (repealed)
- (ap) (repealed)
- (aq) (repealed)
- (ar) (repealed)
- (as) (repealed)
- (at) 97.5 ML/year in the Adelong Creek Water Source,
- (au) 0 ML/year in the Cotter Creek Water Source,
- (av) 83 ML/year in the Tarcutta Creek Water Source, and
- (aw) 7 ML/year in the Upper Billabong Water Source.

### **23 Share components of local water utility access licences**

It is estimated that the share components of local water utility access licences authorised to take water from these water sources total 4,960 ML/year, distributed as follows:

- (a) 516 ML/year in the Gilmore/Sandy Water Source,
- (b) 30 ML/year in the Jugiong Water Source,
- (c) 40 ML/year the Lower Billabong Water Source,
- (d) 250 ML/year in the Molonglo Water Source,
- (e) 2,236 ML/year in the Murrumbidgee I Water Source,
- (f) 5 ML/year in the Murrumbidgee II Water Source,
- (g) 153 ML/year in the Upper Tumut Water Source,
- (h) 1,700 ML/year in the Yass Lower Water Source,

- (i) (repealed)
- (j) (repealed)
- (k) (repealed)
- (l) (repealed)
- (m) (repealed)
- (n) 30 ML/year in the Tarcutta Creek Water Source, and
- (o) 0 ML/year in all other water sources.

#### **24 Share components of unregulated river access licences**

It is estimated that the share components of unregulated river access licences authorised to take water from these water sources total 82,072.85 unit shares, distributed as follows:

- (a) 582 unit shares in the Adjungbilly/Bombowlee/Brungle Water Source,
- (b) 135 unit shares in the Billabong Water Source,
- (c) 236.5 unit shares in the Bredbo Water Source,
- (d) 516.5 unit shares in the Burkes/Bullenbung Water Source,
- (e) 12 unit shares in the Burrinjuck Dam Catchment Water Source,
- (f) 0 unit shares the Burrumbuttock Water Source,
- (g) 4,272.75 unit shares in the Gilmore/Sandy Water Source,
- (h) 1,652 unit shares in the Goobarragandra Water Source,
- (i) 874 unit shares in the Goodradigbee Water Source,
- (j) 1,513.1 unit shares in the Hillas Water Source,
- (k) 11 unit shares in the Houlaghans Water Source,
- (l) 2,206.5 unit shares in the Jugiong Water Source,
- (m) 388 unit shares in the Kyeamba Water Source,
- (n) 340.5 unit shares in the Lake George Water Source,
- (o) 8,140 unit shares the Lower Billabong Water Source,
- (p) 1,308 unit shares the Lower Billabong Anabranh Water Source,



- (q) 358 unit shares the Middle Billabong Water Source,
- (r) 244.5 unit shares in the Molonglo Water Source,
- (s) 0 unit shares the Mountain Water Source,
- (t) 0 unit shares in the Murrumbidgee (Balranald to Weimby) Water Source,
- (u) 15,644 unit shares in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
- (v) 6,980 unit shares in the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
- (w) 1,752.5 unit shares in the Murrumbidgee I Water Source,
- (x) 6,584.5 unit shares in the Murrumbidgee II Water Source,
- (y) 1,881.2 unit shares in the Murrumbidgee III Water Source,
- (z) 903 unit shares in the Murrumbidgee North Water Source,
- (aa) 8,040 unit shares in the Murrumbidgee Western Water Source,
- (ab) 873 unit shares in the Muttama Water Source,
- (ac) 4,288 unit shares in the Numeralla East Water Source,
- (ad) 339 unit shares in the Numeralla West Water Source,
- (ae) 431 unit shares in the Queanbeyan Water Source,
- (af) 0 unit shares in the Tantangara Water Source,
- (ag) 0 unit shares the Ten Mile Water Source,
- (ah) 40 unit shares in the Upper Tumut Water Source,
- (ai) 0 unit shares the Upper Wangamong Water Source,
- (aj) 221 unit shares the Urana Water Source,
- (ak) 12 unit shares the Yarra Yarra Water Source,
- (al) 427 unit shares in the Yass Lower Water Source,
- (am) 1,651 unit shares in the Yass Upper Water Source,
- (an) 3,778.3 unit shares in the Adelong Creek Water Source,
- (ao) 0 unit shares in the Cotter Creek Water Source,
- (ap) 5,107 unit shares in the Tarcutta Creek Water Source,

(aq) 330 unit shares in the Upper Billabong Water Source.

## **25 Share components of unregulated river (high flow) access licences**

It is estimated that the share components of unregulated river (high flow) access licences authorised to take water from these water sources total 0 unit shares in these water sources.

**Note.** Part 10 of this Plan allows for a specified amount of share components to be traded into these water sources as unregulated river (high flow) access licences. There are no existing access licences of this category, hence the 0 unit shares indicated.

## **26 - 28 (Repealed)**

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## Part 6 Limits to the availability of water

**Note.** This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction:

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

### Division 1 Calculations under this Part

#### 29 Exclusions, inclusions and variations in calculations

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

**Note.** *Annual permitted take* and *annual actual take* are defined in the Dictionary.
- (2) The calculations by the Minister to which this clause applies must:
  - (a) exclude the following:
    - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
    - (ii) in relation to annual extraction under clause 31 only, water committed as licensed environmental water under section 8F of the Act, and
  - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limits under clause 30 must be adjusted by a volume that appropriately reflects the following:
  - (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,

- (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

## **Division 2 Long-term average annual extraction limits**

### **30 Calculation of the long-term average annual extraction limits**

- (1) This clause establishes a long-term average annual extraction limit for each of the extraction management units.
- (2) The long-term average annual extraction limit for the Unregulated Billabong Extraction Management Unit is the sum of:
  - (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the following water sources:
    - (i) Burrumbuttock Water Source,
    - (ii) Lower Billabong Water Source,
    - (iii) Middle Billabong Water Source,
    - (iv) Mountain Water Source,
    - (v) Ten Mile Water Source,
    - (vi) Upper Wangamong Water Source,
    - (vii) Urana Water Source,
    - (viii) Yarra Yarra Water Source, and
    - (ix) Upper Billabong Water Source, plus
  - (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
    - (i) Burrumbuttock Water Source,
    - (ii) Lower Billabong Water Source,
    - (iii) Middle Billabong Water Source,
    - (iv) Mountain Water Source,
    - (v) Ten Mile Water Source,
    - (vi) Upper Wangamong Water Source,

- (vii) Urana Water Source, and
  - (viii) Yarra Yarra Water Source, plus
  - (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the Unregulated Billabong Extraction Management Unit, plus
  - (d) the annual water requirements pursuant to basic landholder rights in the Upper Billabong Water Source at the commencement of the *Water Sharing Plan for the Upper Billabong Water Source 2003*, plus
  - (e) the estimated annual take of water from the Unregulated Billabong Extraction Management Unit by plantation forestry that existed on 30 June 2009.  
**Note.** *Plantation forestry* is defined in the Dictionary.
- (3) The long-term average annual extraction limit for the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit is the sum of:
- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the following water sources:
    - (i) Adjungbilly/Bombowlee/Brungle Water Source,
    - (ii) Billabong Water Source,
    - (iii) Burkes/Bullenbung Water Source,
    - (iv) Gilmore/Sandy Water Source,
    - (v) Goobarragandra Water Source,
    - (vi) Hillas Water Source,
    - (vii) Houlaghans Water Source,
    - (viii) Jugiong Water Source,
    - (ix) Kyeamba Water Source,
    - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
    - (xi) Muttama Water Source,
    - (xii) Upper Tumut Water Source,

- (xiii) Adelong Creek Water Source, and
- (xiv) Tarcutta Creek Water Source, plus
- (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
  - (i) Adjungbilly/Bombowlee/Brungle Water Source,
  - (ii) Billabung Water Source,
  - (iii) Burkes/Bullenbung Water Source,
  - (iv) Gilmore/Sandy Water Source,
  - (v) Goobarragandra Water Source,
  - (vi) Hillas Water Source,
  - (vii) Houlaghans Water Source,
  - (viii) Jugiong Water Source,
  - (ix) Kyeamba Water Source,
  - (x) Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
  - (xi) Muttama Water Source, and
  - (xii) Upper Tumut Water Source, plus
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit, plus
- (d) the annual water requirements pursuant to basic landholder rights in the Adelong Creek Water Source at the commencement of the *Water Sharing Plan for the Adelong Creek Water Source 2003*, plus.
- (e) the annual water requirements pursuant to basic landholder rights in the Tarcutta Creek Water Source at the commencement of the *Water Sharing Plan for the Tarcutta Creek Water Source 2003*, plus

- (f) the estimated annual take of water from the Unregulated Murrumbidgee Below Burrinjuck Dam to Gogeldrie Extraction Management Unit by plantation forestry that existed on 30 June 2009.
- (4) The long-term average annual extraction limit for the Unregulated Murrumbidgee Above Burrinjuck Dam Extraction Management Unit and the Unregulated Murrumbidgee Gogeldrie to Weimby Extraction Management Unit is the sum of:
- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* in the respective extraction management unit, plus
  - (b) the annual water requirements pursuant to basic landholder rights in the respective extraction management units at the commencement of this Plan, plus
  - (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in the respective extraction management unit, plus
  - (d) the estimated annual take of water from the respective extraction management unit by plantation forestry that existed on 30 June 2009.

### **31 Calculation of annual extraction**

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

- (a) the take of water by basic landholder rights and access licences in that water year,
- (b) the estimated take of water by plantation forestry in that water year,
- (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences may be issued in the EMUs.

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

- (1) Following the calculation under clause 31, the Minister is to compare the average of the total annual extraction for each extraction management unit over the preceding three water years against the respective long-term average annual extraction limit.

- (2) There is non-compliance with a long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

### **Division 3 Long-term average sustainable diversion limit**

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

#### **33 Calculation of the long-term average sustainable diversion limit**

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the Murrumbidgee SDL resource unit calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

**Notes.**

- 1 **Baseline diversion limit** is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Murrumbidgee surface water SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the Murrumbidgee River Regulated River Water Source and the Murrumbidgee Unregulated River Water Sources.

#### **34 Calculation of annual permitted and annual actual take for the water year**

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in these water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to these water sources.

**Notes.**

- 1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as they fall outside the definition of take for consumptive use.
- 2 **Consumptive use** and **take** are defined in section 4 of the *Water Act 2007* of the Commonwealth.



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

- (1) Following the calculation under clause 34 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan:
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

## **Division 4 Compliance with extraction and diversion limits**

### **36 Action following non-compliance**

- (1) Subject to subclauses (2) to (4), if an assessment under clauses 32 or 35 demonstrates non-compliance with either a long-term average annual extraction limit for an extraction management unit or the long-term average sustainable diversion limit, the Minister is to take one or both of the following actions for the water year after the assessment:
  - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
  - (b) make available water determinations for unregulated river (high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take one or both of the actions specified in subclause (1) (a) and (1) (b) if an assessment under clause 35 would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:
  - (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in the extraction management unit to the respective long-term average annual extraction limit,
  - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,

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

**37 (Repealed)**

**Division 5 Available water determinations**

**38 General**

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
  - (a) a percentage of the share component for access licences where share components are specified ML/year, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
  - (a) 100% of the access licence share component for all access licences where share components are specified ML/year, or
  - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) (Repealed)

**39 Available water determinations for domestic and stock access licences**

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

**40 Available water determinations for local water utility access licences**

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

**41 Available water determinations for unregulated river access licences**

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

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

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

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

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

**43 - 45 (Repealed)**

## Part 7 Rules for granting access licences

### Notes.

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

### 46 Specific purpose access licences

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

- (1) (Repealed)
- (2) Applications may not be made for a specific purpose access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (3) 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.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note.** *Aboriginal person* is defined in the Dictionary.

### 47 (Repealed)

## **Part 8 Rules for managing access licences**

### **Division 1 Water allocation account management rules**

**Note.** The Act and the regulations provide for the keeping of water allocation accounts for access licences. The rules in this Division impose further limits on the water that may be taken under an access licence over a specified period of time. These limits are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

#### **48 Individual access licence account management rules for these water sources excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of these water sources excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source.
- (2) For the period of the first three water years in which this Plan has effect, water taken under an unregulated river access licence or an unregulated river (high flow) access licence 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 sections 71T or 71V of the Act in those water years, plus
  - (d) any water allocations recredited 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 unregulated river access licence or an unregulated river (high flow) access licence 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 in the water allocation account for the access licence from the water year prior to those three water years under subclause (5),
  - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in those three water years, and
  - (iv) any water allocations reccredited 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 sections 71T or 71V of the Act in those three water years, and
  - (v) any water allocations reccredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence or a local water utility access licence 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 sections 71T or 71V of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an unregulated river access licence or an unregulated river (high flow) access licence is equal to 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence or a local water utility access licence cannot be carried over from one water year to the next.

**48A Individual access licence account management rules for the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Adelong Creek Water Source, the Tarcutta Creek Water Source or the Upper Billabong Water Source.
- (2) 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 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 in the water allocation account for the access licence from the water year prior to those three water years under subclause (3),
    - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under sections 71T or 71V of the Act in those three water years, and

- (iv) any water allocations recredited 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 sections 71T or 71V of the Act in those three water years, and
  - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (3) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an access licence is equal to 1 ML per unit share of the access licence share component or 100% of the access licence share component.

**49 - 54 (Repealed)**

**Division 2 Flow classes and daily access rules**

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

**55 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.

**56 Flow classes**

- (1) This Plan establishes the flow classes specified in Column 3 of Table B for the sharing of flows on a daily basis in these water sources.



- (2) The flow classes in Column 3 of Table B and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 of Table B and each management zone specified in Column 2 of Table B.
- (3) Subject to subclause (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 height in metres) as measured at the flow reference points specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If, in the Minister's opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- (5) For the purpose of determining flow classes that apply on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.  
**Note.** On days that accurate flow data is not available, holders of access licences may contact the Department's office at the address listed in Schedule 6 or check the Department's website to find out what flow class applies on that day.
- (6) The flow classes commence in the year specified in Column 4 of Table B.  
**Note.** Only those water sources for which flow classes have been established 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 height in metres)	Flow reference point	Day on which flow class applies
Adelong Creek Water Source		Very Low Flow Class	Year 4 of this Plan	Less than or equal to 12 ML/day	Adelong Creek at Batlow Road gauge (410061)	Same day
		A Class		More than 12 ML/day		
Adjungbilly/Bombowlee/Brungle Water Source	Adjungbilly Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 14.3 ML/day	Adjungbilly Creek at Darbalara (The Elms) gauge (410038)	Same day
		A Class	Year 1 of this Plan	More than 14.3 ML/day and less than or equal to 20 ML/day		Same day
		B Class	Year 1 of this Plan	More than 20 ML/day		Same day
	Brungle Creek	Very Low	Year 1 of	No visible flow	Brungle Creek	Same day

	Management Zone	Flow Class	this Plan		at the	
		A Class	Year 1 of this Plan	Visible flow	Gundagai-Tumut-Tumut road bridge	Same day
	Bombowlee Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Bombowlee Creek at	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day	Bombowlee gauge (410070)	Same day
	Killimicat Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Killimicat Creek at the	Same day
		A Class	Year 1 of this Plan	Visible flow	Gundagai Tumut road bridge	Same day
Billabung Water Source		Very Low Flow Class	Year 1 of this Plan	Below or equal to 0.6 metres at the gauge	Billabung Creek at Nangus Road	Same day
		A Class	Year 1 of this Plan	Above 0.6 metres at the gauge	water quality station (41010705 "Billabong Creek at Nangus Road")	Same day
Bredbo Water Source		Very Low Flow Class	Year 1 of this Plan	No visible flow	Bredbo River at Monaro	Same day
		A Class	Year 1 of this Plan	Visible flow	Highway road bridge	Same day
Gilmore/Sandy Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Gilmore Creek at Gilmore (Willows) gauge (410059)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day and less than or equal to 218 ML/day		Same day
		B Class	Year 1 of this Plan	More than 218 ML/day		Same day
Goobarragandra Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 63 ML/day	Goobarragandra River at Lacmalac gauge (410057)	Same day
		A Class	Year 1 of this Plan	More than 63 ML/day and less than or equal to 87 ML/day		Same day
		B Class	Year 1 of this Plan	More than 87 ML/day and less than or equal to 118 ML/day		Same day
		C Class	Year 1 of	More than 118		Same day

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			this Plan	ML/day		
Goodradigbee Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 45 ML/day	Goodradigbee River at Wee Jasper gauge (410024)	Same day
		A Class	Year 1 of this Plan	More than 45 ML/day and less than or equal to 78 ML/day		Same day
		B Class	Year 1 of this Plan	More than 78 ML/day and less than or equal to 89 ML/day		Same day
		C Class	Year 1 of this Plan	More than 89 ML/day		Same day
Hillas Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 8 ML/day	Hillas Creek at Mt Adrah gauge (410043)	Same day
		A Class	Year 1 of this Plan	More than 8 ML/day and less than or equal to 87 ML/day		Same day
		B Class	Year 1 of this Plan	More than 87 ML/day		Same day
Jugiong Water Source	Demondrille Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Demondrille Creek at the Huntleigh Road crossing	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
	Currawong Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Currawong Creek at Neill Street crossing	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Kyeamba Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Kyeamba Creek at Ladysmith gauge (410048)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Lower Billabong Water Source	Lower Billabong Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	From 1 January to 30 June: Less than or equal to 80 ML/day on a rising river and less than or equal to 49 ML/day on a falling river. From 1 July to 31 December: Less than or equal to 66 ML/day on a rising river and	Billabong Creek at Walbundrie gauge (410091)	Same day

				less than or equal to 49 ML/day on a falling river.		
		A Class	Year 1 of this Plan	From 1 January to 30 June: more than 80 ML/day on a rising river and more than 49 ML/day on a falling river. From 1 July to 31 December: more than 66 ML/day on a rising river and more than 49 ML/day on a falling river.		Same day
	Nowranie Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 66 ML/day on a rising river and less than or equal to 60 ML/day on a falling river	Billabong Creek at the Walbundrie gauge (410091)	Same day
		A Class	Year 1 of this Plan	More than 66 ML/day on a rising river and more than 60 ML/day on a falling river		Same day
Middle Billabong Water Source	Billabong Creek Upstream of Culcairn Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 2 ML/day	Billabong Creek at Aberfeldy gauge (410097)	Same day
		A Class	Year 1 of this Plan	More than 2 ML/day		Same day
	Billabong Creek Downstream of Culcairn Management Zone	Very Low Flow Class	Year 1 of this Plan	From 1 January to 30 June: Less than or equal to 80 ML/day on a rising river and less than or equal to 49 ML/day on a falling river. From 1 July to 31 December: Less than or equal to 66 ML/day on a rising river and less than or equal	Billabong Creek at the Walbundrie gauge (410091) in the Lower Billabong Water Source	Same day

				to 49 ML/day on a falling river.		
		A Class	Year 1 of this Plan	From 1 January to 30 June: more than 80 ML/day on a rising river and more than 49 ML/day on a falling river. From 1 July to 31 December: more than 66 ML/day on a rising river and more than 49 ML/day on a falling river.		Same day
Molonglo Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1.6 ML/day	Molonglo River at Burbong gauge (410705)	Same day
		A Class	Year 1 of this Plan	More than 1.6 ML/day		Same day
Mountain Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Billabong Creek Downstream of Ten Mile and Mountain Creeks gauge (410186) in the Middle Billabong Water Source	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Murrumbidgee I Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 33 ML/day	Murrumbidgee River at Mittagang Crossing gauge (410033)	Same day
		A Class	Year 1 of this Plan	More than 33 ML/day		Same day
Murrumbidgee II Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 27 ML/day	Murrumbidgee River at Billilingra gauge (410050)	Same day
		A Class	Year 1 of this Plan	More than 27 ML/day		Same day
Murrumbidgee III Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 87 ML/day	Murrumbidgee River at Halls Crossing gauge (410777)	Same day
		A Class	Year 1 of this Plan	More than 87 ML/day and less than or equal to 459 ML/day		Same day
		B Class	Year 1 of	More than 459		Same day

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			this Plan	ML/day		
Numeralla East Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4.5 ML/day	Numeralla River at Rose Valley low flow gauge (41000206)	Same day
		A Class	Year 1 of this Plan	More than 4.5 ML/day		Same day
Numeralla West Water Source	Cooma Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 0.6 ML/day	Cooma Creek at Cooma No 2 (The Grange) gauge (410081)	Same day
		A Class	Year 1 of this Plan	More than 0.6 ML/day		Same day
	Bunyan Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Cooma Creek at the Highway Bridge at Bunyan	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Queanbeyan Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Queanbeyan at the ACT Border gauge (410770)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
Tarcutta Creek Water Source	Borambola Management Zone	Very Low Flow Class	Year 4 of this Plan	Less than or equal to 12 ML/day on a falling river or less than or equal to 15 ML/day on a rising river	Tarcutta Creek at Old Borambola gauge (410047)	Same day
		A Class	Year 4 of this Plan	More than 12 ML/day on a falling river or more than 15 ML/day on a rising river		
	Westbrook Management Zone	Very Low Flow Class	Year 4 of this Plan	Less than or equal to 18 ML/day	Tarcutta Creek at Westbrook gauge (410058)	
		A Class	Year 4 of this Plan	More than 18 ML/day		
	Umbango Management Zone	Very Low Flow Class	Year 4 of this Plan	Less than or equal to 18 ML/day		
		A Class	Year 4 of this Plan	More than 18 ML/day		
Ten Mile Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Billabong Creek	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day	Downstream of Ten Mile and Mountain Creeks gauge (410186) in the Middle	Same day

					Billabong Water Source	
Upper Billabong Water Source		Very Low Flow Class	Year 4 of this Plan	Less than or equal to 2 ML/day	Billabong Creek at Aberfeldy gauge (410097)	Same day
		A Class		More than 2 ML/day		
Yarra Yarra Water Source		Very Low Flow Class	Year 1 of this Plan	No visible flow	Yarra Yarra Creek at the Hume Highway road bridge	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Yass Lower Water Source		Very Low Flow Class	Year 1 of this Plan	No visible flow	Yass River at Railway Weir	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Yass Upper Water Source	Yass River Upstream of Gundaroo Gauge Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Yass River at Above Macks Reef Road gauge (410851)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		Same day
	Yass River Downstream of Gundaroo Gauge Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 6 ML/day	Yass River at Gundaroo gauge (410090)	Same day
		A Class	Year 1 of this Plan	More than 6 ML/day		Same day

**Notes.**

The flow percentiles below refer to flows at the gauge and include all days of record.

- 1 For the Adjungbilly Creek at Darbalara (The Elms) gauge (410038), 14.3 ML/day corresponds to the estimated 95th percentile flow.
- 2 For the Bombowlee Creek at Bombowlee gauge (410070), 4 ML/day corresponds to an estimated height of 0.43 metres.
- 3 For the Gilmore Creek at Gilmore (Willows) gauge (410059):
  - (i) 10 ML/day corresponds to the estimated 95th percentile flow, and
  - (ii) 218 ML/day corresponds to the estimated 30th percentile flow.
- 4 For the Goobarragandra River at Lacmalac gauge (410057):
  - (i) 63 ML/day corresponds to the estimated 97th percentile flow, and
  - (ii) 87 ML/day corresponds to the estimated 95th percentile flow.
- 5 For the Goodradigbee River at Wee Jasper gauge (410024):
  - (i) 45 ML/day corresponds to the estimated 97th percentile flow, and
  - (ii) 78 ML/day corresponds to the estimated 95th percentile flow.
- 6 For the Hillas Creek at Mt Adrah gauge (410043):
  - (i) 8 ML/day corresponds to the estimated 90th percentile flow, and

- (ii) 87 ML/day corresponds to the estimated 30th percentile flow.
  - 7 For the Kyeamba Creek at Ladysmith gauge (410048), 1 ML/day corresponds to the estimated 50th percentile flow.
  - 8 For the Billabong Creek at Walbundrie gauge (410091):
    - (i) 49 ML/day corresponds to the estimated 56th percentile flow,
    - (ii) 60 ML/day corresponds to the estimated 51st percentile flow,
    - (iii) 66 ML/day corresponds to the estimated 49th percentile flow, and
    - (iv) 80 ML/day corresponds to the estimated 43rd percentile flow
  - 9 For the Billabong Creek at Aberfeldy gauge (410097), 2 ML/day corresponds to the estimated 80th percentile flow,
  - 10 For the Molonglo River at Burbong gauge (410705), 1.6 ML/day corresponds to the estimated 80th percentile flow.
  - 11 For the Billabong Creek Downstream of Ten Mile and Mountain Creeks gauge (410186), 1 ML/day corresponds to the estimated 80th percentile flow.
  - 12 For the Murrumbidgee River at Mittagang Crossing gauge (410033), 33 ML/day corresponds to the estimated 95th percentile flow.
  - 13 For the Murrumbidgee River at Billilingra gauge (410050), 27 ML/day corresponds to the estimated 95th percentile flow.
  - 14 For the Murrumbidgee River at Halls Crossing gauge (410777):
    - (i) 87 ML/day corresponds to the estimated 95th percentile flow, and
    - (ii) 459 ML/day corresponds to the estimated 50th percentile flow.
  - 15 For the Numeralla River at Rose Valley low flow gauge (41000206), 4.5 ML/day corresponds to an estimated height of 0.30 metres.
  - 16 For the Cooma Creek at Cooma No 2 (The Grange) gauge (410081), 0.6 ML/day corresponds to the estimated 80th percentile flow.
  - 17 For the Queanbeyan at the ACT Border gauge (410770), 1 ML/day corresponds to the estimated 95th percentile flow.
  - 18 For the Yass River at Above Macks Reef Road gauge (410851), 1 ML/day corresponds to the estimated 24th percentile flow.
  - 19 For the Yass River at Gundaroo gauge (410090), 6 ML/day corresponds to the estimated 24th percentile flow.
  - 20 For the Tarcutta Creek at Old Borambola gauge (410047):
    - (i) 12 ML/day corresponds to the estimated 93rd percentile flow, and
    - (ii) 15 ML/day corresponds to the estimated 92nd percentile flow.
  - 21 For the Tarcutta Creek at Westbrook gauge (410058), 18 ML/day corresponds to the estimated 88th percentile.
  - 22 For the Billabong Creek at Aberfeldy gauge (410097) 2 ML/day corresponds to the estimated 79th percentile flow.
  - 23 **Year 1 of this Plan** and **Year 4 of this Plan** are defined in the Dictionary
- The flow percentiles below refer to critical month flows (February) at the gauge and include all days of record.
- 1 For the Adjungbilly Creek at Darbalara (The Elms) gauge (410038), 20 ML/day corresponds to the estimated 80th percentile flow.
  - 2 For the Goobarragandra River at Lacmalac gauge (410057), 118 ML/day corresponds to the estimated 80th percentile flow.



- 3 For the Goodradigbee River at Wee Jasper gauge (410024), 89 ML/day corresponds to the estimated 80th percentile flow.
- 4 For the Adelong Creek at Batlow Road gauge (410061); 12 ML/day corresponds to the estimated 92nd percentile flow.

### 57 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from these water sources, excluding the taking of water under an access licence used:
- (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
    - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
    - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
    - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
  - (b) in association with an aquifer interference activity when:
    - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
    - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
    - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.
- Note.** *Approved EP&A Act development* is defined in the Dictionary.
- (2) Subject to subclause (22), 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 in which the water supply work used

to take water is located are in the Very Low Flow Class. This subclause does not apply to the taking of water:

- (a) from an off-river pool,
- (b) from an off-river dam pool,
- (c) from an in-river dam pool,
- (d) from pools, lagoons and lakes specified in Column 1 of Schedule 1, and
- (e) under an access licence listed in Column 2 of Schedule 2.

**Note.** *Off-river pool*, *off-river dam pool* and *in-river dam pool* are defined in the Dictionary.

- (3) Subject to subclause (22), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water:

- (a) from an off-river pool,
- (b) from an off-river dam pool,
- (c) from an in-river pool,
- (d) from an in-river dam pool,
- (e) from pools, lagoons and lakes specified in Column 1 of Schedule 1,
- (f) under an access licence listed in Column 2 of Schedule 2 or Column 1 of Schedule 3, or

- (g) under an access licence with a share component or extraction component that specifies:

- (i) the Brungle Creek Management Zone in the Adjungbilly/ Bombowlee/ Brungle Water Source,
- (ii) the Killimicat Creek Management Zone in the Adjungbilly/ Bombowlee/ Brungle Water Source,
- (iii) the Bredbo Water Source,
- (iv) the Demondrille Creek Management Zone in the Jugiong Water Source,
- (v) the Currawong Creek Management Zone in the Jugiong Water Source,
- (vi) the Bunyan Management Zone in the Numeralla West Water Source,

(vii) the Yarra Yarra Water Source, and

(viii) the Yass Lower Water Source.

**Note.** *Visible flow* is defined in the Dictionary.

- (4) Water must not be taken under an access licence specified in Column 1 of the table in Schedule 1A in contradiction of the access rule specified in Column 4 of the table in Schedule 1A.

**Note.** Those licences and their access rules that have been identified as higher than the upper limit of the relevant Very Low Flow Class are specified in Schedule 1A.

- (5) The cease to take condition that arises from subclause (4) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.

**Note.** *Cease to take condition* is defined in the Dictionary.

- (6) The cease to take condition that arises from subclause (4) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act, if that water supply work was nominated by the original access licence at the commencement of this Plan. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

**Note.** *Water Act 1912 entitlement* is defined in the Dictionary

- (7) Water must not be taken under an unregulated river (high flow) access licence with an extraction component or share component that specifies one of the following management zones or water sources when flows in that water source or management zone in which the water supply work used to take water is located, are in the Very Low Flow Class or A Class:

- (a) the Adjungbilly Creek Management Zone in the Adjungbilly/ Bombowlee/ Brungle Water Source,
- (b) the Gilmore/Sandy Water Source,
- (c) the Hillas Water Source, or
- (d) the Murrumbidgee III Water Source excluding unregulated river (high flow) access licences that only nominate water supply works located on a tributary to the Murrumbidgee River.

- (8) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies the Goodradigbee Water Source or the

Goobarragandra Water Source when flows in the respective water source are in the Very Low Flow Class, A Class or B Class.

- (9) Subject to subclause (22), water must not be taken under an access licence with a share component that specifies the Goobarragandra Water Source or the Goodradigbee Water Source between sunrise and sunset when flows in the respective water source are in the A Class. This subclause does not apply to the taking of water from an off-river pool, an off-river dam pool or an in-river dam pool.
- (10) Subject to subclause (23), water must not be taken under an access licence from an off-river pool or an off-river dam pool when the volume of water in that pool is less than 80% of the full capacity of the off-river pool or the natural capacity of the off-river dam pool. This subclause does not apply to the taking of water from a pool, lagoon or lake specified in Column 1 of Schedule 1 or access licences listed in Column 2 of Schedule 2.

**Notes.**

- 1 The intention of this rule is to limit the taking of water to that which has been licensed by the works to augment the holding capacity of an off-river pool and to limit the taking of water to 80% of the full capacity of the natural pool for environmental purposes.
- 2 **Full capacity** and **natural capacity** are defined in the dictionary.

- (11) Subject to subclause (23), water must not be taken from an off-river pool or an off-river dam pool listed in Schedule 4 when:
- (a) the water level in that off-river pool or off-river dam pool is less than or equal to 80% of the full capacity of the off-river pool or the natural capacity of the off-river dam pool, or
- (b) an environmental water release from Burrinjuck Dam water storage or Blowering Dam has caused the water level in an off-river pool or an off-river dam pool listed on Schedule 4 to increase from less than or equal to 50% of the full capacity of the off-river pool or off-river dam pool to greater than 50% of the full capacity of the off-river pool or off-river dam pool, until such time as the water level in the off-river pool or off-river dam pool increases due to water entering the off-river pool or off-river dam pool that is not from an environmental water release. For the purposes of this paragraph, an **environmental water release** means a release made from an environmental water allowance under the *Water Sharing Plan for the Murrumbidgee Regulated Rivers Water Source 2020*.

**Notes.**

- 1 The Minister shall notify water access licence holders when environmental Water releases are being made under the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 20020*.
  - 2 The Minister may make a temporary water restriction order under section 324 of the Act directing that, for a specified period, the taking of water from a specified water source is prohibited, or is subject to specified restrictions, as the case requires, if satisfied that it is necessary to do so in the public interest. Temporary water restrictions may be considered by the Minister in order to protect environmental diversions into off-river pool and off-river dam pool listed in Schedule 4.
- (12) Subject to subclause (22), in water sources where flow classes have not commenced water must not be taken under an access licence from an in-river pool when the volume of water in that pool is less than the full capacity of the pool. This subclause does not apply to the taking of water from a pool, lagoon or lake specified in Column 1 of Schedule 1 or an access licences listed in Column 2 of Schedule 2 or Column 1 of Schedule 3.
- (13) Subject to subclause (22), water must not be taken from a pool, lagoon or lake specified in Column 1 of Schedule 1 in contradiction of the access rule specified in Column 2 of Schedule 1.
- (14) Subject to subclause (22), water must not be taken under an access licence from an in-river pool listed in Schedule 2 when the volume of water in that pool is less than 50% of the full capacity of the pool.
- (15) Subject to subclause (22), water must not be taken by a water supply work located in a water source specified in Column 2 of Schedule 3 under an access licence specified in Column 1 of Schedule 3 in contradiction of the corresponding access rule specified in Column 3 of Schedule 3.
- (16) A cease to take condition that arises from subclauses (13)–(15) only applies to water supply works that were nominated by the access licence at the commencement of this Plan.
- (17) A cease to take condition that arises from subclauses (13)–(15) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (18) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam when flows or storage levels in that pool or dam are at or less than a

cease to take condition that was specified on the former *Water Act 1912* entitlement that the access licence replaces.

- (19) Water must not be taken from an in-river dam pool unless the in-river dam is:
- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
  - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

**Note.** *In-river dam* is defined in the Dictionary.

- (20) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (19) are:
- (a) the conditions for construction, operation and maintenance that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
- (21) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (19) are:
- (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.

- (22) Subclauses (2), (3), (9) and (12)–(15) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 5 applies or an access licence which replaces a *Water Act 1912* entitlement, 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 (23):
    - (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:
    - (i) that existed at the commencement of this Plan, and
    - (ii) with a share component that specifies one of these water sources, excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source,  
provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (b1) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
    - (i) that existed at the commencement of the *Water Sharing Plan for the Upper Billabong Water Source 2003*, the *Water Sharing Plan for the Tarcutta Creek Water Source 2003* or the *Water Sharing Plan for the Adelong Creek Water Source 2003*, and
    - (ii) with a share component that specifies the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source,  
provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) (repealed)
  - (d) the taking of water using a runoff harvesting dam,  
**Note. *Runoff harvesting dam*** is defined in the Dictionary.
  - (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 5 applies, and
  - (f) the taking of water under an access licence to which Schedule 1A applies.
- (23) Subclauses (10) and (11) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 5 applies or an access licence which replaces a *Water Act 1912* entitlement, 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 (24):

- (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) (repealed),
- (d) 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 5 applies, and
- (e) the taking of water under an access licence to which Schedule 1A applies.
- (24) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (22) (a) or (23) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

**Note.** The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. 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.

## **58 (Repealed)**

## **59 Total daily extraction limits**

At the commencement of this Plan, there are no total daily extraction limits (hereafter *TDELS*) established for any access licences in these water sources.

### **Notes.**

- 1 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. Where, TDELS have been established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 60.



2 **Total daily extraction limit** is defined in the Dictionary.

## 60 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 59 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.

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

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## 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 this Part.

### Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works

#### 61 General

The rules in this Division apply to water supply work approvals for water supply works authorised to take water from these water sources.

#### 62 Granting or amending water supply work approvals

- (1) (Repealed)
- (1A) A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:
  - (a) Adelong Creek Water Source,
  - (b) Burrinjuck Dam Catchment Water Source,
  - (c) Goodradigbee Water Source,
  - (d) Murrumbidgee I Water Source,
  - (e) Murrumbidgee II Water Source,
  - (f) Murrumbidgee III Water Source,
  - (g) Queanbeyan Water Source, and
  - (h) Upper Tumut Water Source.

**Note.** Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.
- (2) A water supply work approval must not be granted or amended to authorise the construction and use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water from:
  - (a) a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,or

- (b) an off-river pool.
- (3) Subclause (2) does not apply to a replacement surface water supply work.
- (4) For the purposes of this Plan, ***replacement surface 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 one of these water sources where:
  - (a) the existing water supply work is authorised by a water supply work approval under the Act,
  - (b) the replacement surface water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.

## **Division 2, 3**

**63 - 71 (Repealed)**

## Part 10 Access licence dealing rules

### 72 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the following trading zones located in the following water sources:
  - (a) the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source, and
  - (b) the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source.
- (3) The trading zones in subclause (2) are shown on the Plan Map.

#### 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.
- 3 **Trading zone** is defined in the Dictionary.

### 73 Conversion of access licence to new category

- (1) Dealings under section 71O of the Act are prohibited unless:
  - (a) the conversion is from an unregulated river access licence to an unregulated river (high flow) access licence, or
  - (b) the conversion is from an unregulated river (high flow) access licence that does not specify one of the following water sources or management zones to an unregulated river access licence:
    - (i) Adjungbilly Creek Management Zone in the Adjungbilly/ Bombowlee/ Brungle Water Source,
    - (ii) Gilmore/Sandy Water Source,
    - (iii) Goobarragandra Water Source,
    - (iv) Goodradigbee Water Source,
    - (v) Hillas Water Source,
    - (vi) Murrumbidgee III Water Source,

- (vii) Adelong Creek Water Source,
  - (viii) Tarcutta Water Source,
  - (ix) Upper Billabong Water Source.
- (2) A dealing under subclause (1) 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.

#### **74 Assignment of rights dealings**

- (1) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights from:
- (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
    - (i) the assignment of rights is to an access licence of a category other than unregulated river (high flow), and
    - (ii) it would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700,
  - (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
  - (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence in the

Bombowlee Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components in the Bombowlee Creek Management Zone at the commencement of this Plan,

- (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence in the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence in the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (f) an access licence that does not nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that nominates a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
- (g) an access licence that nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that does not nominate a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source,
- (h) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that does nominate a water supply work located on an off-river pool in one of these water sources,
- (i) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in one of these water sources,
- (j) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source to an

- access licence that nominates a water supply work on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source,
- (k) an access licence that does not nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source to an access licence that nominates a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (l) (repealed)
  - (m) (repealed)
  - (n) an access licence that does not nominate a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source to an access licence that nominates a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source if it would cause the sum of share components of all access licences in the Hindmarsh Creek Trading Zone to exceed 1,891, or
  - (o) an access licence that does not nominate a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to an access licence that nominates a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source if it would cause the sum of share components of all access licences in the Tarcutta Swamp Trading Zone to exceed 313.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
- (a) to an access licence with a share component that specifies a water source located in a different extraction management unit,
  - (b) to an access licence with a share component that specifies one of the following water sources:
    - (i) the Bredbo Water Source,
    - (ii) the Burrinjuck Dam Catchment Water Source,
    - (iii) the Lake George Water Source,
    - (iv) the Lower Billabong Anabranche Water Source,

- (v) the Murrumbidgee (Balranald to Weimby) Water Source,
  - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
  - (viii) the Murrumbidgee I Water Source,
  - (ix) the Murrumbidgee II Water Source,
  - (x) the Murrumbidgee North Water Source,
  - (xi) the Murrumbidgee Western Water Source,
  - (xii) the Queanbeyan Water Source,
  - (xiii) the Tantangara Water Source,
  - (xiv) the Ten Mile Water Source,
  - (xv) the Upper Tumut Water Source,
  - (xvi) the Upper Wangamong Water Source,
  - (xvii) the Yass Lower Water Source,
  - (xviii) the Yass Upper Water Source, or
  - (xix) (repealed)
  - (xx) the Cotter Water Source,
- (c) to an access licence with a share component that specifies one of the following water sources if it would cause the sum of the share components of all access licences in the respective water sources to exceed the sum of the share components of all access licences that specified that same water source at the commencement of this Plan:
- (i) the Billabong Water Source,
  - (ii) the Houlaghans Water Source,
  - (iii) the Jugiong Water Source,
  - (iv) the Kyeamba Water Source,
  - (v) the Lower Billabong Water Source,
  - (vi) the Middle Billabong Water Source,
  - (vii) the Molonglo Water Source,



- (viii) the Mountain Water Source,
  - (ix) the Muttama Water Source,
  - (x) the Numeralla East Water Source,
  - (xi) the Numeralla West Water Source,
  - (xii) the Yarra Yarra Water Source,
- (d) to an access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle 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 in the Adjungbilly Creek Management Zone to exceed 700,
- (e) to an access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
- (f) to an access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the commencement of this Plan,
- (g) to an access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source and an extraction component that specifies the Killimicat Creek Management Zone,
- (h) to an access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source and an extraction component that specifies the Oak Creek Management Zone,
- (i) to an access licence with a share component that specifies the Burkes/Bullenbung Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 700,

- (j) to an access licence with a share component that specifies the Burrumbuttock Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 120,
- (k) to an access licence with a share component that specifies the Gilmore/Sandy 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 in the Gilmore/Sandy Water Source to exceed 7,800,
- (l) to an access licence with a share component that specifies the Goobarragandra 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 in the Goobarragandra Water Source to exceed 4,200,
- (m) to an access licence with a share component that specifies the Goodradigbee 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 in the Goodradigbee Water Source to exceed 3,200,
- (n) to an access licence with a share component that specifies the Hillas 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 in the Hillas Water Source to exceed 3,100,
- (o) to an access licence with a share component that specifies the Murrumbidgee III Water Source, if:
  - (i) it would cause the sum of the share components of all access licences in the Murrumbidgee III Water Source to exceed 16,500, or

- (ii) the dealing involves an access licence of a category other than unregulated river (high flow), or
  - (iii) the dealing involves the granting of an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
- (p) to an access licence with a share component that specifies the Urana Water Source, if it would cause the sum of the share components of all access licences in the water source to exceed 584,
  - (q) to an access licence that nominates a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source if it would cause the sum of share components of all access licences in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source to exceed 1,891,
  - (r) to an access licence that nominates a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source if it would cause the sum of share components of all access licences in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to exceed 313, or
  - (s) to an access licence with a share component that specifies the Upper Billabong Water Source, if it would cause the sum of the share components of all access licences in the water source to exceed 2,145.

**75 Amendment of share component dealings (change of water source)**

- (1) 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 an 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) the Bredbo Water Source,
  - (ii) the Burrinjuck Dam Catchment Water Source,
  - (iii) the Lake George Water Source,
  - (iv) the Lower Billabong Anabranch Water Source,
  - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
  - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
  - (viii) the Murrumbidgee I Water Source,
  - (ix) the Murrumbidgee II Water Source,
  - (x) the Murrumbidgee North Water Source,
  - (xi) the Murrumbidgee Western Water Source,
  - (xii) the Queanbeyan Water Source,
  - (xiii) the Tantangara Water Source,
  - (xiv) the Ten Mile Water Source,
  - (xv) the Upper Tumut Water Source,
  - (xvi) the Upper Wangamong Water Source,
  - (xvii) the Yass Lower Water Source,
  - (xviii) the Yass Upper Water Source, or
  - (xix) (repealed)
  - (xx) the Cotter Water Source,
- (d) the granting of a new access licence with a share component that specifies one of the following water sources, if it would cause the sum of the share components of all access licences in the respective water source to exceed the sum of the share components of all access licences in the respective water source at the commencement of this Plan:
- (i) the Billabung Water Source,
  - (ii) the Houlaghans Water Source,
  - (iii) the Jugiong Water Source,

- (iv) the Kyeamba Water Source,
- (v) the Lower Billabong Water Source,
- (vi) the Middle Billabong Water Source,
- (vii) the Molonglo Water Source,
- (viii) the Mountain Water Source,
- (ix) the Muttama Water Source,
- (x) the Numeralla East Water Source,
- (xi) the Numeralla West Water Source,
- (xii) the Yarra Yarra Water Source,
- (e) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle 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 in the Adjungbilly Creek Management Zone to exceed 700,
- (f) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
- (g) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the commencement of this Plan,
- (h) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source and an extraction component that specifies the Killimicat Creek Management Zone,

- (i) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source and an extraction component that specifies the Oak Creek Management Zone,
- (j) the granting of a new access licence with a share component that specifies the Burkes/Bullenbung Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 700,
- (k) the granting of a new access licence with a share component that specifies the Burrumbuttock Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 120,
- (l) the granting of a new access licence with a share component that specifies the Gilmore/Sandy 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 in the Gilmore/Sandy Water Source to exceed 7,800,
- (m) the granting of a new access licence with a share component that specifies the Goobarrandra 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 in the Goobarrandra Water Source to exceed 4,200,
- (n) the granting of a new access licence with a share component that specifies the Goodradigbee 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 in the Goodradigbee Water Source to exceed 3,200,
- (o) the granting of a new access licence with a share component that specifies the Hillas 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 in the Hillas Water Source to exceed 3,100,
  - (p) the granting of a new access licence that nominates a water supply work located on an off-river pool,
  - (q) the granting of a new access licence with a share component that specifies the Murrumbidgee III Water Source, if:
    - (i) it would cause the sum of the share components of all access licences in the Murrumbidgee III Water Source to exceed 16,500, or
    - (ii) the dealing involves an access licence of a category other than unregulated river (high flow), or
    - (iii) the dealing involves the granting of an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River, or
  - (r) the granting of a new access licence with a share component that specifies the Urana Water Source, if it would cause the sum of the share components of all access licences in the water source to exceed 584,
  - (s) the granting of a new access licence that nominates a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source if it would cause the sum of share components of all access licences in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source to exceed 1,891,
  - (t) the granting of a new access licence that nominates a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source if it would cause the sum of share components of all access licences in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to exceed 313, or
  - (u) the granting of a new access licence with a share component that specifies the Upper Billabong Water Source, if it would cause the sum of the share components of all access licences in the water source to exceed 2,145.
- (2) Dealings under section 71R of the Act are subject to the share component of the new access licence being equal to the share component of the cancelled access licence.

- (3) 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.

## **76 Amendment of extraction component dealings**

Dealings under section 71S of the Act are prohibited if the dealing involves:

- (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source being varied to specify the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
- (i) it would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700, or
  - (ii) the access licence is a category other than unregulated river (high flow),
- (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source being varied to specify the Brungle Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the date of commencement of this Plan,
- (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source being varied to specify the Bombowlee Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences in the Bombowlee Creek Management Zone to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the date of commencement of this Plan,



- (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source being varied to specify the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source being varied to specify the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (f) (repealed)
- (g) (repealed)

## **77 Assignment of water allocations dealings**

- (1) 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 from:
  - (a) an access licence with an extraction component that specifies the Brungle Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
    - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700, or
    - (ii) the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
  - (b) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the

Adjungbilly/Bombowlee/Brungle Water Source to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly / Bombowlee/Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Brungle Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,

- (c) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Brungle Creek Management Zone, Killimicat Creek Management Zone or Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bombowlee Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in the Bombowlee Creek Management Zone at the commencement of this Plan,
- (d) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, the Brungle Creek Management Zone, the Bombowlee Creek Management Zone or the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (e) an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone, Bombowlee Creek Management Zone, Brungle Creek Management Zone or Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (f) an access licence that does not nominate a water supply work located on the tributary to the Murrumbidgee River in the Murrumbidgee III Water Source to

- an access licence that nominates a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
- (g) an access licence that nominates a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source to an access licence that nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source, if the assignment of water allocation is to an access licence of a category other than unregulated river (high flow),
  - (h) an unregulated river (high flow) access licence to an access licence of another category in the following water sources or management zones:
    - (i) Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
    - (ii) Gilmore/Sandy Water Source,
    - (iii) Goobarragandra Water Source,
    - (iv) Goodradigbee Water Source,
    - (v) Hillas Water Source, or
    - (vi) Murrumbidgee III Water Source,
  - (i) an access licence that does not nominate a water supply work located on an off-river pool in these water sources to an access licence that does nominate a water supply work located on an off-river pool,
  - (j) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source,
  - (k) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala in the Murrumbidgee Western Water Source to an access licence that nominates a water supply work located on Talpee Creek or Lake Tala in Murrumbidgee Western Water Source,
  - (l) an access licence that does not nominate a water supply work located on Five Mile Lagoon in the Murrumbidgee (Gogeldrie to Waldaira) Water Source to an access licence that nominates a water supply work located on Five Mile Lagoon in the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (m) (repealed)

- (n) (repealed)
  - (o) an access licence that does not nominate a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source to an access licence that nominates a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source if it would cause the sum of share components of all access licences in the Hindmarsh Creek Trading Zone within the Adelong Creek Water Source to exceed 1,891, or
  - (p) an access licence that does not nominate a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to an access licence that nominates a water supply work located in the Tarcutta Swamp Trading Zone if it would cause the sum of share components of all access licences in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to exceed 313.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation:
- (a) from an access licence in one extraction management unit to an access licence in another extraction management unit,
  - (b) to an access licence in one of the following water sources:
    - (i) the Bredbo Water Source,
    - (ii) the Burrinjuck Dam Catchment Water Source,
    - (iii) the Lake George Water Source,
    - (iv) the Lower Billabong Anabranche Water Source,
    - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
    - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
    - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
    - (viii) the Murrumbidgee I Water Source,
    - (ix) the Murrumbidgee II Water Source,
    - (x) the Murrumbidgee North Water Source,
    - (xi) the Murrumbidgee Western Water Source,
    - (xii) the Queanbeyan Water Source,

- (xiii) the Tantangara Water Source,
  - (xiv) the Ten Mile Water Source,
  - (xv) the Upper Tumut Water Source,
  - (xvi) the Upper Wangamong Water Source,
  - (xvii) the Yass Lower Water Source,
  - (xviii) the Yass Upper Water Source, or
  - (xix) (repealed)
  - (xx) the Cotter Water Source,
- (c) to an access licence in one of the following water sources, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences that specified that water source at the commencement of this Plan:
- (i) the Billabong Water Source,
  - (ii) the Houlaghans Water Source,
  - (iii) the Jugiong Water Source,
  - (iv) the Kyeamba Water Source,
  - (v) the Lower Billabong Water Source,
  - (vi) the Middle Billabong Water Source,
  - (vii) the Molonglo Water Source,
  - (viii) the Mountain Water Source,
  - (ix) the Muttama Water Source,
  - (x) the Numeralla East Water Source,
  - (xi) the Numeralla West Water Source, or
  - (xii) the Yarra Yarra Water Source,

- (d) to an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700, or
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (e) to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that management zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,
- (f) to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that management zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,
- (g) to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (h) to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (i) to an access licence in the Burkes/Bullenbung Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700,

- (j) to an access licence in the Burrumbuttock Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 120,
- (k) to an access licence with a share component that specifies the Gilmore/Sandy Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Gilmore/Sandy Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 7,800, or
  - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (l) to an access licence with a share component that specifies the Goobarragandra Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Goobarragandra Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 4,200, or
  - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (m) to an access licence with a share component that specifies the Goodradigbee Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Goodradigbee Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,200, or
  - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (n) to an access licence with a share component that specifies the Hillas Water Source, if
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Hillas Water Source from

- available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,100, or
- (ii) to an allocation account for an access licence of a category other than unregulated river (high flow),
- (o) to an access licence with a share component that specifies the Murrumbidgee III Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Murrumbidgee III Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 16,500, or
  - (ii) to an allocation account for an access licence of a category other than unregulated river (high flow), or
  - (iii) to an allocation account for an access licence that that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
- (p) to an access licence in the Urana Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 584, or
- (q) to an access licence that nominates a water supply work located on an off-river pool,
- (r) to an access licence that nominates a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that trading zone from available water determinations or dealings under section 71T or 71V of the Act to exceed 1,891,
- (s) to an access licence that nominates a water supply work located in the Tarcutta Swamp Trading Zone within the Tarcutta Creek Water Source if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that trading zone from available water determinations or dealings under section 71T or 71V of the Act in that water year to exceed 313, or



- (t) to an access licence that nominates a water supply work located in the Upper Billabong Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 2,145.

## **78 Interstate transfer of access licences and assignment of water allocations**

- (1) Subject to subclauses (2) and (3), dealings under section 71U of the Act involving the interstate transfer of access licences to or from these water sources may only be permitted where administrative arrangements have been agreed to, and put in place by, NSW and the other State or Territory.
- (2) Dealings under section 71U of the Act involving the interstate transfer of access licences 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) the Bredbo Water Source,
    - (ii) the Burrinjuck Dam Catchment Water Source,
    - (iii) the Lake George Water Source,
    - (iv) the Lower Billabong Anabranch Water Source,
    - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
    - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
    - (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
    - (viii) the Murrumbidgee I Water Source,
    - (ix) the Murrumbidgee II Water Source,
    - (x) the Murrumbidgee North Water Source,
    - (xi) the Murrumbidgee Western Water Source,
    - (xii) the Queanbeyan Water Source,
    - (xiii) the Tantangara Water Source,
    - (xiv) the Ten Mile Water Source,

- (xv) the Upper Tumut Water Source,
  - (xvi) the Upper Wangamong Water Source,
  - (xvii) the Yass Lower Water Source,
  - (xviii) the Yass Upper Water Source,
  - (xix) (repealed)
  - (xx) the Adelong Creek Water Source,
  - (xxi) the Cotter Water Source,
  - (xxii) the Tarcutta Creek Water Source,
  - (xxiii) the Upper Billabong Water Source,
- (b) the granting of a new access licence with a share component that specifies one of the following water sources, if it would cause the sum of the share components of all access licences in the respective water source to exceed the sum of the share components of all access licences in the respective water source at the date of commencement of this Plan:
- (i) the Billabong Water Source,
  - (ii) the Houlaghans Water Source,
  - (iii) the Jugiong Water Source,
  - (iv) the Kyeamba Water Source,
  - (v) the Lower Billabong Water Source,
  - (vi) the Middle Billabong Water Source,
  - (vii) the Molonglo Water Source,
  - (viii) the Mountain Water Source,
  - (ix) the Muttama Water Source,
  - (x) the Numeralla East Water Source,
  - (xi) the Numeralla West Water Source,
  - (xii) the Yarra Yarra Water Source,

- (c) the granting of a new access licence with an extraction component that specifies the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
  - (i) the dealing would cause the sum of the share components of all access licences in the Adjungbilly Creek Management Zone to exceed 700, or
  - (ii) the dealing involves the granting of an access licence with an extraction component that specifies the Adjungbilly Creek Management Zone of a category other than unregulated river (high flow),
- (d) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences with an extraction component that specifies the Brungle Creek Management Zone to exceed the sum of the share components of all access licences in the Brungle Creek Management Zone at the commencement of this Plan,
- (e) the granting of a new access licence with a share component that specifies the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of the share components of all access licences with an extraction component that specifies the Bombowlee Creek Management Zone to exceed the sum of the share components of all access in the Bombowlee Creek Management Zone at the commencement of this Plan,
- (f) the granting of a new access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (g) the granting of a new access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (h) the granting of a new access licence with a share component that specifies the Burkes/Bullenbung Water Source, if it would cause the sum of the share components of all access licences in that water source to exceed 700,
- (i) the granting of a new access licence with a share component that specifies the Burrumbuttock Water Source, if it would cause the sum of the share components of all access licences that specify that water source to exceed 120,

- (j) the granting of a new access licence with a share component that specifies the Gilmore/Sandy Water Source, if:
  - (i) the dealing would cause the sum of the share components of all access licences in the Gilmore/Sandy Water Source to exceed 7,800, or
  - (ii) the dealing involves the granting of an access licence with a share component that the Gilmore/Sandy Creek Water Source of a category other than unregulated river (high flow),
- (k) the granting of a new access licence with a share component that specifies the Goobarragandra Water Source, if:
  - (i) the dealing would cause the sum of the share components of all access licences in the Goobarragandra Water Source to exceed 4,200, or
  - (ii) the dealing involves the granting of an access licence with a share component in the Goobarragandra Water Source of a category other than unregulated river (high flow),
- (l) the granting of a new access licence with a share component that specifies the Goodradigbee Water Source, if:
  - (i) the dealing would cause the sum of the share components of all access licences in the Goodradigbee Water Source to exceed 3,200, or
  - (ii) the dealing involves the granting of an access licence with a share component in the Goodradigbee Water Source of a category other than unregulated river (high flow),
- (m) the granting of a new access licence with a share component that specifies the Hillas Water Source, if:
  - (i) the dealing would cause the sum of the share components of all access licences in the Hillas Water Source to exceed 3,100, or
  - (ii) the dealing involves the granting of an access licence with a share component in the Hillas Water Source of a category other than unregulated river (high flow),
- (n) the granting of a new access licence with a share component that specifies the Murrumbidgee III Water Source, if:

- (i) the dealing would cause the sum of the share components of all access licences in the Murrumbidgee III Water Source to exceed 16,500,
    - (ii) the dealing would involve the granting of an access licence with a share component in the Murrumbidgee III Water Source of a category other than unregulated river (high flow), or
    - (iii) the dealing involves the granting of an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
  - (o) the granting of a new access licence with a share component that specifies the Urana Water Source, if it would cause the sum of the share components of all access licences in the Urana Water Source to exceed 584, or
  - (p) the granting of a new access licence that nominates a water supply work located on an off-river pool.
- (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 the share component of the cancelled access licence.
- (4) Subject to subclause (5), dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these water sources may only be permitted where administrative arrangements have been agreed to, and put in place by, NSW and the other State or Territory.
- (5) Dealings under section 71V of the Act 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 one of the following water sources:
    - (i) the Bredbo Water Source,
    - (ii) the Burrinjuck Dam Catchment Water Source,
    - (iii) the Lake George Water Source,
    - (iv) the Lower Billabong Anabranche Water Source,
    - (v) the Murrumbidgee (Balranald to Weimby) Water Source,
    - (vi) the Murrumbidgee (Gogeldrie to Waldaira) Water Source,

- (vii) the Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source,
  - (viii) the Murrumbidgee I Water Source,
  - (ix) the Murrumbidgee II Water Source,
  - (x) the Murrumbidgee North Water Source,
  - (xi) the Murrumbidgee Western Water Source,
  - (xii) the Queanbeyan Water Source,
  - (xiii) the Tantangara Water Source,
  - (xiv) the Ten Mile Water Source,
  - (xv) the Upper Tumut Water Source,
  - (xvi) the Upper Wangamong Water Source,
  - (xvii) the Yass Lower Water Source,
  - (xviii) the Yass Upper Water Source,
  - (xix) (repealed)
  - (xx) the Adelong Creek Water Source,
  - (xxi) the Cotter Water Source,
  - (xxii) the Tarcutta Creek Water Source,
  - (xxiii) the Upper Billabong Water Source,
- (b) an assignment of water allocation to an access licence in one of the following water sources, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the respective water source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that water source at the commencement of this Plan:
- (i) the Billabong Water Source,
  - (ii) the Houlaghans Water Source,
  - (iii) the Jugiong Water Source,
  - (iv) the Kyeamba Water Source,
  - (v) the Lower Billabong Water Source,

- (vi) the Middle Billabong Water Source,
  - (vii) the Molonglo Water Source,
  - (viii) the Mountain Water Source,
  - (ix) the Muttama Water Source,
  - (x) the Numeralla East Water Source,
  - (xi) the Numeralla West Water Source,
  - (xii) the Yarra Yarra Water Source,
- (c) an assignment of water allocation to an access licence in the Adjungbilly Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if:
- (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Adjungbilly Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700, or
  - (ii) the assignment of water allocations is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (d) an assignment of water allocation to an access licence with an extraction component that specifies the Brungle Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Brungle Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,
- (e) an assignment of water allocation to an access licence with an extraction component that specifies the Bombowlee Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bombowlee Creek Management Zone from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed the sum of the share components of all access licences in that management zone at the commencement of this Plan,

- (f) an assignment of water allocation to an access licence with an extraction component that specifies the Killimicat Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (g) an assignment of water allocation to an access licence with an extraction component that specifies the Oak Creek Management Zone in the Adjungbilly/Bombowlee/Brungle Water Source,
- (h) an assignment of water allocation to an access licence in the Burkes/Bullenbung Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Burkes/Bullenbung Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 700,
- (i) an assignment of water allocation to an access licence in the Burrumbuttock Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Burrumbuttock Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 120,
- (j) an assignment of water allocation to an access licence with a share component that specifies the Gilmore/Sandy Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Gilmore/Sandy Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 7,800, or
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (k) an assignment of water allocation to an access licence with a share component that specifies the Goobarragandra Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in Goobarragandra Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 4,200, or
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),



- (l) an assignment of water allocation to an access licence with a share component that specifies the Goodradigbee Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Goodradigbee Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,200, or
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (m) an assignment of water allocation to an access licence with a share component that specifies the Hillas Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Hillas Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 3,100, or
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow),
- (n) an assignment of water allocation to an access licence with a share component that specifies the Murrumbidgee III Water Source, if:
  - (i) it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Murrumbidgee III Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 16,500,
  - (ii) the assignment of water allocation is to an allocation account for an access licence of a category other than unregulated river (high flow), or
  - (iii) the assignment of water allocation is to an allocation account for an access licence that nominates a water supply work that is located on a tributary to the Murrumbidgee River,
- (o) an assignment of water allocation to an access licence in the Urana Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Urana Water Source from available water determinations or dealings under sections 71T or 71V of the Act in that water year to exceed 584, or

- (p) an assignment of water allocation to an access licence that nominates a water supply work located on an off-river pool.

## **79 Nomination of water supply works dealings**

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
  - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
  - (b) an access licence which does not nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source being amended to nominate a water supply work located on a tributary to the Murrumbidgee River in the Murrumbidgee III Water Source,
  - (c) an access licence which nominates a water supply work located on the Murrumbidgee River in the Murrumbidgee III Water Source being amended to nominate a water supply work that is not located on the Murrumbidgee River in the Murrumbidgee III Water,
  - (d) an access licence that does not nominate a water supply work located on an off-river pool in these water sources being amended to nominate a water supply work located on an off-river pool,
  - (e) an access licence that nominates a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on another off-river pool in that water source,
  - (f) an access licence that does not nominate a water supply work located on Talpee Creek or Lake Tala within the Murrumbidgee Western Water Source being amended to nominate a water supply work located on Talpee Creek or Lake Tala within Murrumbidgee Western Water Source, or
  - (g) an access licence that does not nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source being amended to nominate a water supply work located on Five Mile Lagoon within the Murrumbidgee (Gogeldrie to Waldaira) Water Source,
  - (h) an access licence that does not nominate a water supply work located in the Hindmarsh Creek Trading Zone in the Adelong Creek Water Source being amended to nominate a water supply work located in the Hindmarsh Creek

Trading Zone in the Adelong Creek Water Source if it would cause the sum of share components of all access licences in the Hindmarsh Creek Trading Zone within the Adelong Creek Water Source to exceed 1,891, or

- (i) an access licence that does not nominate a water supply work located in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source being amended to nominate a water supply work located in the Tarcutta Swamp Trading Zone if it would cause the sum of share components of all access licences in the Tarcutta Swamp Trading Zone in the Tarcutta Creek Water Source to exceed 313.
- (2) 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, NSW and the other State or Territory.
- (3) A dealing under section 71W of the Act is prohibited if it involves an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

## Part 11 Mandatory conditions

**Note.** Part 12 allows for amendments to be made to this Part.

### Division 1 General

#### 80 General

In this Part:

- (a) a requirement to notify the Minister will be satisfied by making a notification in writing to the address listed in Schedule 6 of this Plan or to the email address for enquiries on the Department's website,

**Note.** At the commencement of this Plan, the email address for enquiries on the Department's website is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with:

(i) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and

(ii) a data logger, and

- (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.

**Note.** *Logbook* is defined in the Dictionary.

### Division 2 Access licences

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

#### 81 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,

- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
  - (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
  - (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 was taken on that date,
    - (v) for unregulated river access licences and unregulated river (high flow) access licences with share components that specify one of these water sources excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source, 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 48 (3),
    - (vi) for domestic and stock access licences and local water utility access licences with share components that specify one of these water sources, the volume of water taken in the water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 48 (4),

- (vii) any other information required to be recorded in the Logbook to implement the provisions of this Plan,
  - (viii) for unregulated river access licences, domestic and stock access licences and local water utility access licences with share components that specify the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong Water Source, 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 48A (2),
  - (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 set out in subclause (2).
- (4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.
- Note.** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2022.
- (5) Subclauses (2), (3) and (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- Note.** *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

### Division 3 Water supply work approvals

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

## 82 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) 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 Standard AS 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, and
    - (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,
- Note.** The Minister may also direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.
- (b) the approval holder must ensure that, if the water supply work is abandoned or replaced, it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
  - (c) within sixty days 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,
  - (d) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach, and

- (e) any other conditions required to implement the provisions of this Plan.
- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclauses (1) (a) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

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

- (2) Water supply work approvals for water supply works in these water sources, excluding any water supply work that is a metered water supply work with a data logger, or is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions where required to give effect to the following:
  - (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 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 was 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 the 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) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (3A) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3B) Subclauses (2), (3) and (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- (4) 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 the relevant 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.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition where required that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:

- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
  - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions where required to give effect to the requirements for a replacement surface water supply work specified in clause 62 (4).

**83 (Repealed)**

DRAFT

## Part 12 Amendment of this Plan

### 84 General

- (1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is 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 amendments 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.

### 85 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 Plan Map.

### 86 (Repealed)

### 87 Part 6

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

- (2) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may amend clause 30 to vary the long-term average annual extraction limit that applies to the respective extraction management unit.

## 88 Part 8

- (1) Division 2 of Part 8 of this Plan may be amended to do any of the following:
- (a) amend the existing flow classes, establish new or additional flow classes and amend the flow reference point to specify a newly installed gauge after year five of this Plan in the:
    - (i) Bredbo Water Source,
    - (ii) Yass Upper Water Source,
    - (iii) Murrumbidgee I Water Source, and
    - (iv) Jugiong Water Source,
  - (b) amend the very low flow class in the Numeralla East Water Source to less than or equal to 9 ML/day at Numeralla River at the Rose Valley flow gauge (41000206) after year five of the Plan, provided that the Minister is satisfied that the amendment will not have a significant adverse impact on the access licence holders in that water source,
  - (c) establish new or additional flow classes in any water source, excluding the Adelong Creek Water Source, the Tarcutta Creek Water Source and the Upper Billabong 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 85, provided that the Minister is satisfied that the amendment maintains, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,
  - (d) establish a variable cease to pump access rule in the Murrumbidgee I Water Source, the Murrumbidgee II Water Source or the Goodradigbee Water Source that:
    - (i) reflects seasonal variations,

- (ii) protects Snowy Montane Rivers Increased Flow releases as established in the *Snowy Water Inquiry Outcomes Implementation Deed 2002*, and
- (iii) protects releases made from Tantangara Dam for the ACT,
- (e) (repealed)
- (f) establish or assign TDELS in these water sources 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,
- (g) establish or assign TDELS in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (h) amend or remove TDELS if TDELS have been established or assigned,
- (i) include rules for the establishment, assignment and removal of IDELS,
- (j) remove the existing access rules where TDELS and/or IDELS have been established under paragraphs (g) or (i) to protect a proportion of flow within each flow class for the environment,
- (k) reinstate access rules that applied at the commencement of this Plan, where TDELS and IDELS have been removed under paragraphs (h) or (i),
- (l) amend the existing flow classes and/or flow reference point for the Umbango Management Zone in the Tarcutta Creek Water Source, if in the Minister's opinion:
  - (i) the use of the existing flow reference point for the Umbango Management Zone, which is located in the Westbrook Management Zone, has unanticipated outcomes,
  - (ii) an alternative flow reference point would better facilitate implementation of Umbango Management Zone flow class provisions.

## 89 Part 9

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

- (a) amend clause 62 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on a third or higher order streams,

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

## 90 Part 10

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

## 91 Part 11

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

## 92 Dictionary

The Dictionary may be amended to add, modify and/or remove a definition.

## 93 Schedules

- (1) Schedule 1 may be amended to do any of the following:
  - (a) remove a pool, lagoon or lake from Column 1 of Schedule 1 and to remove the corresponding access rule from Column 3 of Schedule 1,
  - (b) amend the access rule specified in Column 3 of Schedule 1, or
  - (c) add a pool, lagoon or lake to Column 1 of Schedule 1 and to specify an access rule in Column 3 of Schedule 1.
- (1A) Schedule 1A may be amended to:
  - (a) remove an access licence or *Water Act 1912* entitlement specified in Column 1 and the corresponding water source and access rule in Column 2 and Column 4 of the Schedule,
  - (b) add a new access licence to Column 1 and specify a water source and access rule in Column 2 and Column 4 of the Schedule, if, in the Minister's opinion:
    - (i) the cease to take conditions that were specified on the *Water Act 1912* entitlement were more restrictive than the access rules specified in clause 57 of this Plan, and

- (ii) the access rule to be specified in Column 2 for that access licence is no more restrictive than the cease to take conditions that were specified on the *Water Act 1912* entitlement.
- (2) Schedule 2 may be amended to add or remove access licences.
- (3) Schedule 3 may be amended to add or remove access licences from Column 1 of Schedule 3 and amend, add or remove an access rule from Column 3 of Schedule 3.
- (4) Schedule 4 may be amended to add or remove off-river pools or off-river dam pools.
- (5) Schedule 5 may be amended to do any of the following:
  - (a) add a new access licence to clause 1 of Schedule 5, 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 57 (22) (a) or (23) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
  - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 5, 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 *Water Act 1912* entitlement from clause 1 of Schedule 5 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 access licence is surrendered or cancelled,
  - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 5 if:
    - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
    - (ii) the access licence is surrendered or cancelled.

- (7) Schedule 5 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (8) (Repealed)
- (9) (Repealed)

#### 94 Other

- (1) This Plan may be amended to include rules for the following:
    - (a) the management of floodplain harvesting within these water sources,
    - (b) the shepherding of water,  
**Note.** *Shepherding* is defined in the Dictionary.
    - (c) any new category of access licence established for the purpose of urban stormwater harvesting,
    - (d) the interception of water before it reaches a stream or aquifer by plantations or other means,
    - (e) to give effect to the protection of any environmental releases made from Snowy Hydro storages within these water sources, or
    - (f) to give effect to an agreement between the New South Wales Government and the ACT Government for the management of water released from Tantangara Dam for the ACT.  
**Note.** Targeted consultation and notification regarding any amendment to access rules to give effect to an agreement between the New South Wales Government and Snowy Hydro or the ACT Government for the management of water released from Snowy Hydro storages or Tantangara Dam will be undertaken as determined by the Minister.
  - (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
  - (3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.
  - (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* (Cth).
  - (5) This plan may be amended after year five to provide for rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
    - (a) identify water dependent Aboriginal cultural assets,
    - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
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- (c) restrict the granting and amending of water supply work approvals to protect water dependent Aboriginal cultural assets, and/or
  - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.
- (8) This Plan may be amended to give effect to clause 2 of the agreement between NSW and the Commonwealth Governments ratified by the *Seat of Government Surrender Act 1909*.

## Dictionary

**Note.** Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the Regulations have the same meaning in this Plan.

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

**annual actual take** has the same meaning as it has in section 6.10 of the Basin Plan.

**annual permitted take** has the same meaning as it has in section 6.10 of the Basin Plan.

**approved EP&A Act development** means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.

**baseline diversion limit** has the same meaning as it has in section 1.07 of the Basin Plan.

**Basin Plan** means the *Basin Plan 2012* made under section 44 (3) (b) (i) of the *Water Act 2007* of the Commonwealth.

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

**floodplain harvesting** means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

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

**full capacity** means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

**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 created by a structure authorised by a water supply work approval.

**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.

**in-river pool** means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only begins to flow during high flows.

**Note.** In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and

- (b) any water declared by the regulations to be a lake, whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

**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.

**Murrumbidgee SDL resource unit** has the same meaning as provided for in section 6.02 of the Basin Plan.

**natural capacity** means the capacity of an off-river dam pool in the absence of any augmentation works that increased the full capacity of the pool. The natural capacity of an off-river dam pool is deemed to be bounded by the bottom of the diversion works that created the off-river dam pool.

**off-river pool** means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size),
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

**off-river dam pool** means the area of water that has pooled as a result a dam constructed to augment a natural off-river pool.

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

**runoff harvesting dam** means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in the harvestable rights orders made under Division 2 of Part 1 of Chapter 3 of the Act and published in the NSW Government Gazette No 40 on 31 March 2006 at page 1628. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

**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.

**target ecological populations** are communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

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

**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.

**trading zone** is an area within a water source established under clause 72 and shown in the Plan Map, to which restrictions on dealings apply.

**visible flow** means the continuous downstream movement of water that is perceptible to the eye.

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

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

***Year 1 of this Plan*** means from the date of 4 October 2012 to 30 June 2013.

***Year 4 of this Plan*** means from the date of 1 July 2015 to 30 June 2016.

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**Schedule 1 Access rules for pools, lagoons and lakes**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Pool, lagoon or lake</b>	<b>Water Source</b>	<b>Access rules</b>
Goonerah Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken when the water level of Goonerah Lagoon is more than 3.28 metres below the bench mark established on a gum tree on the right bank of Goonerah Lagoon within Portion 120, Parish of Yarabee, County of Mitchell.
Flowerdale Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken when the water level of Flowerdale Lagoon is more than 1.61 metres below the bench mark established on a large gum tree immediately downstream of the pump site.
Mundowey Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken from Mundowey Lagoon when the earthen block in the downstream entrance to Mundowey Lagoon is at a height lower than 1.58 metres below the bench mark established on a gum tree on the right bank of Mundowey Lagoon.
Currawananna Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	Water must not be taken when the storage level of the Currawananna Lagoon is less than the level of the marker post located within TS 59613 near the north eastern corner of 122/750832 Parish of Currawananna County of Burke. The taking of water must not commence until the Currawananna Lagoon fills to its natural storage capacity, being the level at which outflow from the Currawananna Lagoon commences.
Yanga Lake	Murrumbidgee Western Water Source	Water must not be taken from Yanga Lake by the regulator authorised under licence number 40SL004936 when the level of water stored is less than 0.26 metres above the sill of the regulator.

**Schedule 1A Access licences subject to cease to take conditions specified in clause 57 (4) of this Plan**

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water Source</b>	<b><i>Water Act 1912</i> condition</b>	<b>Access rules</b>
40SL070061	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL004936 is less than 0.26 metres above the sill of the regulator.	Water must not be taken when water stored by the regulator Yanga Creek on 77/751203 is less than 0.26 metres above the sill of the regulator.
40SL046210	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL40709 is less than 0.77 metres above the sill of the regulator.	Water must not be taken when water stored by the regulator on Yanga Creek on 77/751203 is less than 0.77 metres above the sill of the regulator.
40SL046211	Murrumbidgee Western Water Source	The pump shall not be used for the purpose of irrigation when the level of water stored by the regulator authorised under licence number 40SL40709 is less than 0.77 metres above the sill of the regulator.	Water must not be taken when water stored under licence number 40SL40709 is less than 0.77 metres above the sill of the regulator.
40SL071182	Yass Upper Water Source	The licensed work shall not be used for the purpose of irrigation unless flows in the Yass River are at or greater than a height of 0.66 metres on the Macks Reef Road gauge (410851) being a flow of 4 megalitres per day.	Water must not be taken when the flow at the Yass River at Macks Reef Road gauge (410851) is less than 4 ML/day.
40SL031599	Muttama Water Source	The 300 mm pump referred to in this licence shall not be used for	Water must not be taken through the 300mm pump

		<p>the purpose of irrigation or for filling a storage for the purposes of irrigation unless the depth of water flowing through the road crossing over Muttama Creek near the western boundary of portion 104, parish of Cowcumbra, County of Harden is greater than 300 millimetres.</p> <p>The 100 mm pump referred to in this licence shall not be used for the purpose of irrigation or for filling a storage for the purposes of irrigation unless the depth of water flowing through the road crossing over Muttama Creek near the western boundary of portion 104, Parish of Cowcumbra, County of Harden is greater than 25 millimetres measured at the upstream side of the crossing.</p>	<p>nominated by this licence when the water flowing through the road crossing over Muttama Creek near the western boundary of 104/753603, parish of Cowcumbra, County of Harden is less than 300 millimetres.</p> <p>Water must not be taken through the 100mm pump nominated by this licence when the water flowing through the road crossing over Muttama Creek near the western boundary of 104/753603, parish of Cowcumbra, County of Harden is less than 25 millimetres.</p>
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**Schedule 2 Access licences that must not pump when the volume of water in the pool is less than 50% of the full capacity as specified in clause 57 (14)**

<b>Column 1</b>	<b>Column 2</b>
<b>Water Source</b>	<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>
Bredbo Water Source	40SL031426
Bredbo Water Source	40SL039678
Bredbo Water Source	40SL044074
Bredbo Water Source	40SL043659
Bredbo Water Source	40SL071069
Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	40SA005621

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**Schedule 3 Access rules for access licences on in-river pools for the purpose of clause 57 (15)**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water Source</b>	<b>Access rule</b>
40SA000464	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL027886	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL039709	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SA000279	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL042880	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025631	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025381	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL026663	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025673	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.

40SL040139	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL040045	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40SL025827	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source	When the flow in Sandy Creek is not being augmented from Old Man Creek, water must not be taken unless there is a visible flow in Poisoned Water Holes at the Newell Highway Crossing.
40PE003346	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the concrete bridge on the road leading to Muttama Railway Station and located approximately 1320 metres downstream on the south-western corner of portion 189, Parish of Mooney Mooney, County of Harden.
40SL010618	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the concrete bridge on the road leading to Muttama Railway Station and located approximately 1320 metres downstream on the south-western corner of portion 189, Parish of Mooney Mooney, County of Harden.
40SL016864	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL017803	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the western boundary of portion 104, Parish of Cowcumbala, County of Harden.
40SL034728	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL038755	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL039351	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL040904	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on

		the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL042479	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL043416	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the south-eastern corner of portion 70, Parish of Bongongalong, County of Harden.
40SL043729	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL044298	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek at or near the bridge on the Hume Highway near the north-eastern corner of portion 74, Parish of Coolac, County of Harden.
40SL044568	Muttama Water Source	Water must not be taken when there is no visible flow in Muttama Creek through the road crossing at the south-eastern corner of portion 70, Parish of Bongongalong, County of Harden.
40SL071131	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River exceeds 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL035504	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL071134	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 9 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres on a gauge established immediately upstream of the crossing.
40SL040012	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the discharge in the Numeralla River is in excess of 6 megalitres per day at the Rose Valley Crossing with such discharge corresponding to a height of 0.32 metres

		on a gauge established immediately upstream of the crossing.
40SL047141	Numeralla East Water Source	The Licensed work shall not be used for the purpose of irrigation unless the flow of the Murrumbidgee River at the Billilingra gauge (upstream of Bredbo) exceeds 15 megalitres per day with such flow corresponding to a reading on the said gauge of 0.58 metres (or such reading as may be determined from time to time).

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**Schedule 4 Off-river pools or off-river dam pools that may be the intended recipient of an environmental water release for the purpose of clause 57 (11)**

<b>Column 1</b>	<b>Column 2</b>
<b>Off-river pool or off-river dam pool</b>	<b>Water Source</b>
Mantangry Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Gooragool Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Euwarderry Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
MIA National Park Lagoon	Murrumbidgee (Gogeldrie to Waldaira) Water Source
Sandy Creek	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source
Lake Tala	Murrumbidgee Western
Yanga Lake	Murrumbidgee Western
Goobbagumbalin Lagoon	Murrumbidgee Central (Burrinjuck to Gogeldrie) Water Source

## **Schedule 5 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.

<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>
50SA006598
50SA006600
50SL034722
50SL043091
50SL075427
50SL075434
50SL028566
50SL075476
40SL024487
40SL044012
40SL046461
40SL040846
40SL070732
40SL070598
40SL042353
40SL044800
40SL070862
40SL042553
40SL043103
40SL070701
40SL071127
40SL037204
40SL045027
40SL071120
40SL045012
40SL070617
40SL027712
40SL040879
40SL041564
40SL044734

40SL046070
40SL070861
40SL071118
40SA005602

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

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

<b><i>Water Act 1912</i> 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</b>
40SL049968
40SL071172
40SL029052
40SL070662
40SL045456
40SL071183
40SL031368
40SL031158
40SL045468
50SL028874
50SL047391
50SL052079

**Schedule 6 Office**

NSW Department of Planning, Industry and Environment - Water

Private Mail Bag

YANCO NSW 2703

DRAFT



**Schedule 7 (Repealed)**

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**Appendix 2, 3 (Repealed)**

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