



Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

ROSE JACKSON, MLC

Minister for Water

Contents

Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024	4
Part 1 Introduction	5
1 Name of Plan	5
2 Commencement	5
3 Water sources to which Plan applies	5
4 Management zones to which Plan applies	5
5 Extraction management units established by Plan—the Act, s 20(2)(a)	5
6 Interpretation	5
7 Maps	6
Part 2 Vision, objectives, strategies and performance indicators	7
8 Vision statement—the Act, s 35(1)(a)	7
9 Objectives of Plan—the Act, s 35(1)(b)	7
10 Strategies for reaching objectives—the Act, s 35(1)(c).....	7
11 Performance indicators—the Act, s 35(1)(d)	8
Part 3 Requirements for water	9
Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)	9
12 Domestic and stock rights	9
13 Native title rights	9
14 Harvestable rights.....	9
Division 2 Requirements for water for extraction under access licences	9
15 Share components of access licences in the water source—the Act, s 20(1)(c) ...	9
Part 4 Limits to the availability of water	10
Division 1 Available water determinations—the Act, s 20(2)(b)	10
16 Available water determinations	10
Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)	10
Subdivision 1 Preliminary	10
17 Operation of Division—the Act, s 8	10
18 Definitions	10
Subdivision 2 LTAAEL and SDL	11
19 Establishment of LTAAEL.....	11
20 Calculation of annual extraction	12
21 Assessment of compliance with LTAAEL	12
22 Establishment of SDL	12
23 Calculation of annual permitted take and annual actual take.....	12
24 Assessment of compliance with SDL	12
25 Compliance with LTAAEL and SDL.....	13
Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)	14
26 Specific purpose access licences.....	14
27 Management of access licences	14
Part 6 Operation of water allocation accounts and managing access	

licences	15
Division 1 Preliminary	15
28 Operation of Part—the Act, s 8	15
Division 2 Operation of water allocation accounts—the Act, s 21(c)	15
29 Water allocation account debiting	15
30 Carryover of water remaining in water allocation account	15
Division 3 Flow classes	15
31 Flow classes for specified water sources and management zones—the Act, s 21(a)	15
32 Minister may determine flow classes in certain circumstances	16
Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a) 16	
33 General	16
34 Specific access rules	16
35 Exceptions	17
Part 7 Construction and use of water supply works—the Act, s 21(b)	19
36 Application of Part	19
37 In-river dams	19
38 Wetlands	19
38A Additional prohibitions on construction of certain water supply works	18
Part 8 Access licence dealing rules—the Act, s 20(1)(d).....	20
39 Conversion of access licence to new category dealings	20
40 Assignment of rights dealings	20
41 Amendment of share component dealings—change of water source	20
42 Amendment of extraction component dealings	20
43 Assignment of water allocations dealings	21
44 Interstate access licence transfer dealings	21
45 Interstate assignment of water allocations dealings	21
46 Nominations of water supply works dealings	21
Part 9 Mandatory conditions—the Act, s 17(c).....	23
Division 1 General	23
47 Definitions	23
Division 2 Access licences	23
48 General conditions	23
49 Record-keeping conditions	23
Division 3 Water supply work approvals	23
50 General conditions	23
51 Record-keeping conditions	24
Part 10 Amendment of this Plan—the Act, s 17(d).....	25
52 Amendments	25
Schedule 1 Flow classes	26
Schedule 2 Access licences exempt from specified access rules	27
Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement	28

Schedule 4	Significant wetlands subject to specific rules	29
Schedule 5	Dictionary	30

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Part 1 Introduction

Note— Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Lower Murray-Darling Water Management Area and the Western Water Management Area.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024*.

2 Commencement

This Plan commences on 1 July 2024.

3 Water sources to which Plan applies

- (1) This Plan applies to the Lower Murray-Darling Unregulated Water Source (*the water source*) identified on the Plan Map, within the Lower Murray-Darling Water Management Area and the Western Water Management Area.
- (2) The water source includes all surface water.
- (3) The water source does not include water to which the following water sharing plans apply—
 - (a) the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*,
 - (b) the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*.

Note— Under the Act, section 57A(4), water taken from the floodplain for a regulated river water source under a floodplain harvesting access licence is treated as having been taken from the regulated river water source.

4 Management zones to which Plan applies

[Not applicable]

Note— When this Plan was made, there were no management zones.

5 Extraction management units established by Plan—the Act, s 20(2)(a)

[Not applicable]

Note— When this Plan was made, there were no extraction management units.

6 Interpretation

- (1) The *Dictionary* in Schedule 5 defines words used in this Plan.

Note— The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

Note— The following maps are available on the Department's website—

- (a) the Plan Map,
 - (b) the Significant Wetlands Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision statement—the Act, s 35(1)(a)

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

- (a) the health and enhancement of the water source and its dependent ecosystems,
- (b) the continuing productive extraction of water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities resulting from water.

9 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water source and its water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to maintain and where possible improve water quality within target ranges for the water sources to support water-dependent ecosystems and social, cultural and economic values.

10 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) on average, reserve all water in excess of each long-term average annual extraction limit and long-term average sustainable diversion limit for the environment,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water source,
 - (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
 - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water source and other connected water sources,
 - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, basic landholder rights and town water supply,
 - (f) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
 - (g) provide a stable and predictable framework for sharing water among water users,
 - (h) provide for flexibility of access to water,
 - (i) manage access to water consistently with the exercise of native title rights and domestic and stock rights,

- (j) provide for water associated with Aboriginal cultural values and uses.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

11 Performance indicators—the Act, s 35(1)(d)

The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—

- (a) the ecological condition of the water source,
- (b) economic benefits,
- (c) Aboriginal cultural benefits,
- (d) social and cultural benefits,
- (e) water quality condition.

11A Monitoring and evaluation

- (1) Monitoring and evaluation of this Plan’s objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 30 June 2025, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).

Part 3 Requirements for water

Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 857 ML/year.

13 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) the native title determination for the Barkandji Traditional Owners #8 (Parts A and B, National Native Title Tribunal references NCD2015/001 and NCD2017/001),
- (b) any other determination of native title, and
- (c) any indigenous land use agreement.

Note— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

Division 2 Requirements for water for extraction under access licences

15 Share components of access licences in the water source—the Act, s 20(1)(c)

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 42.5 ML/year.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 6,300 ML/year.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 3,387 unit shares.

Note— The total share components of access licences in the water source may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water source, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1 ML/unit share,
- (3) This section is subject to sections 22 and 25.

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Division 2 Extraction limits—the Act, s 20(1)(a) and s 20(1)(e)

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

5-year average extraction means the average of the annual extractions calculated for the most recent 5 consecutive water years for the water source.

Note— The determination of the volume of water taken from the water source excludes water committed as licensed environmental water—see the Act, section 8F(5).

annual extraction means the volume of water taken from the water source for the water year—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights, or
- (c) for the purposes of plantation forestry, or
- (d) for the purposes of floodplain harvesting, other than under an access licence.

Note— The determination of the volume of water taken from the water source excludes water committed as licensed environmental water—see the Act, section 8F(5).

average annual extraction means the average volume of water taken each year calculated over a defined period.

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

LTADEL means the long-term average annual extraction limit established by section 19.

plantation forestry means a commercial plantation, as defined in the Basin Plan.

reduced available water determination means available water determinations of a sum that is less than the amount specified in section 16(1) for the category of licence for which the determination is made.

SDL means the long-term average sustainable diversion limit established by section 22.

Subdivision 2 LTADEL and SDL

19 Establishment of LTADEL

- (1) The LTADEL is the sum of the following within the water source—
 - (a) an estimate of the average annual extraction under entitlements under the *Water Act 1912*, Part 2, between 1 July 1993 and 30 June 1999,
 - (b) an estimate of the annual water requirements for basic landholder rights in the water year between 1 July 2011 and 30 June 2012,
 - (c) an estimate of the average annual extraction for the purposes of plantation forestry between the date of the earliest available information and 30 June 2009,
 - (d) an estimate of the annual average extraction for the purposes of floodplain harvesting between 1 July 1993 and 30 June 1999,
 - (e) an estimate of the annual extraction of water by the Broken Hill Water Board averaged over the period from 1 July 1993 to 30 June 1999.
- (2) By 31 December 2027, the Minister will determine and publish a numeric LTADEL for the water sources to facilitate assessment of compliance against the LTADEL under section 21.
- (3) The Minister may amend this Plan to replace the LTADEL as established by subsection (1) with the numeric LTADEL.
- (4) In year 6 of this Plan, the Minister will have reviewed the numerical LTADEL to ensure a sustainable level of take. This review will include consideration of the following—
 - (a) the protection of water sources and their dependent ecosystems and species,
 - (b) the health of hydrologically connected water sources and their dependent ecosystems,
 - (c) future climate projections, including likely bounds of climate change impact within the term of the plan,
 - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
 - (e) cultural, social and economic outcomes.
- (5) The Minister will request the Natural Resources Commission to provide advice on the adequacy of the calculations used to establish the numeric LTADEL under subsection (2) and the adequacy of the methodology used to determine the sustainability of the LTADEL under subsection (4) while undertaking the review required under subsection (4).

- (6) On the basis of the review referred to in subsection (4), and taking into consideration outcomes of the Basin Plan review and any associated changes to sustainable diversion limits, if available, the Minister may make amendments to this Plan to give effect to the findings of the review.
- (7) In year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*, clause 66(3), and may amend this Plan accordingly, to ensure that the rules in this Plan consider and adapt to climate change.

Note— The LTAAEL is taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

20 Calculation of annual extraction

As soon as practicable after the end of a water year, the annual extraction of the water source must be calculated.

21 Assessment of compliance with LTAAEL

- (1) As soon as practicable after the end of a water year, the 5-year average extraction for the water source must be compared against the LTAAEL for the water source.
- (2) There is non-compliance with the LTAAEL if the 5-year average extraction exceeds the LTAAEL for the water year by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water source is the part of the long-term average sustainable diversion limit for the Lower Darling Sustainable Diversion Limit Resource Unit established by the Basin Plan that, in the Minister's opinion, applies to the water source.
- (2) The SDL must be varied in accordance with an amendment made to the Basin Plan under the *Water Act 2007* of the Commonwealth, section 23B.

23 Calculation of annual permitted take and annual actual take

- (1) After the end of a water year, the annual permitted take and annual actual take of water for the water year must be calculated for the water source to which the Plan applies in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2 is taken to be a reference to the water source, and
 - (b) a reference to the water accounting period in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the water year.
- (3) In this section—

annual actual take and ***annual permitted take*** have the same meaning as they have in the Basin Plan, section 6.10.

24 Assessment of compliance with SDL

- (1) After the end of a water year, compliance with the SDL must be assessed using the method set out in the Basin Plan, Chapter 6, Part 4, Division 2.
- (2) For the purposes of the calculation—
 - (a) a reference to the long-term annual diversion limit in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the SDL for the water source, and

- (b) a reference to the SDL resource unit in the Basin Plan, Chapter 6, Part 4, Division 2, is taken to be a reference to the water source.
- (3) There is non-compliance with the SDL in the circumstances set out in the Basin Plan, Chapter 6, Part 4, Division 2.

25 Compliance with LTAAEL and SDL

- (1) This section applies if—
 - (a) there is non-compliance with the LTAAEL for the water source, or
 - (b) there is non-compliance with the SDL for the water source.
 - (2) In the water year occurring immediately after a non-compliance is assessed (the *next water year*), reduced available water determinations of less than 1 ML/unit share must be made for unregulated river access licences.
 - (3) Reduced available water determinations must be made to the extent necessary—
 - (a) for non-compliance with the LTAAEL—to return the 3 year-average extraction to be calculated at the end of that water year to the LTAAEL, and
 - (b) otherwise—to ensure compliance with the SDL in accordance with the Basin Plan, Chapter 6, Part 4, Division 2.
- Note**— The Minister may, at any time, make available water determinations, in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.
- (4) The Minister may also take one or more actions specified in this section if there would have been non-compliance with the SDL but for a reasonable excuse under the Basin Plan, Chapter 6, Part 4, Division 2, as a result of any action taken under clause 6.12(5) of the Basin Plan.

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

26 Specific purpose access licences

Note— A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).

- (1) A person may apply for a local water utility access licence for the purpose of supplying water to Broken Hill and Silverton.
- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10 ML/year, and
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community primarily for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (4) In this section—

Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

27 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

28 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–4—commits water as planned environmental water 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, and
- (c) in Divisions 3–4—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Operation of water allocation accounts—the Act, s 21(c)

Note— The *Water Management (General) Regulation 2018*, clause 17, also includes provisions regarding the debiting of water allocation accounts.

29 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) In this section—

debited means taken, assigned under the Act, section 71T, or otherwise debited or withdrawn from a water allocation account.

relevant sum means the sum of the following—

- (a) the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
- (b) the water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (c) the water allocations recredited to the water allocation account under the Act, section 76.

30 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account must be carried over from one water year to the next water year up to an amount equal to the following—

- (a) for access licences with share components expressed as ML/year— 100% of the share component,
- (b) for access licences with share components expressed as a number of unit shares— 1 ML/unit share.

Division 3 Flow classes

31 Flow classes for specified water sources and management zones—the Act, s 21(a)

[Not applicable]

Note— When this Plan was made, there were no flow classes for the water source.

32 Minister may determine flow classes in certain circumstances

[Not applicable]

Note— When this Plan was made, there were no flow classes for the water source.

Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a)

Note— Discretionary conditions may also be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

33 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water would be taken, except from the following locations—
 - (a) an in-river pool,
 - (b) an off-river pool, or
 - (c) an in-river dam pool.
- (2) Surface water must not be taken from—
 - (a) an in-river pool that is below full capacity, or
 - (b) an off-river pool that is below full capacity, or
 - (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam pool.

34 Specific access rules

- (1) Surface water must not be taken in the following circumstances—
 - (a) from a significant wetland specified in Schedule 4 if the volume of water impounded in the lagoon is less than 50% of full capacity,
 - (b) from Thegoa Lagoon—
 - (i) if the volume of water impounded in the lagoon is less than or equal to 50% of full capacity, or
 - (ii) when the volume of water impounded in the lagoon is more than 50% of full capacity only because of inflows from licensed environmental water, water held in a licence held by the Commonwealth Environmental Water Holder or water from the Murray Additional Allowance, in accordance with a notice published on a publicly accessible website.
- (2) Surface water must not be taken using a water supply work if that water supply work authorises take from an in-river pool or an off-river pool and that water supply work has already been used to take, in a water year, more water than the volume of water equal to the share components of all access licences nominating that work as at 30 January 2012.
- (3) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.
- (4) Surface water must not be taken from an in-river dam pool under a replacement access licence in the following circumstances —
 - (a) the in-river dam pool was created by a structure authorised by a water supply work approval,

- (b) flows or storage levels of the in-river dam pool are at or less than the flows or storage levels at which water could not be taken under the entitlement from which the replacement access licence arose.
- (5) Surface water must not be taken from an in-river dam pool to which a replacement approval applies unless the in-river dam pool is passing—
 - (a) the flows that were specified in the entitlement from which the replacement approval arose, or
 - (b) if no such flows were specified, such flows as are determined by the Minister.
- (6) In this section—
 - (a) **Commonwealth Environmental Water Holder** has the same meaning as in the *Water Act 2007* (Cth), section 4(1),
 - (b) **entitlement, replacement access licence** and **replacement approval** have the same meaning as in the Act, Schedule 10,
 - (c) **licensed environmental water** has the same meaning as in the Act, section 8(1)(b), and
 - (d) **Murray Additional Allowance** has the same meaning as in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*.

35 Exceptions

- (1) Section 33(2)(a) and (b) does not apply to the take of surface water from—
 - (a) an in-river pool or off-river pool subject to a cease-to-take-condition that permits the taking of water when the pool is below full capacity,
 - (b) a significant wetland specified in Schedule 4, or
 - (c) Thegoa Lagoon.
- (2) Sections 33 and 34 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A, if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
 - (c) from a runoff harvesting dam,
 - (d) under an access licence specified in Schedule 2, Table B,
 - (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—

- (i) the licence holder complies with the water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
- (f) under a local water utility access licence held by Essential Energy.

Part 7 Construction and use of water supply works—the Act, s 21(b)

Note— An approval must not be granted in contravention of this Part—see the Act, section 95(3). An application to amend an approval relating to additional uses, works, activities or land must be assessed and determined in the same way as an application for a new approval, but only in relation to the additional uses, works, activities or land—see the Act, section 107(5). This does not affect works that can be constructed pursuant to a basic landholder right.

36 Application of Part

- (1) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.
- (2) In this Part—
replacement water supply work means a water supply work that—
 - (a) replaces an existing water supply work authorised by a water supply work approval (the **replaced water supply work**),
 - (b) is constructed and used to extract water from the same water source as the replaced water supply work,
 - (c) is, in the Minister’s opinion, the same size or smaller than the replaced water supply work,
 - (d) is located within 20m of the replaced water supply work,
 - (e) is not located within 20m of the replaced water supply work and, in the Minister’s opinion, the water supply work is not likely to—
 - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, and
 - (ii) adversely affect the ability of another person to take water using an existing water supply work.

37 In-river dams

[Not applicable]

38 Wetlands

- (1) A water supply work must not be constructed within the following areas unless, in the Minister’s opinion, there will be no more than minimal harm to the wetland concerned—
 - (a) within 3km upstream of, or within, a declared Ramsar wetland,
 - (b) within a significant wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.

38A Additional prohibitions on construction of certain water supply works

- (1) A water supply work must not be constructed for the purpose of taking or diverting water to or from the following off-river pools—
 - (a) Boeill Lagoon,
 - (b) Neilpo Lagoon,
 - (c) Peacock Creek,
 - (d) Thegoa Lagoon.
- (2) Subsection (1) does not apply to a replacement water supply work.

Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Note— The access licence dealing principles established by the *Access Licence Dealing Principles Order 2004* prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

39 Conversion of access licence to new category dealings

Dealings under the Act, section 71O, are prohibited.

Note— The *Access Licence Dealing Principles Order 2004*, clause 11(3), regulates dealings under the Act, section 71O, including with respect to conversion factors.

40 Assignment of rights dealings

The following assignments of rights under the Act, section 71Q, are prohibited—

- (a) an assignment from an access licence that does not nominate a water supply work located within the Great Darling Anabranch to an access licence that does nominate a water supply work located within the Great Darling Anabranch, unless the Minister is satisfied that the proposed assignment is for an environmental purpose,
- (b) an assignment from an access licence in the water source to an access licence in another water source,
- (c) an assignment from an access licence in another water source to an access licence in the water source,
- (d) an assignment to an access licence that nominates a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same significant wetland,
- (e) an assignment of rights to or from an unregulated river (special additional high flow) access licence.

41 Amendment of share component dealings—change of water source

Dealings under the Act, section 71R, are prohibited.

42 Amendment of extraction component dealings

The following dealings under the Act, section 71S(1)(b), are prohibited—

- (a) the extraction component of an access licence that does not specify an area or location within the Great Darling Anabranch being amended to specify an area or location within the Great Darling Anabranch, unless the Minister is satisfied that the proposed amendment is for an environmental purpose,
- (b) the extraction component of an access licence being amended to specify an area or location being within, or within 3km upstream of, a declared Ramsar wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access licence currently specifies an area or location being within, or within 3km upstream of, the same declared Ramsar wetland,
- (c) the extraction component of an access licence being amended to specify an area or location being within a significant wetland as an area or location from which water may be taken under the licence, unless the extraction component of the access

licence currently specifies an area or location being within the same significant wetland.

Note— The *Access Licence Dealing Principles Order 2004*, clause 16, regulates dealings under the Act, section 71S(1)(a).

43 Assignment of water allocations dealings

The following assignments of water allocations under the Act, section 71T, are prohibited—

- (a) an assignment from an access licence that does not nominate a water supply work located within the Great Darling Anabranch to an access licence that nominates a water supply work located within the Great Darling Anabranch, unless the Minister is satisfied that the proposed assignment is for an environmental purpose,
- (b) an assignment from an access licence in the water source to an access licence in a water source to which this Plan does not apply,
- (c) an assignment from an access licence in a water source to which this Plan does not apply to an access licence in the water source,
- (d) an assignment to an access licence that nominates a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same significant wetland,
- (e) an assignment to or from an unregulated river (special additional high flow) access licence.

44 Interstate access licence transfer dealings

Dealings under the Act, section 71U, are prohibited.

45 Interstate assignment of water allocations dealings

Dealings under the Act, section 71V, are prohibited.

46 Nominations of water supply works dealings

The following dealings under the Act, section 71W, are prohibited—

- (a) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply.
- (b) an assignment to an access licence that nominates a water supply work—
 - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
 - (ii) within a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
 - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
 - (iv) within the same significant wetland,and, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned.

Note—The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under the Act, section 71W, including with respect to amending an access licence to nominate works in another water source or location.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

47 Definitions

In this Part—

Logbook means a written record kept in hard copy or electronic form.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

48 General conditions

Each access licence must be subject to the following mandatory conditions—

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 29,
- (b) the relevant access rules for the taking of water specified in Part 6, Divisions 3 and 4,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquires specified on the Department's website,
- (d) before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply,
- (e) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 49.

49 Record-keeping conditions

The licence holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Division 3 Water supply work approvals

50 General conditions

Each water supply work approval must be subject to the following mandatory conditions—

- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
- (c) before a water supply work is used to take water, the approval holder must confirm a cease-to-take condition does not apply,
- (d) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 51.

51 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

Part 10 Amendment of this Plan—the Act, s 17(d)

52 Amendments

- (1) This Plan may be amended as follows—
 - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) to add or modify flow classes, flow reference points and surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 and Schedule 1,
 - (e) to add or modify access rules for unregulated river access licences so as to protect Active Environmental Water from extraction,
 - (f) to add or modify provisions relating to the following—
 - (i) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (ii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (iii) stormwater harvesting,
 - (iv) total daily extraction limits,
 - (v) individual daily extraction components,
 - (vi) floodplain harvesting (unregulated river) access licences,
 - (g) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (h) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (i) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water source and the Lower Darling Regulated River Water Source,
 - (j) to add, modify or remove a definition,
 - (k) to modify Schedules 2 or 3 to add or remove an access licence,
 - (l) to make amendments consequential on an amendment to the Act or regulations.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Flow classes

sections 31 and 52(1)(d)

[not used]

Schedule 2 Access licences exempt from specified access rules

sections 35(2)(a) and (d)

Table A—Access licences used to take surface water other than for town water supply purposes

Water Source	Management Zone	Access licence numbers
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Table B—Local water utility access licences and access licences of subcategory ‘town water supply’

Water Source	Management Zone	Access licence numbers
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Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement

section 34(3)

[not used]

Schedule 4 Significant wetlands subject to specific rules

sections 34(1)(a) and 35(1)(b)

Boeill Lagoon
Neilpo Lagoon
Peacock Creek

Schedule 5 Dictionary

section 6

5-year average extraction—see section 18.

Active Environmental Water means water flowing from a water source that is upstream of the water sources that requires protection from extraction as determined by the Minister.

annual extraction—see section 18.

average annual extraction—see section 18.

Basin Plan—see section 18.

cease-to-take condition means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

declared Ramsar wetland has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

extraction management unit means an extraction management unit established under section 5.

flood-runner means a stream or part of a stream that only flows during a flood.

former entitlement has the same meaning as in the Act, Schedule 10, clause 2.

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

Great Darling Anabran includes the channel of the anabran, associated lakes, and Redbank Creek downstream of Cawndilla Channel and Tandou Creek.

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

in-river dam pool means the water impounded by an in-river dam but does not include water in an in-river pool.

in-river pool means a natural pool, lagoon or lake within a river or stream, but does not include—

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

kl/day means kilolitres per day.

Logbook—see section 47.

LTADEL—see section 18.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

ML/unit share means megalitres per unit share.

ML/year means megalitres per year.

Murray Additional Allowance has the same meaning as under the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*.

off-river pool means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on—

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

Plan Map means the *Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024* Plan Map (WSP018_Version 3).

Note— The Plan Map is available on the Department's website.

planning approval means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4,
- (b) a State significant infrastructure approval under that Act, Part 5.2, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

Note— The *Environmental Planning and Assessment Act 1979*, Schedule 6A, has been transferred to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

plantation forestry—see section 18.

reduced available water determination—see section 18.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff.

Note— Minor stream is defined in the *Water Management (General) Regulation 2018*, clause 3.

SDL—see section 18.

significant wetland means a wetland shown on the Significant Wetlands Map.

Significant Wetlands Map means the *Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024 Significant Wetlands Map (WET005_V1)*.

Note— The Significant Wetlands Map is available on the Department's website.

surface water means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water source shown on the Plan Map.

the Act means the *Water Management Act 2000*.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 47.

water source – see section 3.

water year means a period of 1 year commencing on 1 July.