



New South Wales

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.

Minister for Water

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

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Water Management Act 2000

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 water—
 - (a) occurring naturally on the surface of the ground within the boundaries of the water source shown on the Plan Map, and
 - (b) in rivers and lakes within the boundaries of the water source as shown on the Plan Map.
- (3) The water source does not include water—
 - (a) to which the following Plans, or Water Sharing Plans that replace the Plans, apply—
 - (i) the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016*,
 - (ii) 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 Plan Map adopted by this Plan is available on the Department's website.

- (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.

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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 sources and their 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 sources and their 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.

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) 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 sources,
- (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 containment volume,
- (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources 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) restrict or prevent water supply work approvals on third or higher order streams within the water source,
- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
- (h) provide a stable and predictable framework for sharing water among water users,
- (i) provide for flexibility of access to water,
- (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,

- (k) provide for water associated with Aboriginal cultural values and uses, and community development.
- (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)

- (1) 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 sources,
 - (b) economic benefits,
 - (c) Aboriginal cultural benefits,
 - (d) social and cultural benefits.
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister.

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 460 ML/year.

13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under the native title determination for the Barkandji People (National Native Title Tribunal reference NCD2017/001).

Note 1— 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 is in the public interest—
 - (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)(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—

3-year average extraction means the average of the annual extractions calculated for the most recent 3 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 are 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

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.

Note— The LTADEL 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 LTADEL

- (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 LTADEL for the water source.
- (2) There is non-compliance with the LTADEL if the 5-year average extraction exceeds the LTADEL for the water year by 5% or more.

22 Establishment of SDL

- (1) The SDL for the water source to which this Plan applies 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.

Subdivision 3 Total daily extraction limits

26 Total daily extraction limits for certain water sources and categories of access licences

[Not applicable]

Note— When this Plan was made, there were no total daily extraction limits for an access licence in the water source.

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

27 Specific purpose access licences

- (1) A person may apply for a local water utility access licence for the purpose of supplying water to Broken Hill and Silverton.
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).
- (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 only for the taking of water by an Aboriginal person or Aboriginal community 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) recreational, cultural and ceremonial purposes.
- (4) In this section—
Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

28 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

29 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 Accounting for water allocation accounts—the Act, s 21(c)

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

30 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 amount of 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.

31 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

32 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.

33 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 21(a)

Note— The access rules in this Division apply in addition to discretionary conditions that may be imposed on under sections 66(1)(b) and 100(1)(b) of the Act.

34 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 containment volume, or
 - (b) an off-river pool that is below full containment volume, 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.

35 Specific access rules

- (1) Surface water must not be taken in the following circumstances—
 - (a) from a lagoon specified in Schedule 4A if the volume of water impounded in the lagoon is less than 50% of full capacity,
 - (b) from Thegoa Lagoon if—
 - (i) the volume of water impounded in the lagoon is less than or equal to 50% of full containment volume, or
 - (ii) notified by the Department not to take water, in circumstances where the volume of water impounded in the lagoon is more than 50% of full containment volume only because of inflows from licensed environmental water or water from the Murray Additional Allowance, for the period specified in the notification or until such time as any water above 50% of full containment volume is not from licensed environmental water or these additions.
- (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) In this section—
 - (a) *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*, and
 - (b) *licensed environmental water* has the same meaning as in the Act, section 8(1)(b).

36 Exceptions

- (1) Section 34(2)(b) does not apply to the take of surface water from an off-river pool subject to a cease-to-take-condition that permits the taking of water when the off-river pool is below full containment volume.
- (2) Sections 34 and 35 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 1kl/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 until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
 - (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 the following access licences—
 - (i) a local water utility access licence specified in Schedule 2,
 - (ii) an access licence of the subcategory "Town water supply" specified in Schedule 2,
 - (g) under a local water utility access licence held by Essential Energy.
- (3) Section 35 does not apply to the take of surface water under an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3.

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.

37 Application of Part

- (1) This Part applies to a water supply work used to take surface water.
- (2) 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.

38 In-river dams

[Not applicable]

39 Wetlands

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.

39A Construction of certain water supply works prohibited

- (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 identified on the Plan Map—
 - (a) Boeill Lagoon,
 - (b) Neilpo Lagoon,
 - (c) Peacock Creek,
 - (d) Thegoa Lagoon.
- (2) Subsection (1) does not apply to a replacement water supply work.
- (3) In this section—

Replacement water supply work means a water supply work that—

- (a) replaces a water supply work authorised by a water supply work approval (the ***replaced water supply work***), and
- (b) is constructed to extract water from the same lagoon or creek as the replaced 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.

40 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 710, including with respect to conversion factors.

41 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 a lagoon listed in Schedule 4A to an access licence that does nominate a water supply work located within a lagoon listed in Schedule 4A,
- (b) an assignment from an access licence that nominates a water supply work located within a lagoon listed in Schedule 4A to an access licence that nominates a water supply work located within another lagoon listed in Schedule 4A,
- (c) an assignment from an access licence that does not nominate a water supply work located within Thegoa Lagoon to an access licence that does nominate a water supply work located within Thegoa Lagoon,
- (d) 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,
- (e) an assignment from an access licence in the water source to an access licence in another water source in the Lower Murray-Darling Water Management Area or the Western Water Management Area,
- (f) an assignment to an access licence in the water source from another access licence in the Lower Murray-Darling Water Management Area or the Western Water Management Area,
- (g) an assignment from an access licence that does not nominate a water supply work in, or within 3km upstream of, a declared Ramsar wetland to an access licence that nominates a water supply work in, or within 3km upstream of, a declared Ramsar wetland,
- (h) an assignment from an access licence that does not nominate a water supply work within a significant wetland, to an access licence that nominates a water supply work within a significant wetland.

42 Amendment of share component dealings—change of water source

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

43 Amendment of extraction component dealings

[Not applicable]

44 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 a lagoon listed in Schedule 4A to an access licence that nominates a water supply work located within a lagoon listed in Schedule 4A,
- (b) an assignment from an access licence that nominates a water supply work located within a lagoon listed in Schedule 4A to an access licence that nominates a water supply work located within another lagoon listed in Schedule 4A,
- (c) an assignment from an access licence that does not nominate a water supply work located within Thegoa Lagoon to an access licence that nominates a water supply work located within Thegoa Lagoon,
- (d) 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,
- (e) 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,
- (f) 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,
- (g) an assignment from an access licence that does not nominate a water supply work in, or within 3km upstream of, a declared Ramsar wetland to an access licence that nominates a water supply work in, or within 3km upstream of, a declared Ramsar wetland,
- (h) an assignment from an access licence that does not nominate a water supply work within a significant wetland, to an access licence that nominates a water supply work within a significant wetland.

45 Interstate access licence transfer prohibited

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

46 Interstate assignment of water allocations dealings prohibited

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

47 Prohibited nominations of water supply works dealings

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

- (a) an access licence that does not nominate a water supply work located within a lagoon listed in Schedule 4A being amended to nominate a water supply work located within a lagoon listed in Schedule 4A,
- (b) an access licence that nominates a water supply work located within a lagoon listed in Schedule 4A being amended to nominate a water supply work located within another lagoon listed in Schedule 4A,
- (c) an access licence that does not nominate a water supply work located within Thegoa Lagoon being amended to nominate a water supply work located within Thegoa Lagoon,
- (d) an access licence that does not nominate a water supply work located within the Great Darling Anabranch being amended to nominate a water supply work located within the Great Darling Anabranch, unless the Minister is satisfied that the proposed dealing is for an environmental purpose,

- (e) an access licence being amended to nominate a water supply work located in a different management zone to that specified in the extraction component of the access licence,
- (f) 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.
- (g) an access licence that nominates a water supply work not located in, or within 3km upstream of, a declared Ramsar wetland being amended to nominate a water supply work located in, or within 3km upstream of, a declared Ramsar wetland,
- (h) an access licence that nominates a water supply work not located within a significant wetland, being amended to nominate a water supply work within a significant wetland.

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

48 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

49 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 30,
- (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) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 50.

50 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply.
- (2) 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

51 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) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 52.

52 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) Before a water supply work is used to take water, the approval holder must confirm a cease-to-take condition does not apply.

- (3) 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)

53 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,
 - (e) 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,
 - (f) 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,
 - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (h) to establish a long-term average sustainable diversion limit that combines the long-term average sustainable diversion limits for the water sources and the Lower Darling Regulated River Water Source
 - (i) to add, modify or remove a definition,
 - (j) to modify Schedules 2 or 3 to add or remove an access licence,
 - (k) 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 32 and 33

[not used]

Schedule 2 Access licences exempt from specified access rules

sections 36(2)(a), (d), (f)

Table A

[not used]

Table B

[not used]

Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement

section 36(3)

[not used]

Schedule 4A Identified lagoons

sections 41, 44, 47

Boeill Lagoon
Neilpo Lagoon
Peacock Creek

Schedule 4 Wetlands

Dictionary

Table A – declared Ramsar wetlands

[not used]

Table B – significant wetlands

Acres Billabong	Bulbugaroo Lake
Adelaide Swamp	Bull Swamp
Amphitheatre Lake	Bulumpa Lagoon
Anderson Waterhole	Bulumpla Lagoon
Andruco Lagoon	Bunda Lake
Andys Lake	Bundaburra Lake
Backwater Lagoon	Campbells Swamp
Barnes Billabong	Can Can Lagoon
Barneys Lake	Canegrass Swamp
Basin Lake	Carrs Billabong
Billabong Creek	Chalmers Lagoon
Billilla Waterhole	Chibnalwood Lakes
Binjie Lake	Chinamans Lake
Black Swamp	Cockatoo Swamp
Blue Lake	Cockatoo Waterhole
Bobbies Waterhole	Collins Lake
Bobs Lake	Collins Swamp
Boeill Lagoon	Coobo Lake
Boiler Lake	Coogee Lake
Boolaboolka Lake	Coombah Lake
Boomery Swamp	Coonbimby Lake
Bowery Lake	Corega Lake
Box Creek Waterhole	Cowbail Waterhole
Box Waterhole	Crystal Lake
Brennans Lake	Cuthero Lake
Brick Kiln Lake	Darling Anabranh Lakes
Brummeys Lake	Dead Horse Lake

Dennys Lake	Horse Lake
Dennys Waterhole	Horseshoe Billabong
Depot Swamp	Inkerman Lake
Dundomallee Lake	Inkerman Swamp
Dundonald Swamp	Jackson Swamp
Eaglehawk Lake	Jims Lake
Eckerboon Lake	Jones Lake
Emu Lake	Kangaroo Lake
Eucalyptus Lake	Keewong Lake
Fletcher Lake	Kudgee Lake
Fletchers Lake	Kulti Lake
Forth Lake	Lagoon Swamp
Four Mile Lake	Lake Are
Garnpung Lake	Lake Arumpo
Gemini Waterhole	Lake Bintullia
Gol Gol Swamp	Lake Boocathan
Great Darling Anabranh	Lake Caringay
Gulguy Waterholes	Lake Cowal/Wilbertroy Wetlands
Gum Lake	Lake Creek
Gundara Waterhole	Lake Eurobilli
Gunnaramby Swamp	Lake Gol Gol
Gunyulka Lake	Lake Leaghur
Harris Lake	Lake Littra
Haystack Lake	Lake Magenta
Holland Lake	Lake Milkengay
Hollands Lake 1	Lake Mindona
Hollands Lake 2	Lake Mungo
Hollands Lake 3	Lake Ricketson
Hollands Lake 4	Lake Tandou
Hollands Lake 5	Lake Tarwong
Hollands Lake 6	Lake Woytchugga

Langawirra Lake	Murtabunna Lake
Limekiln Swamp	Mystery Lake
Lindsay Island	Narowie Lake
Little Adelaide Swamp	Nartooka Lake
Little Amphitheatre Lake	Nearie Lake
Little Lake	Neilpo Lagoon
Little Prill Lake	Nettlegoe Lake
Little Topar Swamp	New Lake
Long Lake	Nialia Lake
Mackenzies Lake	Nitchie Lake
Maccommon Lake	North Lake
Markaira Waterhole	Number One Lake
Menindee Hut Waterhole	Nurtram Billabong
Merrowie Creek (Cuba Dam To Chillichil Swamp)	Old Topar Swamp
Mickwilly Lake	Packers Lake
Milkingerry Waterhole	Paddy Adams Swamp
Moonlight Lake	Paradise Lake
Moornanyah Lake	Patagorah Lake
Mopoga Waterhole	Peacock Creek
Moseys Lake	Peacock Creek Flora Reserve
Mosquito Swamp	Peaka Swamp
Mount Misery Waterhole	Pelican Lagoon
Mourquong Swamp	Pelican Lake
Muckee Lake	Pigeon Hole
Mulga Springs	Pigeon Hole Swamp
Mulga Springs Creek	Pine Lake
Multulda Waterhole	Pine Swamp
Mulurulu Lake	Pine Waterhole
Mundy Creek Waterhole	Pink Lake
Mundy Waterhole	Pitarpunga Lake
Murphys Lake	Pollioillaluke Lake

Poopelloe Lake	Teryaweynya Lake
Popiltah Lake	The Salt Lakes
Popio Lake	Theoga Lagoon
Porters Lakes	Three Mile Creek
Prill Lake	Three Mile Waterhole
Princes Lake	Tilpilly Lake
Prungle Lakes	Tin Tin Lake
Purda Billabong	Tincha Creek
Pysant Lake	Tobacco Bush Swamp
Rabitters Swamp	Toora Lake
Rainwater Hole	Top Lake
Ratcatchers Lake	Travellers Lake
Redbank Lake	Twin Lake
Rodgers Lake	Tyson Lake
Rotten Lake	Ullaroo Waterhole
Ryans Lake	Victoria Lake
Salt Creek	Viewmont Waterhole
Salt Lake	Wallace Lake
Saltbush Waterhole	Warracoocaree Lake
Sayers Lake	Warrawenia Lake
Shadbolts Lake	Washpen Waterhole
Silistria Lake	Waterloo Lake
Springs Creek	Well Lake
Stud Ewe Billabong	Whirlaminta Waterhole
Sturts Billabong	Whistlers Lake
Summer Hill Waterhole	White Lake
Surbinton Waterhole	White Water Lake
Swan Lake	Windamingle Lake
Tacubah Lake	Wintlow Lake
Talyawalka Anabranh & Teryawynia Creek	Wongalara Lake
Tareena Bong	Woolcunda Lake

Woolshed Billabong

Yampoola Lagoon

Yampoola Waterhole

Yartla Lake

Yelta Lake

Yepley Waterhole

Yoree Swamp

Schedule 5 Dictionary

section 6

3-year average extraction—see section 18.

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 means a wetland that is—

(a) a declared Ramsar wetland as defined by the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, and

(b) shown on the Significant Wetlands Map.

Note— Declared Ramsar wetlands shown on the Significant Wetlands Map are listed in Schedule 4 Table A.

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

Great Darling Anabranch includes the channel of the anabranch, 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 48.

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 5.1, 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.

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

Note— Not all significant wetlands shown on the Significant Wetlands Map are listed in Schedule 4, Table B.

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

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

SDL—see section 18.

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 sources shown on the Plan Map.

the Act means the *Water Management Act 2000*.

third or higher order stream means a stream identified as a third or higher order stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 48.

water source – see section 3.

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