



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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Friday, 27 December 2002

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LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 16 December 2002

IT is hereby notified, for general information, that Her Excellency the Governor has, in the name and on behalf of Her Majesty, this day assented to the undermentioned Acts passed by the Legislative Assembly and Legislative Council of New South Wales in Parliament assembled, viz.:

Act No. 122 2002 - An Act to amend the Electricity Supply Act 1995 to establish greenhouse gas benchmarks for the electricity industry and to encourage activities relating to the reduction of greenhouse gas emissions; and for other purposes. **[Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Bill]**

Act No. 123 2002 - An Act to amend the Workers Compensation Act 1987 to provide for a New South Wales workers compensation terrorism re-insurance scheme; and for other purposes. **[Workers Compensation Amendment (Terrorism Insurance Arrangements) Bill]**

Act No. 124 2002 - An Act to amend the Workers Compensation Act 1987 and certain other Acts to make further provision in respect of cross-border liability for compensation, choice of law for common law damages, sporting injuries and compliance; and for other purposes. **[Workers Compensation Legislation Amendment Bill]**

Act No. 125 2002 - An Act to amend the Coal Industry Act 2001 with respect to the charging of fees for the provision of underground coal mine rescue services; and for other purposes. **[Coal Industry Amendment (Fees for Rescue Services) Bill]**

Act No. 126 2002 - An Act to amend the Road Transport (Vehicle Registration) Act 1997 to create certain offences in relation to the affixing of interstate number-plates and the use of interstate registered vehicles in New South Wales; to amend the Motor Dealers Act 1974; and for other purposes. **[Road Transport (Vehicle Registration) Amendment Bill]**

Act No. 127 2002 - An Act to amend the Driving Instructors Act 1992 to make further provision with respect to the licensing of driving instructors, including in relation to the insurance of motor vehicles used for driving instruction and the reporting of alleged misconduct by driving instructors; and for other purposes. **[Driving Instructors Amendment Bill]**

Act No. 128 2002 - An Act to amend the Drug Misuse and Trafficking Act 1985 so as to provide for the disposal of dangerous exhibits; and for other purposes. **[Drug Misuse and Trafficking Amendment (Dangerous Exhibits) Bill]**

Act No. 129 2002 - An Act to secure the health, safety and welfare of persons in connection with coal operations; to repeal the Coal Mines Regulation Act 1982; to amend certain Acts; and for other purposes. **[Coal Mine Health and Safety Bill]**

Russell D. Grove PSM
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

under the

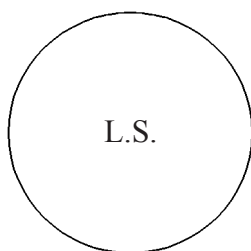
Optical Dispensers (Amendment) Act 1987 No 276

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Optical Dispensers (Amendment) Act 1987*, do, by this my Proclamation, appoint 1 January 2003 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

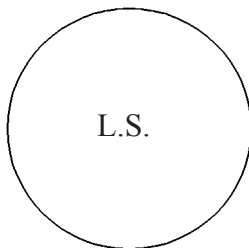
Roman Catholic Church Communities' Lands Act 1942

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, add the canonical name of "Passionist Sisters of St Paul of the Cross" to Column 1 of the Second Schedule to that Act, and add to Column 2 of that Schedule opposite that name the corporate name "Trustees of The Passionist Sisters of St Paul of the Cross".

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The Second Schedule to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each such organisation is a community as defined in the Act, and by virtue of the Act, the trustees for the community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

This Proclamation adds the Passionist Sisters of St Paul of the Cross and the corporate name of the trustees of that organisation to the Second Schedule to the Act.



New South Wales

Proclamation

under the

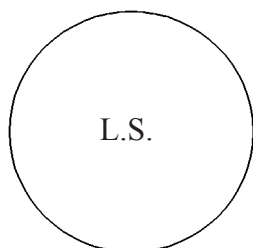
Roman Catholic Church Communities' Lands Act 1942

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, add the canonical name of "Daughters of St Anne" to Column 1 of the Second Schedule to that Act, and add to Column 2 of that Schedule opposite that name the corporate name "Trustees of The Daughters of St Anne".

Signed and sealed at Sydney, this 18th day of December 2002.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Proclamation

Explanatory note

Explanatory note

The Second Schedule to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each such organisation is a community as defined in the Act, and by virtue of the Act, the trustees for the community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

This Proclamation adds the Daughters of St Anne and the corporate name of the trustees of that organisation to the Second Schedule to the Act.

Rules

ELECTRICITY SUPPLY ACT 1995

Market Operations Rule (NSW Transfer Rules for Retail Electricity Supply) No.4 of 2001

Notice of Amendment of Market Operations Rule by the Minister for Energy
under section 63C(4) of the Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 63C(4) of the Electricity Supply Act 1995, hereby give notice of amendment to Market Operations Rule (NSW Transfer Rules for Retail Electricity Supply) No.4 of 2001 in the Schedule below, in accordance with section 63C(5) of the Act, for the purposes of Part 5B of the Act.

The amendment of this Market Operations Rule takes effect from date of gazettal.

Dated at Sydney, this 16th day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

SCHEDULE

[1] Clause 12A Transitional Requirement for the transfer of a Small Retail Customer

12A.4 Omit "31 December 2002" and insert instead "30 June 2003".

BOXING AND WRESTLING CONTROL ACT 1986

RULE

THE Hon. MORRIS IEMMA, M.P., Minister for Sport and Recreation, in pursuance of the Boxing and Wrestling Control Act 1986, is pleased to approve the rule made by the Boxing Authority of New South Wales and set forth hereunder.

The Hon. MORRIS IEMMA, M.P.,
Minister for Sport and Recreation

The Boxing Authority of New South Wales in pursuance of the power vested in it under the Boxing and Wrestling Control Act 1986 has resolved to make the following rule.

CITATION

1. This rule may be cited as the 'Boxing Authority Serology Rule'.

COMMENCEMENT

2. This rule shall take effect on and from the date of publication.

BOXING AND WRESTLING CONTROL ACT 1986

Boxing Authority Serology Rule

1. In this rule "Serology" means the result of a blood test which discloses that the person tested is:
 - HIV Negative
 - Hepatitis B "Antigen Negative or immune"
 - Hepatitis C "Negative"
2. No application for registration as a boxer shall be registered unless at the time of the application the applicant submits with their application Serology not more than one (1) month old.
3. No boxer shall be permitted to box in New South Wales if their Serology is more than six (6) months old.
4. No boxer shall be given a clearance to box interstate or overseas if their Serology will be more than six (6) months old at the time of the contest for which the clearance is sought.
5. No boxer shall be given a clearance to box interstate or overseas unless the application for clearance is made in the form and within the time required by the Authority with Serology which complies with Sub-rule 4.

The Common Seal of the Boxing Authority of
New South Wales was herewith affixed in
Pursuance of a resolution of the Authority on
The 30th October, 2002 in the presence of:

JOHN McDOUGALL
Member
ROBERT HUNTER
Member

OFFICIAL NOTICES

Appointments

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Appointment of Chairperson

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, has approved the appointment of Mr Ian Pike as Chairperson of the Parole Board for a period of three (3) years commencing on 1 January 2003 and expiring on 31 December 2005.

RICHARD AMERY, M.P.,
Minister for Corrective Services
Minister for Agriculture

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Notice of Appointment of Community Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, has approved the appointment of Dr Jennifer Anne Sefton as a community member of the Parole Board for a period of three (3) years commencing on 14 January 2003 and expiring on 13 January 2006.

RICHARD AMERY, M.P.,
Minister for Corrective Services
Minister for Agriculture

NSW BOARD OF ADULT AND COMMUNITY EDUCATION

Notification of appointment to the NSW Board of Adult and Community Education

I JOHN WATKINS, Minister for Education and Training appoint the following persons:

Dr John McIntyre
Ms Davina Tyrrell
Mr Barry Peddle
Mr John Berryman
Ms Susan Lister

as members of the NSW Board of Adult and Community Education for a term of office of three years.

JOHN WATKINS, M.P.,
Minister for Education and Training

SUSTAINABLE ENERGY DEVELOPMENT ACT 1995

Appointment under Section 14

HER Excellency the Governor with the advice of the Executive Council, pursuant to the provisions of the *Sustainable Energy Development Act 1995*, has appointed the officer listed below to the senior executive service position as specified:

Sustainable Energy Development Authority

Mark Thomas Fogarty, Executive Director
[31 January 2003].

The Hon Kim Yeadon, M.P.,
Minister for Information Technology,
Minister for Energy,
Minister for Forestry
and Minister for Western Sydney

NSW Agriculture

STOCK DISEASES ACT 1923

Notification No. 1764 – OJD

“Leaholme” Quarantine Area – Trunkey Creek

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 10 of the Stock Diseases Act 1923 (‘the Act’), declare the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of Johne’s disease in sheep, goats, and deer (other than fallow deer) (“the stock”).

Note: It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of the stock to be moved out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or when all of the conditions set out in section 20C(3) are satisfied.

The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the quarantine area shall be as ordered by an inspector.

SCHEDULE

Owner: K L and J A FARDON
Shire: Evans
County: Georgianna
Parish: Abercrombie
Land: Lot 27 in DP 753007

Dated this 17th day of December 2002.

RICHARD AMERY M.P.,
Minister for Agriculture

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Sections 118(4) and 119(2)

Registered Fish Receivers

IN accordance with the provisions of Clauses 284(a) and 293(2) of the *Fisheries Management (General) Regulation 2002*, Class A Registered Fish Receivers may elect to provide monthly reports to satisfy the reporting requirement in cl 293.

STEVE DUNN
Director, NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

Section 11 Notification

Amendments to s 8 closures relating to fishery
management strategies

I, Edward Obeid, amend the closure notification “Estuary General Fishery” published in Government Gazette Number 144 of 13 September 2002 as follows:

- Remove the words “31 December 2002” and replace with “16 January 2003”.

I also amend the closure notification “Ocean Hauling Fishery” published in Government Gazette Number 201 of 1 November 2002 as follows:

- Remove the words “31 December 2002” and replace with “16 January 2003”.

This amendment notification will be in effect from the date of publication.

Department of Land and Water Conservation

Land Conservation

GRAFTON OFFICE

Department of Land and Water Conservation
76 Victoria Street (Locked Bag 10), Grafton, NSW 2460
Phone: (02) 6640 2000 Fax: (02) 6640 2035

**PLAN OF MANAGEMENT FOR A CROWN RESERVE
UNDER DIVISION 6 OF PART 5 OF THE
CROWN LANDS ACT 1989 AND CROWN LANDS
REGULATION 1990**

A draft plan of management has been prepared for the Dedicated land described hereunder, which is under the trusteeship of the Grafton Hawthorne Park Reserve Trust.

Inspection of the draft plan can be made at:

1. Department of Land and Water Conservation
76 Victoria Street, Grafton NSW 2460.
2. Grafton City Council Chambers
2 Prince Street, Grafton NSW 2460.
3. Grafton City Council Library
2 Prince Street, Grafton NSW 2460.

during normal business hours.

Representations are invited from the public on the draft plan. These may be made in writing for a period of 42 days commencing from 30 December 2002 and should be sent to the Land Access Manager, North Coast, Department of Land and Water Conservation, Locked Bag 10, Grafton NSW 2460.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

DESCRIPTION OF LAND

Land District: Grafton	Local Government Area: Grafton
Parish: Southampton	County: Clarence
Dedication of 5 May 1865 comprising Lot 1, DP 724243.	Public Purpose: Racecourse and Public Recreation
Location: Hawthorne Park, South Grafton	
File No: GF01 R 30.	

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to section 117 of the Crown Lands Act 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Timothy WILKINSON Land Assessment & Management Co-ordinator, Resource Knowledge Unit, Sydney/South Coast Region Department of Land & Water Conservation	Shoalhaven Heads Bushland (R1003018) Reserve Trust	Reserve No. 1003018 Public Purpose: Environment Protection & Public Recreation Notified: 19 October 2001 File No.: NA01R26

For a term commencing 12 January 2003 and expiring
11 July 2003.

ORANGE OFFICE
Department of Land and Water Conservation
92 Kite Street (PO Box 2146), Orange, NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

**ALTERATION OF CORPORATE NAME OF
RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

—————
SCHEDULE 1

Carcoar Bush Fire Reserve Trust

—————
SCHEDULE 2

Reserve No. 1004248 Public Purpose: Public
 Recreation Rural Services Notified: 6 December 2002 File
 Reference: OE92R2

—————
SCHEDULE 3

Carcoar Rural Service Trust

**APPOINTMENT OF CORPORATION TO MANAGE
RESERVE TRUST**

ERRATUM

IN the notice appearing in the *Government Gazette* of the 20 December 2002 folio 10876 under the heading "Appointment of Corporation to Manage Reserve Trust" in Column 3 of the Schedule under the heading "Notified" the date should be altered from "this Day" to "6 December 2002". OE92R2/1.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation.

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
Level 12, Macquarie Tower 10 Valentine Avenue, Parramatta NSW 2124
(PO Box 3935, Parramatta NSW 2124
Phone: (02) 9895 7657 Fax: (02) 9895 6227

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to Section 92 (1) of the Crown Lands Act, 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation.

SCHEDULE

COLUMN 1	COLUMN 2
Berry Reserve (Pt R71235) Reserve Trust	Part Reserve 71235 at Narrabeen Lagoon (comprising Lot 7191 DP 1048304 and Lot 7192 DP 1048305) for Public Recreation notified 16 June 1944. File Ref.: MN94R15

APPOINTMENT OF CORPORATION TO MANAGE A RESERVE TRUST

PURSUANT to Section 95 of the Crown Lands Act, 1989, the corporation specified in Column 1 of the Schedule hereunder is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Warringah Council	Berry Reserve (Pt. R71235) Reserve Trust	Part Reserve R71235 at Narrabeen Lagoon (comprising Lot 7191 DP 1048304 and Lot 7192 DP 1048305) for Public Recreation notified 16 June 1944. File No.: MN94R15

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation.

Descriptions

*Land District — Metropolitan;
L.G.A. — Canada Bay*

Lot 100, DP 1046765 at Rhodes, Parish Concord (Sheet 3), County Cumberland (being land in CsT Vol. 5147 Folio 206 and Vol. 2279 Folio 203 and F.I.'s 18/734971 and 33/11894.

MN01H120.

Note: On closing, title for the land in lot 100 remains vested in City of Canada Bay Council as operational land.

Water Conservation

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

Murrumbidgee Valley

Peter Charles and Domenica DAWSON for two pumps on Cudgel Creek Lot 2, DP 1010971, Parish of Narrandera, County of Cooper for irrigation of 20.5 Hectares (lucerne and forage crops). Replacement licence to include an additional pump only. (Reference:40SL70859).

Any enquiries regarding the above should be directed to the undersigned (telephone 0269 530700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156
LEETON NSW 2705

WATER ACT 1912

AN application under Part 2 of the Water Act 1912 being within a Proclaimed (declared) local area under section 5 (4) of the Act.

An application for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

Barwon/Darling River Valley

Wayne Geoffrey BRANDER and Lucinda Joy BRANDER for 2 pumps on the Darling River Lot 40, DP 756969, Parish of Palinyewah, County of Wentworth, for irrigation of 49 hectares (replacement licence – due to additional works and additional land – no increase in commitment to Murray River storages) (Ref: 60SL085406) (GA2: 512558).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty eight (28) days as provided by the Act.

P. WINTON
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363
32 Enterprise Way
BURONGA NSW 2739
Phone: (03) 5021 9400

WATER ACT 1912

AN application under Part 2 of the Water Act 1912, being within a Proclaimed (declared) local area under section 5 (4) of the Act.

An application for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

Murray River Valley

Carmelo COSTA and Paul COSTA for 1 pump on Ruel Lagoon Lot 1, DP 1003173, Parish of Euston, County of Tailla, for irrigation (replacement licence due to permanent transfer of water entitlement – no increase in commitment to Murray River Storages.) (Ref: 60SL085405) (GA2:512557)

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty eight (28) days as provided by the Act.

P. WINTON
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363
32 Enterprise Way
BURONGA NSW 2739
Phone: (03) 5021 9400

WATER ACT 1912

AN application for a licence under Part 5 of the Water Act 1912, as amended, has been received as follows:

Murrumbidgee Valley

William Kenneth BURKINSHAW for a bore on Lot 1, DP 607067, Parish of Bulgary, County of Mitchell for a water supply for the irrigation of 40 hectares (Lucerne, Grains). New Licence. 40BL188837.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 24 January 2003 as prescribed by the Act.

S. F. WEBB
Resource Access Manager
Murrumbidgee Region

Department of Land and Water Conservation
PO Box 156, LEETON NSW 2705

WATER ACT 1912

APPLICATIONS for licences under section 10 of the Water Act 1912, as amended, have been received from:

Ian WEIR and Linda FULLER for a pump on the Macleay River Lot 1, DP 52118, Parish Kalateenee, County Dudley for irrigation of 2 hectares (6 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6134270, GA2: 464887).

Kay Maree SHEATHER and Michael John SHEATHER for a dam and a pump on an unnamed watercourse Lot 2, DP 565768, Parish Yarravel, County Dudley for conservation of water and irrigation of 2 hectares (5 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6134161).

Kenneth John TASSELL and Kim Lee-Ann TASSELL for a pump on the Macleay River Lot 104, DP 804497, Parish Yarravel, County Dudley for irrigation of 2 hectares (5 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6134467).

Kenneth Rex BROWN and Leone May BROWN for a pump on Macleay River Lot 104, DP 804497, Parish Yarravel, County Dudley for irrigation of 2 hectares (5 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 6134470).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

WATER ACT 1912

AN application for a licence under section 10 of the Water Act 1912, as amended, has been received from:

William James DICKINSON and Deborah DICKINSON for a pump on North Pumpenbil Creek Lot 2, DP 1005203 (Proposed Lot 10), Parish Tyalgum, County Rous for irrigation of 5 hectares (7.5 megalitres) (part replacement application – split of existing licence, no increase in authorised area or allocation) (Our Ref: 6134452, GA2: 464888).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

WATER ACT 1912

APPLICATIONS for licences under section 10 of the Water Act 1912, as amended, have been received from:

Barry Thomas SCHNEIDER and Mary Joy SCHNEIDER for a pump on an unnamed watercourse easement within Lot 40, DP 775583, Parish Tomki, County Rous for water supply for domestic purposes (new licence) (Our Ref: 613402B, GA2: 464889).

Beryl Joyce WOOLLEY, Gary John WOOLLEY and Gregory William WOOLLEY for a pump on the Richmond River Road fronting Lots 18, DP 755699 and Lot 1, DP 178929, Parish Coraki, County Rous for water supply for stock purposes and irrigation of 1.25 hectares (10 megalitres) (new licence – entitlement by way of permanent transfer) (Our Ref: 613332A).

Neil David ALKER and Linda Ruth KEANE for a pump on Maguires Creek Easement within Lot 3, DP 285605, Parish Tuckombil, County Rous for water supply for stock and domestic purposes (new licence) (Our Ref: 6133384).

Craig William BRUGGY for a pump on an unnamed watercourse (Piora Lagoon) Lot 24, DP 827099, Parish Bundock, County Richmond for water supply for stock purposes (new license) (Our Ref: 6134361).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

IRRIGATION BAN LIFTED

THE Acting Hunter Regional Director for the Department of Land and Water Conservation, Craig Abbs, in conjunction with the Dingo and Caparra Creeks and Tributaries Water Users Association, wish to inform landholders along the Dingo and Caparra Creeks and tributaries, that the ban on irrigation has now been lifted.

The department and the Association wish to thank all landholders for their continued support during the extremely difficult times of water shortage. Without everyones co-operation the equal sharing of the limited water resources available would not have been possible.

CRAIG ABBS
Acting Regional Director
Hunter

16 December 2002

**NOTICE UNDER SECTION 22B OF
THE WATER ACT 1912**

PUMPING RESTRICTIONS

Richmond River From Casino To Wilsons River Junction

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Richmond River from Casino to Wilsons River Junction is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday 21 December 2002 and until further notice, the right to pump water is RESTRICTED to a maximum of twelve hours in any twenty four hour period between the hours of 3 pm and 8 am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00. (GA2: 464890)

Dated this twenty first day of December 2002.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

**NOTICE UNDER SECTION 22B OF
THE WATER ACT 1912**

PUMPING SUSPENSIONS

Wilsons River Below Boat Harbour, Leycester Creek Tidal Pool and Richmond River Below Wilsons River Junction

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Wilsons River below Boat Harbour, Leycester Creek tidal pool and Richmond River below Wilsons River Junction is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday 21 December 2002 and until further notice, the right to pump water is SUSPENDED.

This suspension excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00. (GA2: 464890)

Dated this twenty first day of December 2002.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

**NOTICE UNDER SECTION 22B OF
THE WATER ACT 1912**

PUMPING RESTRICTIONS

Maguries Creek, Gum Creek, Duck Creek, Youngmans
Creek, Marom Creek, Tucki Tucki Creek and their
Tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Maguires Creek, Gum Creek, Duck Creek, Youngmans Creek, Marom Creek, Tucki Tucki Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Saturday 21 December 2002 and until further notice, the right to pump water is RESTRICTED to a maximum of one hour in any twenty four hour period between the hours of 7 am and 8 am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00. (GA2: 464891)

Dated this twenty first day of December 2002.

G. LOLLBACK
Resource Access Manager
North Coast Region
Grafton

WATER MANAGEMENT ACT 2000

Regulated River Order No. 1

PURSUANT to the definition of 'regulated river' in the Dictionary to the Water Management Act 2000, I, JOHN AQUILINA, MP, Minister for Land and Water Conservation, declare by this Order that the rivers listed in the Schedule below are regulated rivers.

Dated this 27th day of December 2002.

JOHN AQUILINA, MP
Minister for Land and Water Conservation

Explanatory note

The dictionary definition of a regulated river in the Water Management Act 2000 provides that the Minister can declare, by order published in the Gazette, a river to be a regulated river.

SCHEDULE

Adelong Creek, that part which adjoins the generally northwestern boundary of portion 113 REM., Parish of Willie Ploma, County of Wynyard.

Back Creek from its confluence with unnamed watercourse within portion 73, Parish of Uroly, County of Boyd, to its confluence with Pine Watercourse and Washpen Creek within portion 72, Parish of Uroly, County of Boyd.

Barren Box Swamp.

Beavers Creek.

Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River.

Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana.

Bombowlee Creek from its confluence with the Tumut River within Portion 199, parish of Killimicat, County of Buccleuch, to its intersection with the northern boundary of the road between the aforesaid portion and Portion 75, Parish of Mundongo, County of Buccleuch.

Brungle Creek.

Bullenbong Creek from its junction with Old Man Creek to a point 305 metres upstream.

Bundidgerry Creek from western boundary of portion 67, Parish of Berrembed, County of Bourke, downstream to western boundary of portion 253, Parish of Narrandera, County of Cooper.

Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek.

Coonooncoocabil Lagoon, County of Cooper.

Cowabbie Creek from the western boundary of portion 224, Parish of Berrembed, County of Bourke, downstream to its confluence with Bundidgerry Creek.

Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek.

Cudgel Creek from the Cudgel Creek escape regulator within portion 72, Parish of Narrandera downstream to its confluence with the Murrumbidgee River within portion 12, Parish of Yarangery, both County of Cooper.

Eringowarra Creek from its effluence with the Murrumbidgee River within portion 20, Parish of Bilda, County of Clarendon, downstream to a point 100 metres south of portion 18, within portion 34, Parish of Bilda, County of Clarendon.

Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir.

Killimicat Creek from its junction with Nimbo Creek downstream to its junction with Brungle Creek.

Island Creek offtaking from the Murrumbidgee River between portions 138 and 139, Parish of Tenandra, County of Clarendon.

Island Lagoon in its entirety from its common effluence/confluence with the Murrumbidgee River, located within portion 209, Parish of Tooyal, County of Bourke.

Mirrool Creek from western corner of portion 105, Parish of Yenda, County of Cooper to Barren Box Swamp.

Murrumbidgee River from the upper limit of the storage of Burrinjuck Dam downstream to the Murray River.

Nimbo Creek.

Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana.

Old Man Creek.

Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county.

Tumut River from the upper limit of the storage of Blowering Dam downstream to the Murrumbidgee River.

Unnamed watercourse (known locally as "The Washaway") offtaking from the Tumut River within portion 40, Parish of Blowering, County of Buccleuch.

Unnamed watercourse offtaking from the Murrumbidgee River within portion 21, Parish of Borambula, County of Wynyard, to its confluence with the Murrumbidgee River within portion 102, Parish of Borambula, County of Wynyard.

Unnamed watercourse offtaking from the Murrumbidgee River in portion 39, Parish of Mundarlo, County of Wynyard, downstream to its confluence with the Murrumbidgee River.

Unnamed watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd.

Unnamed watercourse offtaking at two points from the Murrumbidgee River within portion 136, Parish of Tenandra, County of Clarendon.

Unnamed watercourse formerly offtaking from a bend in the Murrumbidgee River within portion 13, Parish of Burt, County of Boyd and now cut off from a supply by construction of Gogeldrie Weir. Alternative supply is now obtained from diversion works constructed by the Crown in the form of a cutting and regulator offtaking from the pool of this weir in portion 8 of the said parish.

Unnamed lagoon and unnamed watercourse located within portions 38, 15 and C.R. 482, Parish of Bundidgerry, County of Cooper.

Unnamed watercourse connection an unnamed lagoon with Bundidgerry Creek within C.R. 482, Parish of Bundidgerry, County of Cooper.

Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana.

Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend.

Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper

limits within portion 58, Parish of Douglas, County of Urana.

Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana.

Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion.

Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana.

Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the western boundary and 50 metres south from the northern boundary of the said portion.

Uri Creek from its junction with the Unnamed Watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd, downstream to its confluence with the Murrumbidgee River.

Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd.

Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana.

Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.

ACCESS LICENCE DEALING PRINCIPLES ORDER 2002

under the Water Management Act 2000

PURSUANT to section 71L (a) and (b) of the Water Management Act 2000, I, JOHN AQUILINA, MP, Minister for Land and Water Conservation, make the following Order under the Water Management Act 2000.

Dated at Sydney, this 19th day of December 2002.

JOHN AQUILINA, MP
Minister for Land and Water Conservation

Explanatory note

Sections 71L (a) and 71L (b) of the Water Management Act provide that the Minister may, by order published in the Gazette, establish access licence dealing principles to regulate or prohibit access licence dealing rules and kinds of access licence dealings. Dealings refer to trading in water

licences and water entitlements under those licences. The purpose of this Order is to establish access licence dealing principles.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1 Name of Order

This Order is the Access Licence Dealing Principles Order 2002.

2 Commencement

This Order commences on 20 December 2002.

3 Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4 Interpretation

(1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.

(2) Notes in this order do not form part of the order.

5 Effect

(1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:

- (a) the water management principles, and
- (b) the principles in this order, and

(c) access licence dealing rules established by any relevant management plan.

(2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6 Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the Water Management Act 2000.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the Water Management Act 2000.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the Water Management Act 2000.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7 Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, commitments to take water refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8 Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9 Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any

associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10 Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings

11 Transfer of access licences

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12 Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.

- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
- protect environmental water from being affected by such dealings, and
 - protect basic landholder rights from being affected by such dealings, and
 - protect the available water under other access licences from being affected by such dealings.
- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factor rules in management plans:
- must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
- (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
- a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
- (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (12) For conversion of category from regulated river (general security) to unregulated river:
- no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and
 - water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
- (13) For conversion of category from unregulated river to runoff harvesting:
- no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
- no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access

licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13 Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14 Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.

- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15 Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16 Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or

- (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) from an unregulated river water source to a regulated river water source, or
 - (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
- (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
- (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factors rules in management plans:
- (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
- (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
- (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17 Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.

- (2) Dealings under section 71F are prohibited:
- (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.
- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
- (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18 Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
- (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
- (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or

- (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19 Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.

20 Interstate assignment of water allocations

- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
 - (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.
- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
 - (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
 - (3) Dealings under section 71I are prohibited:
 - (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or
 - (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.
 - (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
 - (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.

- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21 Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
 - (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
 - (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
 - (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and
 - (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.
- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.
- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Water Sharing Plan for the Stuarts Point Groundwater Source 2003 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Land and Water Conservation, make the following Minister's plan.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

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Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Stuarts Point Groundwater Source 2003* (hereafter this Plan).

2 Nature and status of this Plan

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

3 Date of commencement

This Plan takes effect on 1 July 2003, and ceases 10 years after that date.

4 Waters to which this Plan applies

- (1) The area in respect of which this Plan is made is that area of land within the Mid North Coast Water Management Area known as the Stuarts Point Groundwater Source (hereafter this groundwater source) as shown in Schedule 2.

Note. The Mid North Coast Water Management Area is shown on the map in Appendix 1.

- (2) The water in this groundwater source includes all water contained in the Pleistocene age sand formations below the land surface, but does not include the basement rock.

5 Interpretation

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

6 Inspection of detail maps

Maps referred to in this Plan may be inspected at the locations listed in Appendix 2.

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

7 Effect on licences, authorities and permits under the *Water Act 1912*

- (1) This Plan applies from the date of commencement to those matters that are administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible, the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

8 State Water Management Outcomes Plan

- (1) This Plan is consistent with the State Water Management Outcomes Plan (hereafter SWMOP) in accordance with section 16 (1) (a) of the Act.
- (2) Schedule 3 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Note. The SWMOP applying at the commencement of this Plan is that gazetted on 20 December 2002 under section 6 of the Act.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

The vision for this Plan is to address the water needs of the whole Stuarts Point/Fishermans Bend/Grassy Head community, and to ensure the environment receives the necessary water quality and quantity to maintain, or re-establish where necessary, healthy functioning ecosystems.

11 Objectives

The objectives of this Plan are to:

- (a) ensure no long-term lowering of groundwater levels to maintain the highest possible quality through the management of groundwater extraction,
- (b) provide secure, potable water supplies for the village of Stuarts Point and surrounding districts, by managing extractions,
- (c) preserve forest, wetland, woodland and heath ecosystems that occur on the sand plain around Stuarts Point, by ensuring groundwater extractions do not cause water levels in the area to fall below the natural tolerance levels of these vegetation communities,
- (d) preserve estuarine ecosystems that require groundwater inputs, such as sea grasses and salt marshes, by ensuring groundwater extractions do not cause a significant reduction in the amount of groundwater being discharged to the estuary,
- (e) ensure salt water from the Macleay Arm and estuary, which adjoins this groundwater source does not contaminate the fresh groundwater, by limiting extractions,
- (f) ensure extractions are managed so that groundwater is available to contribute to the inundation of potential acid sulphate soils,
- (g) maintain basic rights for property owners in the village of Stuarts Point and surrounding areas, without compromising the health of this groundwater source,
- (h) recognise and protect Aboriginal heritage sites and values in water access licensing decisions,
- (i) provide opportunities for local irrigation industries, including Aboriginal developments, to access water from the Stuarts Point Groundwater Source,
- (j) manage extractions in order to maintain the beneficial use categories of the Stuarts Point Groundwater Source, and
- (k) ensure that water in this groundwater source is maintained at the highest possible quality by limiting extractions around contamination sources.

12 Strategies

The strategies of this Plan are to:

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

13 Performance indicators

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

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

Note. Appendix 3 details the objectives to which these performance indicators relate and the proposed methods for assessing these indicators.

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Part 3 Basis for water sharing

14 Basis for water sharing

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

15 Climatic variability

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

16 Recharge

For the purposes of section 5 (3) of the Act, the overall basis for water sharing in this Plan is the average annual recharge to this groundwater source, estimated to be 7,032 megalitres per year (hereafter ML/yr).

Part 4 Environmental water provisions

17 Environmental water provisions

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

18 Environmental health water

Note. It is anticipated that the environmental health water provisions in this Part and management of local impact provisions in Part 10 of this Plan will also protect Aboriginal heritage sites and values of this groundwater source (see clause 11(h)).

This Plan establishes the following environmental health water rules:

- (a) the long-term average storage component of this groundwater source minus the basic landholder rights extraction, is reserved for the environment, and
- (b) 45% of the average annual recharge established in clause 16 will be reserved for the environment.

19 Supplementary environmental water

At the commencement of this Plan, there is no water committed for specified environmental purposes in accordance with section 8 (1) (b) of the Act.

20 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the access licence, and
 - (c) shall be such as to ensure that there is a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 5 Basic landholder rights

21 Basic landholder rights

- (1) This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.
- (2) If a landholder is unable to exercise their basic landholder rights due to interference of their supply by extraction authorised by access licences:
 - (a) the landholder's affected water supply work (bore) may be replaced or deepened to ensure continuing access to water for basic landholder rights, or
 - (b) basic rights water may be supplied by alternative means during critical times.
- (3) The Minister may impose a charge on access licence holders in this groundwater source under section 114 of the Act, as a contribution to the costs of activities or works associated with subclause (2).

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of basic landholder rights from this groundwater source to protect the environment, for reasons of public health, or to preserve existing basic landholder rights.

22 Domestic and stock rights

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

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights are estimated to be a total of 75 ML/yr.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

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

23 Native title rights

- (1) At the commencement of this Plan there are no holders of native title rights and therefore the water requirements for native title rights are estimated to be a total of 0 ML/yr.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increase in native title rights may occur as a result of the granting of native title rights under the Commonwealth's *Native Title Act 1993*.

Part 6 Bulk access regime

24 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in this groundwater source having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 2 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Part 10 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Parts 9 and 10 of this Plan.

Part 7 Requirements for water for extraction under access licences

25 Estimate of water requirements

- (1) This Part is made in accordance with section 20 (1) (c) of the Act.
- (2) At the commencement of this Plan, the requirements identified for water for extraction under access licence within this groundwater source is estimated to be 1,601.5 ML/yr.
- (3) Subclause (2) includes local water utility access licences of 300 ML/yr in this groundwater source, being for the Stuarts Point township and surrounding districts.
Note. Subclauses (2) and (3) represent the total volumes specified on access licences in this groundwater source. It is not a commitment to supply that water.
- (4) This Plan recognises that the total requirements for water for extraction under access licences within this groundwater source may change during the term of this Plan as a result of:
 - (a) the granting, surrender or cancellation of access licences,
 - (b) the variation of local water utility access licences under section 66 of the Act, or
 - (c) the volumetric quantification of the share entitlement of existing access licences that are currently non-volumetric.

Part 8 Rules for granting access licences

26 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act, having regard to the limits to water availability in this groundwater source and the need to protect groundwater dependent ecosystems and groundwater quality.
- (2) Access licences may be granted in this groundwater source subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in this groundwater source, other than access licences of the following kinds:
 - (a) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may vary a local water utility's licence at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) aquifer (Aboriginal cultural) access licences,
 - (c) aquifer (Aboriginal communities development) access licences,
 - (d) licence applications lodged as a result of a Ministerial approved access licence amnesty completed before 1 July 2003, or
 - (e) aquifer access licences resulting from an application of a type listed in section 82 (1) of the Act.
- (4) Subclauses (3) (b), (3) (c) and (3) (d) should no longer apply when the total share components of access licences in this groundwater source exceeds the extraction limit established at clause 28.
- (5) In applying for a new access licence, the applicant must establish the purpose and circumstances relating to that access licence, and that the share and extraction component sought will be the minimum required to meet that purpose and circumstance.
- (6) Subclause (5) does not apply to a new access licence arising from an application of a type listed in section 82 (1) of the Act.
- (7) Access licences granted under this Part cannot be extracted through a water supply work (bore) located in areas where the extraction authorised by the licence, plus the full extraction authorised by existing access licences through water supply works (bores) located in the area, and the exercise of basic landholder rights, are likely to cause an adverse local impact as outlined in Part 10 Division 2 of this Plan.
- (8) If an access licence share component applied for is significant as determined by the Minister on the basis of the particular aquifer characteristics, the application will not be granted until a water supply work (bore) approval has been granted and the work constructed.
- (9) Once the water supply work (bore) is constructed and the results of a pumping test or its equivalent are supplied by the applicant, in the required form and to the specification of the Minister, the access licence may be granted.

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- (10) The share component of the access licence granted under subclause (9) will be the proportion of the share component sought that the water supply work (bore) is capable of extracting without adverse local impact as outlined in Part 10 Division 2 of this Plan.
- (11) In accordance with section 56 of the Act, all access licences in this groundwater source shall have a share component expressed as a volume in megalitres per year.

27 Aboriginal assessment of new access licences

The Minister will seek the views of the Kempsey Local Aboriginal Land Council in relation to the impact on significant Aboriginal sites of new access licence applications and appropriate mitigation measures.

Part 9 Limits to the availability of water

Division 1 Long-term average extraction limit

28 Long-term average extraction limit

- (1) This Division is made in accordance with sections 20 (2) (a) of the Act.
- (2) The long-term average extraction limit for this groundwater source is the recharge established in clause 16, minus the proportion of recharge reserved as environmental health water in clause 18, and is 3,868 ML/yr.

Division 2 Available water determinations

29 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules:
 - (a) water extraction in this groundwater source will be monitored each water accounting year to determine if any growth in volumes extracted is occurring above the extraction limit in clause 28, based on comparison of the extraction limit against the average extraction within the groundwater source over that year and the preceding 2 years.

Note. A water accounting year is defined in clause 34 (3).
 - (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in the aquifer for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
 - (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work (bore),
 - (d) if the 3 year average of extraction in this groundwater source exceeds the long-term average extraction limit established in clause 28 by 5% or greater, the available water determination for the following water accounting year for aquifer access licences in the groundwater source should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
 - (e) if the 3 year average of extraction in this groundwater source is less than 95% of the long-term average extraction limit established in clause 28, then the available water determination for aquifer access licences in the groundwater source shall be increased to such an extent as to allow extraction to increase to the extraction limit,

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- (f) notwithstanding subclause (e), the available water determination for aquifer access licences should not exceed 100% of the aquifer access licence share components,
- (g) the available water determination calculated in accordance with this clause will apply to all access licences excepting local water utility and domestic and stock access licences and will be the same percentage for all access licences to which it applies, and
- (h) a separate available water determination will be made for local water utility and domestic and stock access licences, and subject to section 60 of the Act, this shall be 100% of the access licence share component.

Part 10 Rules for managing access licences

30 Rules for managing access licences

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

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

Division 1 Water allocation account management

31 Water allocation account management

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

32 Water allocation accounts

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

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

33 Accrual of water allocations

Water allocations will be accrued into water allocation accounts each year in accordance with the Minister's available water determinations as specified in clause 29 of this Plan.

34 Annual accounting for water extraction

- (1) Water taken from this groundwater source will be accounted for at least annually.
- (2) Water extracted by a water supply work (bore) nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) In any one water accounting year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken from this groundwater source under an aquifer access licence may not exceed a volume consisting of:
 - (a) 100% of the access licence share component,
 - (b) plus any water allocations assigned from another licence under section 71G of the Act in that year,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and

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- (d) minus any water allocations assigned to another licence under section 71G of the Act in that year.
- (5) Water allocations cannot be carried over in a water allocation account from one water accounting year to the next.
- (6) A water allocation account shall remain at or above zero at all times.

Division 2 Management of local impact

35 Management of local impact

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

36 Extraction interference between neighbouring bores

To minimise interference between authorised extraction the following rules will apply to new access licences in this groundwater source:

- (a) extraction pursuant to an access licence authorised to extract more than 20 ML/yr will not be permitted from a water supply work (bore) within 400 metres of a water supply work (bore) authorised to extract more than 20 ML/yr under another access licence,
- (b) notwithstanding the provisions of subclause (a), the Minister may, upon application by an access licence holder, vary the distance restrictions specified in subclause (a) if satisfied that the cumulative impact on local groundwater levels will be minimal, and
- (c) subclause (a) does not apply to extraction under access licences existing at 1 January 2003.

Note: The intention of this clause is to minimise the impact of extraction under new access licences on extraction under existing access licences.

37 Water level management

- (1) The Minister may declare that, in order to protect water levels within this groundwater source, local access rules are to apply in a defined area known as a local impact area.
- (2) If water levels in any part of this groundwater source have declined to such an extent that adverse impact is occurring, or is likely to occur, extraction from all water supply works (bores) nominated by an access licence within a local impact area declared under subclause (1) will be restricted to such an extent and for such time as is required to reinstate water levels to such a degree as to mitigate or avoid that impact.

Note. This provision recognises that in some locations, at certain periods of high groundwater demand, critical water level declines may occur, and that additional extraction limitations may be required. The Department of Land and Water Conservation will identify monitoring bores, specify the target levels (in consultation with stakeholders), and determine the method for specifying an affected area.

38 Water quality management

- (1) The beneficial uses of this groundwater source are:

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- (a) raw water for drinking, and
 - (b) ecosystem protection,
- based on the Australian and New Zealand Environment and Conservation Council *Water Quality Guidelines 2001*, and the National Health and Medical Research Council *Raw Water for Drinking Purposes Guidelines 1996*.
- (2) Pursuant to subclause (1), water quality decline will be deemed unacceptable if extraction is likely to cause water quality to decline to a lower beneficial use class.
Note. It is not recommended that the groundwater from this water source be consumed without prior treatment. Land use activities may have polluted the groundwater in some areas.
 - (3) The Minister may declare that, in order to protect water quality within this groundwater source, local access rules are to apply in a defined area known as a local impact area.
 - (4) If water quality declines are resulting from extraction, extraction from all water supply works (bores) within a local impact area declared under subclause (3) nominated by an access licence will be restricted to such an extent and for such time as required to halt that decline, or restore the beneficial use of this groundwater source.
 - (5) Construction of a new water supply work (bore) will not be permitted:
 - (a) within 100 metres of a contamination source, unless the proponent can demonstrate to the Minister's satisfaction that a lesser distance will result in no more than minimal harm to this groundwater source, and that extraction will not impact on the environment or cause a threat to public health as advised by the Minister for Health, or
 - (b) within a greater distance than in subclause (a) nominated by the Minister in order to ensure that no more than minimal harm will occur to this groundwater source, and that extraction will not impact on the environment or cause a threat to public health as advised by the Minister for Health.
 - (6) An existing water supply work (bore) within 100 metres of a contamination source will be able to continue extraction of groundwater at levels equivalent to 2003 access licence share components, subject to any restrictions arising from subclause (4).
 - (7) Extraction of groundwater from a new water supply work (bore) nominated by an access licence, between 100 and 200 metres of a contamination source, will require:
 - (a) an application to the Minister by the licence holder providing evidence that no drawdown of the watertable within 100 metres of the contamination source will occur,
 - (b) the Minister to assess the application as adequate, and
 - (c) the Minister to approve the application.
 - (8) Schedule 4 lists contamination sources in this groundwater source.
 - (9) Subclauses (5), (6) and (7) may be applied by the Minister in relation to contamination sources not on Schedule 4, based on the results of a site inspection or other relevant information provided to the Minister.

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- (10) Pursuant to section 42 (2) of the Act, the Minister may vary Schedule 4 by inclusion or deletion of a contamination source based on the results of a site inspection or other relevant information provided to the Minister on the contamination source.

Note. Schedule 4 is only to be used in relation to the granting of access licences and water supply work (bore) approvals under the *Water Management Act 2000*.

39 Protection of groundwater dependent ecosystems

- (1) Extraction of groundwater from a new water supply work (bore), and any increase in extraction authorised from an existing water supply work (bore), is excluded within:
- (a) 40 metres of high priority groundwater dependent ecosystems depicted in Schedule 2 and listed in Schedule 5, for those exercising basic landholder rights, or
 - (b) 100 metres of high priority groundwater dependent ecosystems shown in Schedule 2 and listed in Schedule 5, for all other access licences.
- (2) Construction of a new water supply work (bore) nominated by an access licence within 100 to 200 metres of any high priority groundwater dependent ecosystems as shown in Schedule 2 and listed in Schedule 5 must:
- (a) not drawdown groundwater levels, greater than natural fluctuations, at the high priority groundwater dependent ecosystem, and
 - (b) not drawdown groundwater levels, greater than 1.5 metres at a distance of 100 metres from the high priority groundwater dependent ecosystem.
- (3) This clause does not apply to a water supply work (bore) that is constructed for monitoring purposes, or other water supply works (bores) that are replaced as a part of routine maintenance.

40 Extraction restrictions

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

41 Group registration

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

- (a) the group register will be maintained by the Minister,
- (b) holders of access licences must make a request to the Minister to form a group,
- (c) total extraction by all access licences within a group will be assessed as a whole against their combined restricted extraction and must not exceed that amount,

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- (d) no access licence holder within the group may extract more than is permitted by Division 1 of this Part, in any one water accounting year as a result of participation in a group,
- (e) an access licence holder may apply to be removed by the Minister from the group and the extraction by the group will be reduced by the extraction restriction of that licence holder,
- (f) an access licence holder may apply to be added by the Minister to the group and the combined restricted extraction of the group will be increased by the extraction restriction of that licence holder, and
- (g) the Minister reserves the right to remove a licence holder from a group where that individual causes the group extraction limit to be exceeded, or to dissolve a group where its members exceed their combined extraction restriction.

42 Infrastructure failure

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

Part 11 Access licence dealing rules

43 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (e) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71L of the Act.

Note. The Minister's access licence dealing principles are contained in Appendix 4.

- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

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

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

44 Rules relating to constraints within a groundwater source

- (1) This clause applies to any relevant dealings under sections 71D, 71F, and 71J of the Act, and section 71G of the Act with respect to water allocation assignments within this groundwater source.
- (2) Dealings are prohibited under this clause if:
 - (a) any of the access licences or water allocations involved are not within this groundwater source, or
 - (b) the dealing would result in the total extraction under access licences through nominated works in the area, plus basic landholder rights extraction, causing adverse local impact in accordance with Part 10 Division 2 of this Plan.

45 Rules for change of water source

- (1) This clause relates to dealings under section 71E of the Act.
- (2) Dealings under section 71E of the Act that change the water source to which an access licence applies are prohibited in this groundwater source.

46 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Dealings that result in conversion of an access licence of one category to an access licence of another category are prohibited in this groundwater source.

47 Rules for interstate access licence transfer

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

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- (2) Dealings that result in an interstate access licence transfer into or out of this groundwater source are prohibited.

48 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71G of the Act, in relation to water allocation assignments between water sources.
- (2) Dealings that assign water allocations between access licences in other water sources and access licences in this groundwater source are prohibited.

49 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71I of the Act.
- (2) Dealings that result in an interstate assignment of water allocations to or from this groundwater source are prohibited.

Part 12 Mandatory conditions

50 Mandatory conditions on access licences

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

51 Access licences

- (1) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of share components of the licences,
 - (b) the specification of extraction components of the licences,
 - (c) the requirement that all extraction under access licences will be subject to the available water determinations,
 - (d) the requirement that all extraction under access licences will be subject to any local impact management restrictions established in this Plan,
 - (e) the requirement that all extraction under access licences will be subject to the account management rules established in this Plan,
 - (f) the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account does not exceed the volume of water allocation remaining in the account, and
 - (g) any other conditions required to implement the provisions of this Plan.
- (2) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.

52 Mandatory conditions on water supply work (bore) approvals

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

- (a) the water supply work (bore) is only to be constructed by a driller licensed under section 349 of the Act,
- (b) the water supply work (bore) must comply with drilling standards as specified by the Minister,
- (c) construction of a water supply work (bore) must prevent contamination between aquifers through proper bore construction,
- (d) a water supply work (bore) approval holder must ensure decommissioning procedures comply with applicable standards as specified by the Minister,
- (e) new or replacement water supply work (bore) to access water for basic rights will be required, as a condition of approval, to be constructed to sufficient depth to maintain access to the water source for the life of the work,

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- (f) the water supply work (bore) approval holder is, within 2 months of completion, or after the issue of the approval if the water supply work (bore) is existing, to provide the Minister with:
 - (i) details of the work on the prescribed form,
 - (ii) a plan showing accurately the location of the work in relation to portion and property boundaries, and
 - (iii) details of any water analysis and/or pumping tests required by the Minister,
- (g) if during the construction of the water supply work (bore), saline or contaminated water is encountered above the producing aquifer, such water is to be sealed off by:
 - (i) inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or contaminated water from the work, and
 - (ii) placing an impermeable seal between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level, as specified by the Minister,
- (h) if a water supply work (bore) is abandoned, the water supply work (bore) approval holder is to:
 - (i) notify the Minister that the work has been abandoned, and
 - (ii) seal off the aquifer by backfilling the work to ground level after withdrawing the casing (lining), as specified by the Minister,
- (i) an extraction measurement device shall be installed and maintained on each water supply work (bore) used for extraction of water under an access licence, and such devices shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
- (j) a water supply work (bore) must comply with the relevant local impact management rules in Part 10 of this Plan,
- (k) notwithstanding the available water determination, it is the responsibility of the water supply work (bore) approval holder to ascertain from the Minister whether or not there are in place any local impact restrictions before commencing to take water from this groundwater source,
- (l) extraction under an access licence through the approved water supply work (bore) is only authorised with respect to the access licences specified on the water supply work (bore) approval,
- (m) a water supply work (bore) approval holder must supply to the Minister on request, and to the required standards, a report pertaining to the quality of the water obtained from the water supply work (bore), and
- (n) any other conditions required to implement the provisions of this Plan.

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

Part 13 Monitoring and reporting

53 Monitoring

The monitoring of the performance indicators specified in clause 13 shall be undertaken by the Minister.

Note: Review & Audit of this Plan

In accordance with section 43 (2) of the Act, this Plan is to be reviewed, within the fifth year of its term, for the purpose of ascertaining whether its provisions remain adequate and appropriate for ensuring the effective implementation of the water management principles of the Act.

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

Note: The Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

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Part 14 Amendment of this Plan

54 Amendment of this Plan

- (1) This Part is made in accordance with section 42 (2) of the Act.
- (2) This Plan can be amended in accordance with clause 38 in respect to contamination sources.

Schedule 1 Dictionary

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

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

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

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

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

basement rock is a general term for solid rock that lies beneath soil, loose sediments, or other unconsolidated material.

component see share component.

contamination sources, relates to human activities that have resulted in the presence of a substance in the groundwater source at a concentration above that at which the substance is normally present, and at a level that presents a risk of harm to human health or reduces the beneficial use of a groundwater source.

Note. Contamination sources can arise from a range of industrial and other land based activities. The impact of some activities will be temporary, while others pose a risk over a much longer timeframe. In some instances, particularly when the land use has involved hazardous substances, the source may be threatening to humans, or may affect the current or future beneficial uses of the groundwater source. Determining in any particular case whether or not contamination presents a significant risk of harm can be complex and difficult. It involves considerations such as the type, nature, quantity and concentration of contaminants, how they manifest themselves and the nature of their impact in the particular groundwater source. It also involves broader questions such as the current use of the groundwater source, who might be exposed to the contamination under that use, and whether they would be exposed.

drawdown refers to a lowering of the piezometric surface. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

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

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

groundwater dependent ecosystems are ecosystems which have their species composition and natural ecological processes to some extent determined by groundwater.

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

piezometric surface is a surface that represents the level to which water will rise in cased bores.

Pleistocene age sand formations are siliceous sand dunes likely to be formed by wave action and aeolian reworking on a rapidly prograding shore with a large sand

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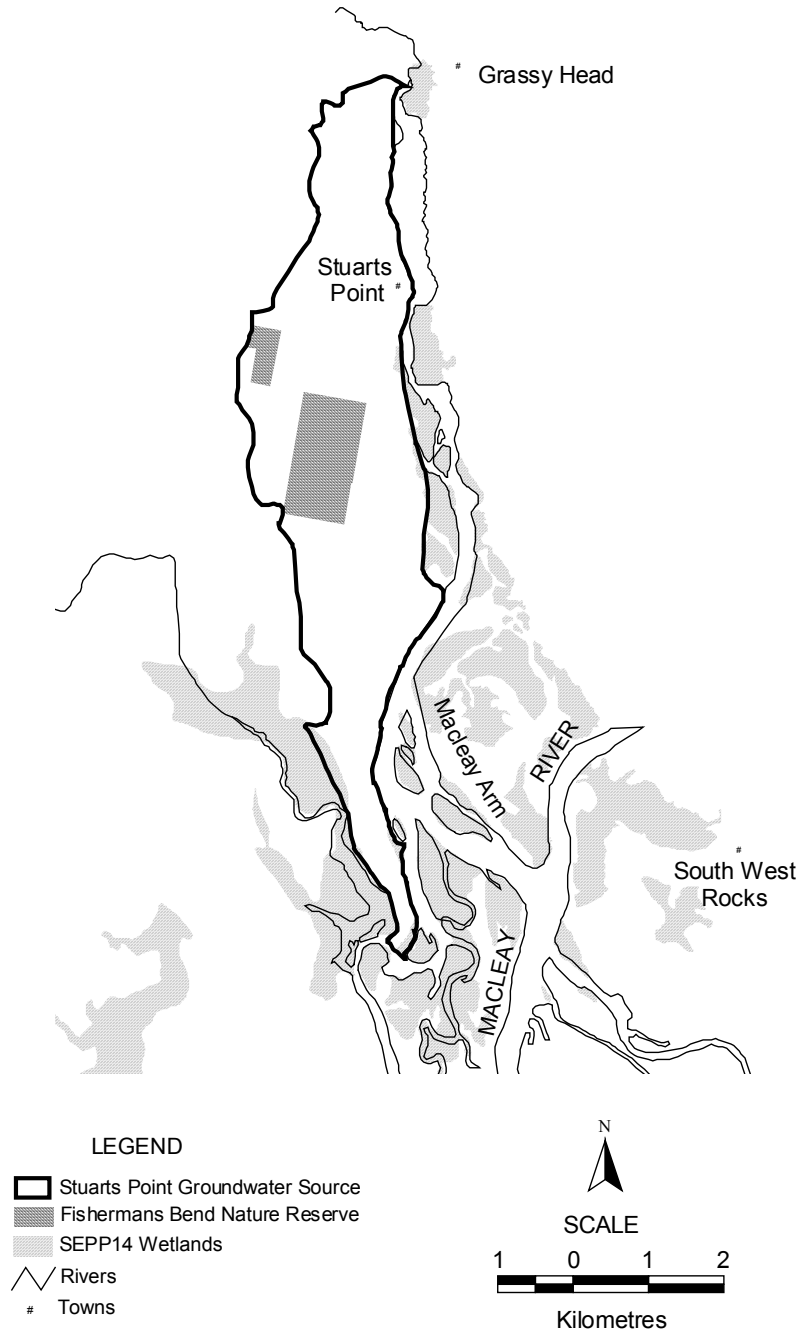
supply, periodically cut during storms, and subsequently forming parallel ridges up to 40 metres depth.

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

share component is the share component of an access licence.

watertable is the upper surface of an unconfined aquifer.

Schedule 2 Stuarts Point Groundwater Source



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Schedule 3 Contribution to targets in the State Water Management Outcomes Plan

Levels of assessed contribution:

FULL – contributes to target in full

HIGH - while not fully contributing to target is a good level of contribution

PARTIAL - goes some way to the target

LOW - only small degree of contribution

Relevant target	Level of contribution	Comments
Target 1e The long term average annual extractions for groundwater limited (or being phased down) to an ecologically sustainable level (the Sustainable Yield) as determined by detailed assessment of each groundwater source and consultation with the relevant management committee. In the absence of such an assessment, the following to apply: 100 percent of average annual recharge for a groundwater source where there is no significant ecosystem dependency; 70 percent of average annual recharge where there is significant ecosystem dependency	FULL	➤ This Plan clearly sets out the Sustainable Yield, or extraction limit, as 55% of estimated recharge
Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon	FULL	➤ Rules set out in Part 9 of this Plan
Target 2 All water management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes	HIGH	<ul style="list-style-type: none"> ➤ This Plan sets out the environmental health water as 45% of estimated recharge ➤ Part 10 of this Plan sets out the extraction rules to limit local environmental impact of extraction with 100 metre buffer around contaminated sources ➤ Part 10 of this Plan identifies high priority groundwater dependent ecosystems (GDEs) and prohibits any increase in

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

		<p>extraction within 100 metres</p> <ul style="list-style-type: none"> ➤ Part 10 of this Plan sets out local management rules to address water quality including avoiding saline intrusion damaging GDEs
<p>Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components</p>	HIGH	<ul style="list-style-type: none"> ➤ This Plan establishes a transparent extraction limit and allocation rules ➤ This Plan establishes a licence embargo with limited exemptions ➤ The nature of local extraction rules (Part 10 of this Plan) means that future access rights will not be exclusive but affected by the location and cumulative demand of other works and licences with existing bores will have priority over licences requiring new bores
<p>Target 6a The total volume of water specified on access licences reduced over the term of a water sharing plan to no more than 125% of the Sustainable Yield</p>	FULL	<ul style="list-style-type: none"> ➤ The total licensed entitlement for the aquifer is less than 125% of Sustainable Yield
<p>Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy</p>	HIGH	<ul style="list-style-type: none"> ➤ This Plan provides general market opportunity ➤ This Plan allows for applications for new access licences for cultural and Aboriginal commercial use ➤ The Government has also established other mechanisms outside of the water sharing plans to comply with this target
<p>Target 10 Degree of connectivity between aquifers and rivers assessed, and zones of high connectivity mapped to enable baseflows to the river to be maintained or improved</p>	PARTIAL	<ul style="list-style-type: none"> ➤ In clause 11, objective (d) relates to discharge to the estuary and this Plan assumes that by limiting extraction to 55% of recharge, discharge to the estuary will be maintained
<p>Target 11 Groundwater dependent ecosystems identified and mapped for all priority aquifers, and the ecological water requirements assessed to enable local</p>	HIGH	<ul style="list-style-type: none"> ➤ Types of groundwater dependent ecosystems have been mapped, but ecological water requirements are not known ➤ This Plan sets out extraction

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

groundwater extraction rates and/or Sustainable Yields to be reviewed		<p>rules to limit local environmental impact of extraction on ecosystems</p> <ul style="list-style-type: none"> ➤ Part 10 of this Plan identifies high priority groundwater dependent ecosystems with rules to protect them
Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use	HIGH	<ul style="list-style-type: none"> ➤ This Plan identifies volumes necessary to meet domestic and stock requirements ➤ This Plan limits extraction to 55% of recharge which should protect access for basic rights ➤ Local management rules reduce the risk of contamination of water supplies
Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed	PARTIAL	<ul style="list-style-type: none"> ➤ Aboriginal community representatives have been involved in the development of this Plan ➤ Other capacity building/workshopping has been undertaken with the local Aboriginal communities ➤ This Plan provides for the Local Aboriginal Land Council to provide advice on any impact of new licences
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them	HIGH	<ul style="list-style-type: none"> ➤ This Plan does not address specific Aboriginal cultural or traditional requirements but has identified dependent ecosystems of particular importance ➤ The Aboriginal community representatives did not nominate any Aboriginal cultural issues that relate to groundwater management ➤ The aquifer lies adjacent to Clybucca historic site but management of the aquifer should have no impact ➤ Part 10 of this plan does provide extraction limits and local management rules that should assist in protecting Aboriginal values

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

		<ul style="list-style-type: none"> ➤ This Plan provides for the Local Aboriginal Land Council to provide advice on any impact of new licences
Target 16a All share components of access licences tradeable	FULL	<ul style="list-style-type: none"> ➤ Part 11 of this Plan provides for trading of access licences
Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery	FULL	<ul style="list-style-type: none"> ➤ This Plan does not impose any reduction factors
Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment	FULL	<ul style="list-style-type: none"> ➤ The rules for granting of new licences are set out in Part 8 of this Plan and these rules nominate priority of applications
Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit	PARTIAL	<ul style="list-style-type: none"> ➤ This Plan does not establish zones as this is not considered necessary for this aquifer ➤ This Plan does, however, establish access licence dealing rules that limit the movement of licences or allocations into areas where there may be local impact
Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries	HIGH	<ul style="list-style-type: none"> ➤ This Plan includes a general water quality objective and water quality related objectives for saline intrusion [clause 11 (e)], acid sulphate soils [clause 11 (f)] and contamination [clause 11 (k)] ➤ This Plan recognises the beneficial use as raw water for drinking purposes and ecosystem protection
Target 38 Aquifer water quality vulnerability zones mapped and extraction limits reviewed to reduce the risk of lateral intrusion of poor quality water	PARTIAL	<ul style="list-style-type: none"> ➤ No vulnerability mapping of this water source is referenced ➤ This Plan sets rules for managing the movement of water from contamination sources

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Schedule 4 Contamination sources

Contamination sources in the Stuarts Point Groundwater Source are:

- (a) the old (now converted to a “Water Transfer Station”) Stuarts Point rubbish tip, and
- (b) all septic tanks within this water source.

Note. The contamination sources listed in this Schedule may change during the period of this Plan. The District Office of the Department of Land and Water Conservation, shown in Appendix 2, should be contacted for a current list.

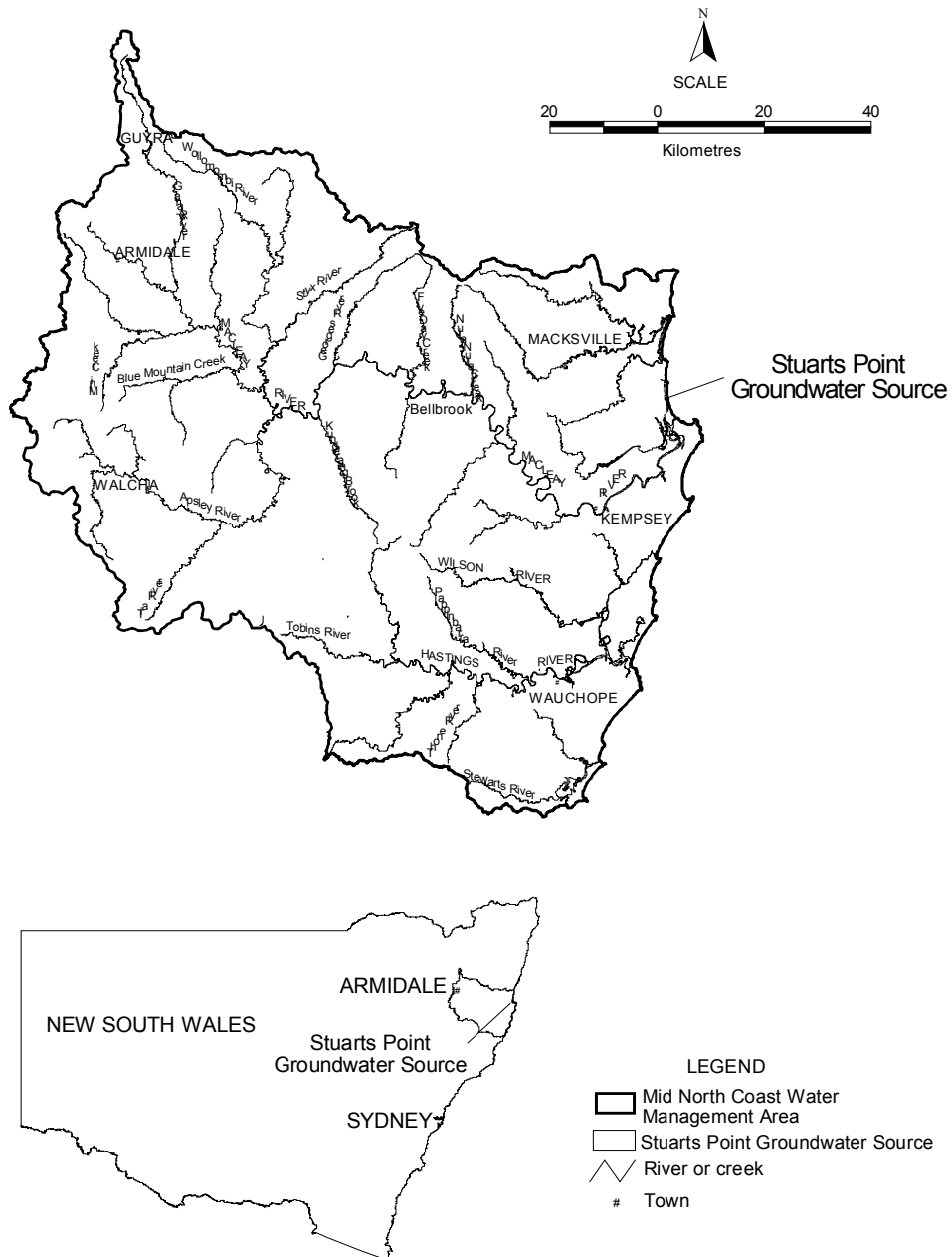
Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Schedule 5 High priority groundwater dependent ecosystems

High priority groundwater dependent ecosystems in the Stuarts Point Groundwater Source are:

- (a) Fisherman's Bend Nature Reserve, and
- (b) SEPP 14 coastal wetlands.

Appendix 1 Mid North Coast Water Management Area



Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Appendix 2 Location of maps

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

Regional Office
Department of Land and Water Conservation
40 Victoria Street
GRAFTON NSW 2460

District Office
Department of Land and Water Conservation
Elbow Street
WEST KEMPSEY NSW 2440

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Appendix 3 Performance indicators

Performance indicators for the Stuarts Point Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(a) Change in groundwater extraction relative to the extraction limit.	All	<ul style="list-style-type: none"> Average annual extraction volume for the groundwater source as a percentage of the extraction limit (commonly known as the Sustainable Yield). 	<ul style="list-style-type: none"> Plan provisions will set the mechanism to remain within the Sustainable Yield over the long-term.
(b) Change in climate adjusted groundwater levels.	11 (a) 11 (c) 11 (f)	<ul style="list-style-type: none"> Average annual frequency and duration (in days) of water level drawdown below pre-plan baseline. Density of extraction in critical areas. 	<ul style="list-style-type: none"> Note that water levels will fluctuate with climate and resultant variable recharge. Some level declines will be expected during dry times, just as level rises are expected during wetter periods.
(c) Change in water levels adjacent to identified groundwater dependent ecosystems.	11(c)	<ul style="list-style-type: none"> Identification of groundwater dependent ecosystems (GDEs). Assessment of the overall health of the GDE via photo-monitoring. Assessment of the adequacy of local impact restrictions by comparison of water levels near or in GDEs compared to baseline. Frequency and duration of water level drawdown below critical levels. 	<ul style="list-style-type: none"> Groundwater dependent ecosystems should be identified in the water sharing plans.
(d) Change in groundwater quality.	11 (a) 11 (b) 11 (e) 11 (i) 11 (j) 11 (k)	<ul style="list-style-type: none"> Trends in selected water quality parameters at selected monitoring bores that are likely to be affected by groundwater extraction. 	<ul style="list-style-type: none"> Note that many water quality issues are a function of contamination by land based activities, rather than extraction.

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Performance indicators for the Stuarts Point Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(e) Change in economic benefits derived from groundwater extraction and use.	11 (b) 11 (g) 11 (i)	<ul style="list-style-type: none"> Change in regional gross margins. Change in unit price of water transferred. 	<ul style="list-style-type: none"> Note that there are many factors affecting economic status of a region, for example commodity prices, other sources of water (ie surface water) etc. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan's provisions.
(f) Extent to which domestic and stock rights requirements have been met.	11 (g)	<ul style="list-style-type: none"> Monitor increase in applications for water supply work (bore) approvals. Number of reports of interference between high yield extraction and domestic and stock bores, or number or domestic and stock bores deepened. Assess frequency and duration of water level drawdown below critical thresholds. 	<ul style="list-style-type: none"> Domestic and stock usage figures in water sharing plans are estimated (not actual use). Increases in licences may be due to past unlicensed works.
(g) Extent to which local utility requirements have been met.	11 (b) 11 (j)	<ul style="list-style-type: none"> Monitor increase in access by local water utilities. Monitor impact of interference between high yield extraction and local water utility extraction. 	

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Performance indicators for the Stuarts Point Groundwater Source Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(h) Extent to which native title rights requirements have been met.	11 (g) 11 (i) 11 (j)	<ul style="list-style-type: none"> • Monitor increase in applications for water supply work (bore) approval applications for native title basic rights. • Number of reports of interference between high yield extraction and native title rights holders, or number of bores deepened. • Assess frequency and duration of water level drawdown below critical thresholds. 	
(i) Extent of recognition of spiritual, social and customary values of groundwater to Aboriginal people.	11 (h)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. • Number of referrals to Kempsey Local Aboriginal Land Council. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. • It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.

Appendix 4 Minister's access licence dealing principles

The following is the text from the Access Licence Dealing Principles Order, published in the NSW Government Gazette on 27 December 2002.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1. Name of Order

This Order is the *Access Licence Dealing Principles Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4. Interpretation

- (1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.
- (2) Notes in this order do not form part of the order.

5. Effect

- (1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6. Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the *Water Management Act 2000*.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the *Water Management Act 2000*.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7. Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8. Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9. Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10. Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings

11. Transfer of access licences

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12. Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.
- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.

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- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
- (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
 - (a) a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - (b) subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
- (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (12) For conversion of category from regulated river (general security) to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and

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- (d) water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
- (13) For conversion of category from unregulated river to runoff harvesting:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13. Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of

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the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14. Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15. Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16. Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or

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- (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) from an unregulated river water source to a regulated river water source, or
 - (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
- (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
- (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factors rules in management plans:
- (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
- (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
- (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17. Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.
- (2) Dealings under section 71F are prohibited:
- (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.

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- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
 - (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18. Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
 - (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.

- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19. Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
- (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
- (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

20. Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
- (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71I are prohibited:
- (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or
 - (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.

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- (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21. Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
 - (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
 - (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
 - (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and
 - (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.
- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.

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- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Land and Water Conservation, make the following Minister's plan.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

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Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003* (hereafter this Plan).

2 Nature and status of this Plan

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

3 Date of commencement

This Plan takes effect on 1 July 2003, and ceases 10 years after that date.

4 Area and waters to which this Plan applies

- (1) The area in respect of which this Plan is made is that area of land within the Namoi and Gwydir Water Management Areas known as the Upper and Lower Namoi Groundwater Sources (hereafter these groundwater sources) as shown in Schedule 2.

Note. The Namoi and Gwydir Water Management Areas, published in the NSW Government Gazette in November 2001, are shown on the map in Appendix 1.

- (2) The following groundwater sources referred to in this Plan are shown on the map in Schedule 2:
 - (a) Upper Namoi Zone 1, Borambil Creek Groundwater Source (hereafter Zone 1),
 - (b) Upper Namoi Zone 2, Cox's Creek (Mullaley to Boggabri) Groundwater Source (hereafter Zone 2),
 - (c) Upper Namoi Zone 3, Mooki Valley (Breeza to Gunnedah) Groundwater Source (hereafter Zone 3),
 - (d) Upper Namoi Zone 4, Namoi Valley (Keepit Dam to Gin's Leap) Groundwater Source (hereafter Zone 4),
 - (e) Upper Namoi Zone 5, Namoi Valley (Gin's Leap to Narrabri) Groundwater Source (hereafter Zone 5),
 - (f) Upper Namoi Zone 6, Tributaries of the Liverpool Range (South to Pine Ridge Road) Groundwater Source (hereafter Zone 6),
 - (g) Upper Namoi Zone 7, Yarraman Creek, (East of Lake Goran to Mooki River) Groundwater Source (hereafter Zone 7),
 - (h) Upper Namoi Zone 8, Mooki Valley (Quirindi – Pine Ridge Road to Breeza) Groundwater Source (hereafter Zone 8),
 - (i) Upper Namoi Zone 9, Cox's Creek (up-stream Mullaley) Groundwater Source (hereafter Zone 9),

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- (j) Upper Namoi Zone 10, Warrah Creek Groundwater Source (hereafter Zone 10),
- (k) Upper Namoi Zone 11, Maules Creek Groundwater Source (hereafter Zone 11),
- (l) Upper Namoi Zone 12, Kelvin Valley Groundwater Source (hereafter Zone 12), and
- (m) Lower Namoi Groundwater Source (hereafter the Lower Namoi).

Note. This Plan does not recognise separate groundwater sources within the Lower Namoi valley.

- (3) The Upper and Lower Namoi Groundwater Sources include all water contained in the unconsolidated alluvial sediment aquifers associated with the Namoi River and its tributaries.

Note. Bores drilled through the unconsolidated alluvial sediments into the underlying Great Artesian Basin (GAB) are tapping a different groundwater source. On a map, they may appear to lie within the boundaries of the Lower Namoi, however they are within the deeper GAB groundwater source and are not included as a part of this Plan.

5 Interpretation

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

6 Inspection of detail maps

Maps referred to in this Plan may be inspected at the locations listed in Appendix 2.

7 Effect on licences, authorities and permits under the *Water Act 1912*

- (1) This Plan applies from the date of commencement to those matters that are administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible, the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

8 State Water Management Outcomes Plan

- (1) This Plan is consistent with the State Water Management Outcomes Plan (hereafter SWMOP) in accordance with section 16 (1) (a) of the Act.
- (2) Schedule 3 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Note. The SWMOP applying at the commencement of this Plan is that gazetted on 20 December 2002 under section 6 of the Act.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

The vision for this Plan is ecologically sustainable groundwater sources that provide an assured supply of quality groundwater for the social and economic benefit of the people in the Namoi Valley.

11 Objectives

The objectives of this Plan are to:

- (a) protect, maintain and, where practicable, enhance ecosystems dependent on groundwater, and the cultural and spiritual values of groundwater, by minimising the impacts on these of groundwater extraction,
- (b) protect the structural integrity of the aquifers and groundwater quality, by ensuring groundwater extraction does not result in any aquifer compaction, aquitard compaction, land subsidence or change in the beneficial use of the aquifer,
- (c) manage access to the extraction limits to ensure there are no long-term declines in water levels,
- (d) preserve basic landholder rights access to these groundwater sources and ensure the fair, equitable and reliable access to groundwater through the management of local impacts or interference effects,
- (e) contribute to the protection, maintenance and enhancement of the economic viability of groundwater users and their communities in the Namoi Valley,
- (f) ensure opportunities for market based trading of groundwater access licence rights within sustainability and interference constraints, and
- (g) ensure sufficient flexibility in account management to encourage efficient use of these groundwater sources and to manage these groundwater sources to account for climatic variations.

12 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules and manage access to groundwater consistent with those rules,
- (b) establish rules for the protection of basic landholder rights,
- (c) establish extraction limits for each groundwater source, taking into account the requirements of the environment,
- (d) reduce the share component of all access licences to 100% of the final extraction limit in each groundwater source, except in Zones 1 and 5, where

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- the share component of the access licences is to be reduced to 125% of the final extraction limit for those groundwater sources,
- (e) establish rules for granting of access licences,
 - (f) establish rules for determining the groundwater available from time to time under access licences,
 - (g) establish water allocation account management rules,
 - (h) establish rules for minimising local impact of groundwater extraction on the environment, the aquifers themselves, and between users,
 - (i) establish the access licence dealing rules, and
 - (j) establish the conditions that will apply to all access licences and water supply work (bore) approvals.

13 Performance indicators

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

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

Note. Appendix 3 details the objectives to which these performance indicators relate and the methods for assessing these indicators.

Part 3 Basis for water sharing

14 Basis for water sharing

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

15 Climatic variability

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

16 Recharge

- (1) For the purposes of section 5 (3) of the Act, the overall basis for water sharing in this Plan is the estimated average annual recharge to each groundwater source as follows:
 - (a) 2,100 megalitres per year (hereafter ML/yr) in Zone 1,
 - (b) 7,200 ML/yr in Zone 2,
 - (c) 17,300 ML/yr in Zone 3,
 - (d) 25,700 ML/yr in Zone 4,
 - (e) 16,000 ML/yr in Zone 5,
 - (f) 14,000 ML/yr in Zone 6,
 - (g) 3,700 ML/yr in Zone 7,
 - (h) 16,000 ML/yr in Zone 8,
 - (i) 11,400 ML/yr in Zone 9,
 - (j) 4,500 ML/yr in Zone 10,
 - (k) 2,200 ML/yr in Zone 11,
 - (l) 2,000 ML/yr in Zone 12, and
 - (m) 86,000 ML/yr in the Lower Namoi.
- (2) Pursuant to section 42 (2) of the Act, the Minister may vary the average annual recharge values established in subclause (1), excluding the average annual recharge in Zone 1 established in subclause (1) (a), after 30 June 2007, following further recharge studies undertaken by the Minister.
- (3) Pursuant to section 42 (2) of the Act, the Minister may vary the average annual recharge value established for Zone 1 in subclause (1) (a) after 30 June 2005, following further recharge studies undertaken by the Minister.

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Note. The extent of impact of this change on access by licence holders is limited by the provisions in clause 28.

Note. Priority will be given to recharge reviews for groundwater sources that do not currently have a numerical model. These are Zones 1, 2, 4, 5, 11, and 12. A priority for review and update of existing models if new information becomes available should be given to Zones 3 and 8.

Part 4 Environmental water provisions

17 Environmental water provisions

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

18 Environmental health water

Note. It is anticipated that the environmental health water provisions in this Part and management of local impact provisions in Part 10 of this Plan will also protect the cultural and spiritual values of groundwater (see clause 11 (a)).

- (1) This Plan establishes the following environmental health water rules:
 - (a) the long-term average storage component of the groundwater contained in the aquifers of Zones 1 to 12, minus basic rights extraction, minus the supplementary access permitted under clause 25, as varied by clause 29 will be reserved for the environment,
 - (b) the long-term average storage component of the groundwater contained in the aquifers of the Lower Namoi Groundwater Source, minus basic rights extraction, minus the supplementary access permitted under clause 25, as varied by clause 29, will be reserved for the environment,

Note. The model calculation for the long-term average storage component and the recharge in clause 16 (m) has accounted a 7.1 gigalitres per year out flow from the Lower Namoi Groundwater Source.

- (2) Pursuant to section 42 (2) of the Act, the Minister may include a proportion of recharge as environmental health water in subclause (1) after 30 June 2007, based on further studies of groundwater ecosystem dependency, and the Aboriginal cultural values associated with groundwater dependent ecosystems, undertaken by the Minister.

Note. The studies may recommend management options other than reservation of a proportion of recharge to protect groundwater dependent ecosystems.

Note. The extent of impact of this change on access by licence holders is limited by the provisions in clause 28.

- (3) The Minister should consult with the Minister for the Environment before varying environmental health water under subclause (2).

19 Supplementary environmental water

At the commencement of this Plan, there is no water committed for specified environmental purposes in accordance with section 8 (1) (b) of the Act.

20 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the access licence, and

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- (c) shall be such as to ensure that there is a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 5 Basic landholder rights

21 Basic landholder rights

- (1) This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.
- (2) If a landholder is unable to exercise their basic landholder rights due to interference of their supply by extraction authorised by access licences:
 - (a) the landholder's affected water supply work (bore) may be replaced or deepened to ensure continuing access to water for basic landholder rights, or
 - (b) basic rights water may be supplied by alternative means during critical times.
- (3) The Minister may impose a charge on access licence holders in these groundwater sources under section 114 of the Act, as a contribution to the costs of activities or works associated with subclause (2).

Note. The Minister may issue an Order under section 328 of the Act to restrict the exercise of basic landholder rights from these groundwater sources to protect the environment, for reasons of public health, or to preserve existing basic landholder rights.

22 Domestic and stock rights

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

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights in these groundwater sources are estimated to be as follows:
 - (a) 39 ML/yr in Zone 1,
 - (b) 359 ML/yr in Zone 2,
 - (c) 470 ML/yr in Zone 3,
 - (d) 667 ML/yr in Zone 4,
 - (e) 262 ML/yr in Zone 5,
 - (f) 274 ML/yr in Zone 6,
 - (g) 89 ML/yr in Zone 7,
 - (h) 166 ML/yr in Zone 8,
 - (i) 187 ML/yr in Zone 9,
 - (j) 36 ML/yr in Zone 10,
 - (k) 210 ML/yr in Zone 11,
 - (l) 73 ML/yr in Zone 12, and
 - (m) 3,304ML/yr in the Lower Namoi.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

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

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23 Native title rights

- (1) At the commencement of this Plan there are no holders of native title rights and therefore the water requirements for native title rights are estimated to be a total of 0 ML/yr.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increase in native title rights may occur as a result of the granting of native title rights under the Commonwealth's *Native Title Act 1993*.

Part 6 Bulk access regime

24 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these groundwater sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - (a) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (b) recognises and is consistent with limits to the availability of water as provided for in Part 9, Division 1 of this Plan,
 - (c) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 2 of this Plan,
 - (d) establishes rules according to which access licences are managed as provided for in Part 10 of this Plan, and
 - (e) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Parts 9 and 10 of this Plan.

Part 7 Requirements for water for extraction under access licences

25 Estimate of water requirements

- (1) This Part is made in accordance with section 20 (1) (c) of the Act.
- (2) At the commencement of this Plan, the requirements identified for water for extraction under access licences within these groundwater sources are estimated to be as follows:
 - (a) 8,510 ML/yr in Zone 1,
 - (b) 23,801 ML/yr in Zone 2,
 - (c) 56,017 ML/yr in Zone 3,
 - (d) 82,590 ML/yr in Zone 4,
 - (e) 36,042 ML/yr in Zone 5,
 - (f) 11,448 ML/yr in Zone 6,
 - (g) 6,321 ML/yr in Zone 7,
 - (h) 48,204 ML/yr in Zone 8,
 - (i) 11,342 ML/yr in Zone 9,
 - (j) 1,420 ML/yr in Zone 10,
 - (k) 8,740 ML/yr in Zone 11,
 - (l) 7,487 ML/yr in Zone 12, and
 - (m) 172,187 ML/yr in the Lower Namoi.
- (3) Subclause (2) includes local water utility access licences of 11,194 ML/yr in these groundwater sources, made up of:
 - (a) 1,716 ML/yr in Zone 1, being 1,650 ML/ yr for Quirindi and 66 ML/yr for Willow Tree,
 - (b) 59 ML/yr in zone 2, being for Mullaley,
 - (c) 199 ML/yr in zone 3, being for Curlewis,
 - (d) 4,660 ML/yr in zone 4, being 3 900 ML/yr for Gunnedah and 760 ML/yr for Boggabri,
 - (e) 56 ML/yr in zone 8, being for Carroona,
 - (f) 97 ML/yr in zone 9, being 42 ML/yr for Tambar Springs and 55 ML/yr for Premer, and
 - (g) 4,407 ML/ yr in the Lower Namoi, being 3,500 ML/yr for Narrabri, 900 ML/yr for Wee Waa, and 7 ML/yr for Rowena.

Note. Subclauses (2) and (3) represent the total volumes specified on access licences in these groundwater sources. It is not a commitment to supply that water.
- (4) Pursuant to section 42 (2) of the Act, in Year 1 of this Plan the Minister should reduce the total share components of aquifer access licences in each groundwater source, except Zones 1 and 5, to 100% of the recharge specified in clause 16, by applying the following formula to each aquifer access licence in each groundwater source:

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$$\text{Amended access licence share component} = \text{access licence share component prior to amendment} \times \left[\frac{\text{Recharge} - \text{LWU}}{\text{total access licence share components prior to amendment} - \text{LWU}} \right]$$

- (5) Recharge in subclause (4) is the recharge established for each groundwater source in clause 16 (1).
- (6) LWU in subclause (4) is the total of local water utility access licence share components in each groundwater source, specified in subclause (3).
- (7) Pursuant to section 42 (2) of the Act, in Year 1 of this Plan the Minister should reduce the total share components of aquifer access licences in Zones 1 and 5 to 125% of the recharge established in clause 16, by applying the following formula to each aquifer access licence in each groundwater source:

$$\text{Amended access licence share component} = \text{access licence share component prior to amendment} \times \left[\frac{(1.25 \times \text{Recharge}) - \text{LWU}}{\text{total access licence share components prior to amendment} - \text{LWU}} \right]$$

Note: Zones 1 and 5 have total amended access licence share components set at 125% of the recharge, due to the level of uncertainty surrounding the recharge estimates. In Zone 1, the large portion of inactive local water utility access licence volume is likely to offset this lesser access licence share component reduction.

Note. Reductions in this clause equate to the following approximate reductions of access licence volumes:

- (a) 87% in Zone 1,
 (b) 70% in Zone 2,
 (c) 69% in Zone 3,
 (d) 73% in Zone 4,
 (e) 45% in Zone 5,
 (f) 0% in Zone 6,
 (g) 41% in Zone 7,
 (h) 67% in Zone 8,
 (i) 0% in Zone 9,
 (j) 0% in Zone 10,
 (k) 75% in Zone 11
 (l) 73% in Zone 12, and
 (m) 51% in the Lower Namoi.
- (8) Subclauses (4) and (7) do not apply to the share components of local water utility access licences.
- (9) At the time of commencement of Part 2 of Chapter 3 of the Act, aquifer access licences in these groundwater sources with a history of extraction greater than either the amended access licence share component, as defined in subclause (4), or 80% of the amended access licence share component defined in subclause (7), if in Zones 1 or 5, will be issued with a supplementary water access licence.
- (10) The initial share component of each supplementary water access licence in subclause (9) will be equivalent to the history of extraction under the access

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licence, minus the amended access licence share component, as defined in subclauses (4), or 80% of the amended access licence share component defined in subclause (7), if in Zones 1 or 5.

- (11) The history of extraction referred to in subclause (10), for access licences in these groundwater sources, except Zones 7, 11, and 12, will be the greater of:
- (a) the average metered extraction in the water years 1992/93 to 1996/97, not exceeding the allocation announced by the Department of Land and Water Conservation in 2001/02, or
 - (b) the average metered extraction in the water years 1991/92 to 2000/01, not exceeding licence volumes prior to amendment under subclause (4) or (7).
- (12) The history of extraction referred to in subclause (10), for Zones 7, 11, and 12, will be the greatest of:
- (a) the average metered extraction in the water years 1992/93 to 1996/97, not exceeding the licence volumes at the commencement of this Plan,
 - (b) the average metered extraction in the water years 1991/92 to 2000/01, not exceeding licence volumes at the commencement of this Plan, or
 - (c) the average metered extraction in the water years 1996/97 to 2000/01, not exceeding licence volumes prior to amendment under subclause (4).
- Note.** In Zones 7, 11 and 12 the Department of Land and Water Conservation has at the commencement of this Plan announced 100% of licence volumes annually.
- (13) The metered extraction each year referred to in subclauses (11) and (12) will:
- (a) include any extraction resulting from carryover or borrowing in those years,
 - (b) be adjusted to exclude any transfers to or from access licence equivalents in those years, and
 - (c) be adjusted for extraction under previous conjunctive use licences.
- (14) Share components of supplementary water access licences specified in subclauses (9) and (10) will have their access licence share component reduced to 0 ML/yr at June 30 2012.
- (15) This Plan recognises that the total requirements for water for extraction under access licences within these groundwater sources may change during the term of this Plan as a result of:
- (a) the granting, surrender, non-renewal or cancellation of access licences,
 - (b) the variation of local water utility access licences under section 66 of the Act,
 - (c) the operation of this Part, or
 - (d) the volumetric quantification of the share entitlement of existing access licences that are currently non-volumetric.

Part 8 Rules for granting access licences

26 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act, having regard to the limits to water availability in these groundwater sources and the need to protect groundwater dependent ecosystems and groundwater quality.
- (2) Access licences may be granted in these groundwater sources subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in these groundwater sources, other than access licences of the following kinds:
 - (a) local water utility access licences, or

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may vary a local water utility's licence at 5 yearly intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) an access licence resulting from an application of a type listed in section 82 (1) of the Act.

Note. The previous embargo under the *Water Act 1912* that prohibited the construction of additional bores under an existing access licence no longer applies.

Note. If necessary, at the commencement of this Plan, the embargo on new entitlements in place under the *Water Act 1912* will continue to be in force. The Minister intends to make an embargo under Chapter 3 Part 2 Division 7 of the *Water Management Act 2000* when the relevant provisions of the Act are commenced.
- (4) Notwithstanding subclause (3), if for any reason, additional aquifer access licences are granted, other than those specified in subclause (3), and after aquifer access licence share components have been amended in accordance with clause 25:
 - (a) any such additional share components will be granted to those aquifer access licences subject to share component amendment under clause 25,
 - (b) such distribution of share components will be on an equal proportional basis, and
 - (c) any additional share component plus existing share component will not exceed the share component existing immediately prior to an amendment under clause 25.
- (5) In applying for a new access licence, the applicant must establish the purpose and circumstances relating to that access licence, and that the share and extraction component sought will be the minimum required to meet that purpose and circumstance.
- (6) Access licences granted under this Part cannot be used to extract water through a water supply work (bore) located in areas where the extraction authorised by the access licence plus the full extraction authorised by existing access licences nominating water supply works (bores) located in the area and the exercise of basic landholder rights, are likely to cause an adverse local impact, as outlined in Part 10 Division 2 of this Plan.

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- (7) If an access licence share component applied for is significant, as determined by the Minister on the basis of particular aquifer characteristics, the application will not be granted until a water supply work (bore) approval has been granted and the work constructed.
- (8) Once the water supply work (bore) is constructed and the results of a pumping test or its equivalent are supplied by the applicant in the required form and to the specification of the Minister, the access licence may be granted.
- (9) The share component of the access licence granted under subclause (8) will be the proportion of the share component sought that the water supply work (bore) is capable of extracting without adverse local impact, as outlined in Part 10 Division 2 of this Plan, not exceeding the share component sought.
- (10) Subclauses (5) to (9) do not apply to a new access licence arising from an application of a type listed in section 82 (1) of the Act, or to an access licence granted in accordance with subclause (4).
- (11) In accordance with section 56 of the Act, all access licences in these groundwater sources shall have a share component expressed as a volume in megalitres per year.

Part 9 Limits to the availability of water

Division 1 Extraction limits

27 Extraction limits

- (1) This Division is made in accordance with sections 20 (2) (a) of the Act.
- (2) The extraction limit for each groundwater source each year of this Plan is the recharge established in clause 16, plus the total supplementary access provided for in clause 25, as varied by clause 29, minus the proportion of recharge reserved as environmental health water in clause 18, and are initially as follows:
 - (a) 2,100 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 1,
 - (b) 7,200 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 2,
 - (c) 17,300 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 3,
 - (d) 25,700 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 4,
 - (e) 16,000 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 5,
 - (f) 14,000 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 6,
 - (g) 3,700 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 7,
 - (h) 16,000 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 8,
 - (i) 11,400 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 9,
 - (j) 4,500 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 10,
 - (k) 2,200 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 11,
 - (l) 2,000 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in Zone 12, and
 - (m) 86,000 ML/yr plus the total supplementary access provided for in clause 25, as varied by clause 29 in the Lower Namoi.

28 Variation of the extraction limit

- (1) Pursuant to section 42 (2) of the Act, the Minister may vary the extraction limits established under clause 27 after 30 June 2007 as a result of:

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- (a) any change to the average annual recharge arising from clauses 16 (2) and 16 (3), and
 - (b) any change to the environmental health water arising from clause 18 (2).
- (2) If there is any change to the extraction limits arising from subclause (1) then:
- (a) the extraction limit in Zone 1 will not be greater than 2,625 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 1,575 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (b) the extraction limit in Zone 2 will not be greater than 9,000 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 5,400 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (c) the extraction limit in Zone 3 will not be greater than 21,625 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 12,975 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (d) the extraction limit in Zone 4 will not be greater than 32,125 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 19,275 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (e) the extraction limit in Zone 5 will not be greater than 20,000 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 12,000 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (f) the extraction limit in Zone 6 will not be greater than 17,500 ML/yr, and will not be less than 10,500 ML/yr,
 - (g) the extraction limit in Zone 7 will not be greater than 4,625 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 2,775 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (h) the extraction limit in Zone 8 will not be greater than 20,000 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 12,000 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (i) the extraction limit in Zone 9 will not be greater than 14,250 ML/yr, and will not be less than 8,550 ML/yr,
 - (j) the extraction limit in Zone 10 will not be greater than 5,625 ML/yr, and will not be less than 3,375 ML/yr,
 - (k) the extraction limit in Zone 11 will not be greater than 2,750 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 1,650 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,
 - (l) the extraction limit in Zone 12 will not be greater than 2,500 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29,

and will not be less than 1,500 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and

- (m) the extraction limit in the Lower Namoi will not be greater than 107,500 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29, and will not be less than 64,500 ML/yr, plus the total supplementary access provided for in clause 25, as varied by clause 29.

Division 2 Available water determinations

29 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules:
 - (a) water extraction in each groundwater source will be monitored each water accounting year to determine if any growth in volumes extracted is occurring above the extraction limit in clause 27, based on comparison of the extraction limit against the average extraction within the groundwater source over that year and the preceding 2 years,
Note. A water accounting year is defined in clause 34 (3).
 - (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in the aquifer for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
 - (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work (bore),
 - (d) an available water determination will be made in each groundwater source each water accounting year for local water utility and domestic and stock access licences, and subject to section 60 of the Act, this shall be 100% of the total access licence share components of those licences,
 - (e) an available water determination will be made in each groundwater source each water accounting year for aquifer access licences,
 - (f) total water made available to aquifer access licences in each groundwater source will be equal to the recharge established in clause 16, minus the proportion of recharge reserved for the environment in subclause 18, minus the total water made available to local water utility and domestic and stock access licences, except in Zone 1,
 - (g) total water available under aquifer access licences in Zone 1 will be equal to the recharge established in clause 16, minus the proportion of recharge reserved for the environment in subclause 18, minus the total water available to local water utility and domestic and stock access licences, plus any under use of Quirindi and Willow Tree local water utility access licences,
 - (h) if the 3 year average of extraction in a groundwater source exceeds the extraction limit established in clause 27 by 5% or greater, the available water

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- determination for that groundwater source for the following water accounting year for aquifer access licences should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the extraction limit,
- (i) if the 3 year average of extraction in a groundwater source is less than 95% of the extraction limit established in clause 27, then the available water determination for that groundwater source for aquifer access licences for the following water accounting year should be increased to such an extent as to allow extraction to increase to the extraction limit,
 - (j) the available water determination for aquifer access licences will be expressed as a percentage of the aquifer access licence share component as amended by clauses 25(4) and 25(7), will apply to all aquifer access licences in each groundwater source, and will be the same percentage for all access licences to which it applies,
 - (k) available water determinations for all aquifer access licences, excluding aquifer access licences in Zone 1, will not exceed 100% of the aquifer access licence share component,
 - (l) available water determinations for all aquifer access licences in Zone 1 will not exceed 155% of the aquifer access licence share component,
 - (m) an available water determination of 90% of supplementary water access licence share components in Zones 2, 3, 4, 8, and the Lower Namoi will be made in Year 1 of this Plan,
 - (n) the available water determination for supplementary water access licences in Zones 2, 3, 4, and 8, and in the Lower Namoi will be reduced by a further 10% each year, with the final reduction at 1 July 2012,
 - (o) an available water determination of 100% of supplementary water access licence share components will be made in Year 1 of this Plan for all groundwater sources except Zones 2, 3, 4, 8, and the Lower Namoi,
 - (p) the available water determination for supplementary water access licences in Zones 5, 11, and 12 will be reduced by 1/6 each year commencing at the start of Year 5 of this Plan, with the final reduction at 1 July 2012,
 - (q) the available water determination for supplementary water access licences in Zone 1 will be reduced by 1/8 each year commencing at the start of Year 3 of this Plan, with the final reduction at 1 July 2012,
 - (r) the available water determination for supplementary water access licences in Zone 7 will be reduced by 1/3 each year commencing at the start of Year 8 of this Plan, with the final reduction at 1 July 2012, and
 - (s) there will be no water made available under supplementary water access licences in Year 10 of this Plan.

Part 10 Rules for managing access licences

30 Rules for managing access licences

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

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

Division 1 Water allocation account management

31 Water allocation account management

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

32 Water allocation accounts

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

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

33 Accrual of water allocations

Water allocations will be accrued into water allocation accounts each year in accordance with the Minister's available water determinations as specified in clause 29.

34 Annual accounting for water extraction

- (1) Water taken from these groundwater sources will be accounted for at least annually.
- (2) Water extracted by a water supply work (bore) nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) In any one water accounting year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken from these groundwater sources under an aquifer access licence may not exceed a volume consisting of:
 - (a) 200% of the aquifer access licence share component as varied by clause 25 (4) or 25 (7),
 - (b) plus any water allocations assigned from another access licence under section 71G of the Act in that year, and

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- (c) minus any water allocations assigned to another access licence under section 71G of the Act in that year.
- (5) Total water in any aquifer access licence water allocation account at any time may not exceed a volume consisting of:
 - (a) 300% of the aquifer access licence share component as amended by clause 25 (4) or 25 (7),
 - (b) plus any water allocations assigned from another licence under section 71G of the Act in that year,
 - (c) minus any water allocations assigned to another licence under section 71G of the Act in that year.
- (6) A maximum of 200% of any aquifer access licence share component may be carried forward in a water allocation account from one water allocation accounting year to the next.
- (7) Subclauses (4), (5) and (6) do not apply to domestic and stock and local water utility access licences.
- (8) In any one water accounting year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken from these groundwater sources under a local water utility access licence or a domestic and stock access licence, and total water in any water allocation account at any time associated with such an access licence, may not exceed a volume consisting of:
 - (a) 100% of the share component of the access licence,
 - (b) plus any water allocations assigned from another access licence under section 71G of the Act in that year,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (d) minus any water allocations assigned to another licence under section 71G of the Act in that year.
- (9) Allocations in a local water utility or domestic and stock water allocation account cannot be carried over from one water accounting year to the next.
- (10) Subclauses (4) to (8) do not apply to supplementary water access licences.
- (11) For supplementary water access licences, in any one water accounting year, subject to local impact management restrictions arising from Part 10, Division 2 of this Plan, water taken from any of these groundwater sources may not exceed the allocation resulting from supplementary water available water determination.
- (12) Allocations in a supplementary water access licence water allocation account cannot be carried over from one water accounting year to the next.
- (13) Where both an aquifer access licence and a supplementary water access licence are held, water allocations will be debited from a supplementary water access licence water allocation account before water is debited from an aquifer access licence water allocation account.
- (14) A water allocation account shall remain at or above zero at all times.

Division 2 Management of local impact

35 Management of local impact

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

36 Extraction interference between neighbouring bores

- (1) With the exception of a water supply work (bore) for the supply of basic landholder rights only, applications for a new water supply work (bore) within 100 metres of any bores for the supply of basic landholder rights, will require an investigation by the proponent of the potential impact on neighbouring bores.
- (2) A new water supply work (bore) to exercise basic landholder rights will be required to be drilled to sufficient depth to maintain long-term access to the water source.
- (3) A minimum distance of 400 metres is to be maintained between all new and replacement water supply works (bores), except those for the supply of basic landholder rights only.
- (4) A new or replacement water supply work (bore) shall be located no closer than 200 metres from a property boundary.
- (5) Notwithstanding the provisions of subclauses (1) to (3), the Minister may, upon application by an access licence holder, vary the distance restrictions specified in subclauses (1) to (3) if:
 - (a) a hydrogeological study undertaken by the licence holder, assessed as adequate by the Minister, demonstrates minimal potential for adverse impact on existing licensed extraction, including consideration of cumulative impact,
 - (b) written consent is obtained by the applicant from adjacent landowners, and
 - (c) there is a process for remediation in the event that an adverse impact occurs in the future, specified as conditions on the licence.

Note. The onus will be on the applicant to negotiate with neighbouring licence and approval holders, to specify the process for managing pumping, to monitor impact, and to provide plans to mitigate potential impact, and a process for remediation in the event unacceptable impact are reported in the future.

- (6) In the event that there is a dispute between neighbours as to whether the new licensee has had an impact on overall water security, the Minister reserves the right to impose, or amend licence conditions on any or all parties, and the Minister may impose additional requirements such as constructing an additional monitoring bore on the property boundary in order to establish conditions that limit the level of drawdown off-site.
- (7) A new or replacement water supply work (bore), with the exception of a water supply work (bore) for the supply of basic landholder rights only, cannot be constructed within a minimum distance of:
 - (a) 500 metres of a bore nominated by a local water utility access licence,
 - (b) 400 metres of a Department of Land and Water Conservation monitoring bore,

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- (c) 400 metres of a bore extracting from the Great Artesian Basin,
- (d) 500 metres of a wetland, or
- (e) 200 metres of a river.

Note. These are standard conditions and situations may occur due to the isotropic and heterogeneous conditions of aquifers where interference occurs. In these situations the Minister may place further conditions on a water supply work (bore) location.

37 Water level management

- (1) The Minister may declare that, in order to protect water levels within these groundwater sources, local access restrictions are to apply in a defined area known as a local impact area.
- (2) If water levels in any part of these groundwater sources have declined to such an extent that adverse impact is occurring, or is likely to occur, extraction from all water supply works (bores) nominated by access licences within a local impact area declared under subclause (1) will be restricted to such an extent and for such time as is required to reinstate water levels to such a degree as to mitigate or avoid that impact.

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

38 Water quality management

- (1) The beneficial uses of these groundwater sources are:
 - (a) raw water for drinking, and
 - (b) agriculture use,based on beneficial use classes identified in the Australian and New Zealand Environment and Conservation Council *Water Quality Guidelines 2001*, and the National Health and Medical Research Council *Raw Water for Drinking Purposes Guidelines 1996*.
- (2) Pursuant to subclause (1), water quality decline will be deemed unacceptable if extraction is likely to cause water quality to decline to a lower beneficial use class.

Note. It is not recommended that the water from these groundwater sources be consumed without prior treatment. Land use activities may have polluted the groundwater in some areas.
- (3) The Minister may declare that, in order to protect water quality within these groundwater sources, local access rules are to apply in a defined area, known as a local impact area.
- (4) If water quality declines are resulting from extraction, extraction from all water supply works (bores) within a local impact area declared under subclause (3) from which access is authorised by an access licence will be restricted to such an extent and for such time as required to halt that decline, or restore the beneficial use of these groundwater sources.

39 Protection of groundwater dependent ecosystems

- (1) Extraction of groundwater from a new or replacement water supply work (bore) is excluded within 100 metres of high priority groundwater dependent ecosystems, or

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any creek or river, or where impact may occur on Aboriginal cultural heritage values for those exercising basic landholder rights, and 200 metres for extraction authorised by all other access licences, unless the water supply work (bore):

- (a) only draws water from an aquifer at depths as approved by the Minister, and
- (b) has an impermeable seal, as specified by the Minister, constructed within the bore to isolate aquifers preventing water ingress from the restricted aquifer.

Note. Subclause (1) will not apply to extraction from an existing work until such time as the work is replaced.

- (2) High priority groundwater dependent ecosystems are listed in Schedule 4.
- (3) Pursuant to section 42 (2) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 4 after 30 June 2007, based on further studies of groundwater ecosystems dependency undertaken by the Minister.
- (4) The Minister should consult with the Minister for the Environment before adding further high priority groundwater dependent ecosystems to Schedule 4.

40 Protection of aquifer integrity

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

41 Extraction restrictions

- (1) The Minister may, in the event of local impact restrictions arising from this Division, impose by Order, a reduction in annual, quarterly, monthly, weekly or daily extraction rates from water supply works (bores) nominated by access licences in the affected area.
- (2) Before making an Order under subclause (1) the Minister should consult with representatives of the affected access licence holders.

42 Group registration

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

- (a) the group register will be maintained by the Minister,
- (b) holders of access licences must make a request to the Minister to form a group,
- (c) total extraction by all access licences within a group will be assessed as a whole against their combined restricted extraction and must not exceed that amount,

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- (d) no access licence holder within the group may extract more than is permitted by Division 1 of this Part in any one water accounting year as a result of participation in a group,
- (e) an access licence holder may apply to be removed by the Minister from the group and the extraction by the group will be reduced by the extraction restriction of that licence holder,
- (f) an access licence holder may apply to be added by the Minister to the group and the combined restricted extraction of the group will be increased by the extraction restriction of that licence holder, and
- (g) the Minister reserves the right to remove a licence holder from a group where that individual causes the group extraction restriction to be exceeded, or to dissolve a group where its members exceed their combined extraction restriction.

43 Infrastructure failure

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

Part 11 Access licence dealing rules

44 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (e) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71L of the Act.

Note. The Minister's access licence dealing principles are contained in Appendix 4.

- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

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

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

45 Rules relating to constraints within a groundwater source

- (1) This clause applies to any relevant dealings under sections 71D, 71F, and 71J of the Act, and 71G of the Act with respect to water allocation assignments within a groundwater source.
- (2) Dealings are prohibited under this clause if:
 - (a) any of the access licences or water allocations involved are not within these groundwater sources,
 - (b) the dealing results in the total access licence share components or credited water allocations authorised to be extracted through nominated works at a location exceeding 600 ML/yr per square kilometre,
 - (c) the dealing would result in the total extraction under access licences through nominated works in the area, plus basic landholder rights extraction, causing an adverse local impact in accordance with Part 10 Division 2 of this Plan,
 - (d) the dealing is a water allocation assignment from the Quirindi local water utility access licence, or
 - (e) the dealing involves a supplementary water access licence, or any water allocation credited to a supplementary water access licence.

46 Rules for change of water source

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

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

- (2) An access licence with a share component specifying one of these groundwater sources may be cancelled and a new licence issued under this dealing only if:

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- (a) the access licence cancelled is an aquifer access licence within one of the Upper Namoi Groundwater Sources,
 - (b) the access licence issued is within Zone 10, and
 - (c) the total share components of all access licences in Zone 10 remains below 70% of the recharge established in clause 16 for that Zone.
- (3) The volume of the share component on an access licence issued under a dealing provided for in subclause (2) is to be the volume of the cancelled access licence share component.

47 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Dealings that result in conversions of an access licence of one category to an access licence of another category are prohibited in these groundwater sources.

48 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71H of the Act.
- (2) Dealing that result in interstate access licence transfers into or out of these groundwater sources are prohibited.

49 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71G of the Act for assignment of water allocations between water sources.
- (2) Dealings that assign water allocations between access licences in different water sources are prohibited unless provided for in this clause.
- (3) Dealings that assign water allocations between an access licence in one of these groundwater sources and an access licence in another of these groundwater sources are permitted only if:
 - (a) the access licence from which the water allocation is assigned is an aquifer access licence within one of the Upper Namoi Groundwater Sources,
 - (b) the access licence to which the water allocation is assigned is within Zone 10,
 - (c) the total water allocations credited to all access licences in Zone 10 remains below 70% of the recharge established in clause 16 for that Zone, and
 - (d) the assignment would not result in the total extraction of credited water allocations through nominated works in the area, plus basic landholder rights extraction, causing adverse local impact in accordance with Part 10 Division 2 of this Plan.

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

50 Rules for interstate assignment of water allocations

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

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- (2) Dealings that result in the interstate assignment of water allocations to or from these groundwater sources are prohibited.

Part 12 Mandatory conditions

51 Mandatory conditions on access licences

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

52 Access licences

- (1) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of share components of the licences,
 - (b) the specification of extraction components of the licences,
 - (c) the requirement that all extraction under access licences will be subject to the available water determinations,
 - (d) the requirement that all extraction under access licences will be subject to any local impact management restrictions established in this Plan,
 - (e) the requirement that all extraction under access licences will be subject to the account management rules established in this Plan,
 - (f) the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and
 - (g) any other conditions required to implement the provisions of this Plan.
- (2) All aquifer access licences shall have mandatory conditions to give effect to clause 25, in relation to the amendment of access licence share components.
- (3) All supplementary water access licences shall have mandatory conditions to give effect to clause 25, in relation to the amendment of access licence share components.
- (4) All domestic and stock access licences shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.
- (5) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.

53 Mandatory conditions on water supply work (bore) approvals

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

- (a) the water supply work (bore) is only to be constructed by a driller licensed under section 349 of the Act,
- (b) the water supply work (bore) must comply with drilling standards as specified by the Minister,

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- (c) construction of a water supply work (bore) must prevent contamination between aquifers through proper bore construction,
- (d) a water supply work (bore) approval holder must ensure decommissioning procedures comply with applicable standards as specified by the Minister,
- (e) a new or replacement water supply work (bore) to access water for basic rights will be required, as a condition of approval, to be constructed to sufficient depth to maintain access to the water source for the life of the work,
- (f) the water supply work (bore) approval holder is, within 2 months of completion, or after the issue of the approval if the water supply work (bore) is existing, to provide the Minister with:
 - (i) details of the work on the prescribed form,
 - (ii) a plan showing accurately the location of the work in relation to portion and property boundaries, and
 - (iii) details of any water analysis and/or pumping tests required by the Minister,
- (g) if, during the construction of the water supply work (bore), saline or contaminated water is encountered above the producing aquifer, such water is to be sealed off by:
 - (i) inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or contaminated water from the work, and
 - (ii) placing an impermeable seal between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level, as specified by the Minister,
- (h) if a water supply work (bore) is abandoned, the water supply work (bore) approval holder is to:
 - (i) notify the Minister that the work has been abandoned, and
 - (ii) seal off the aquifer by backfilling the work to ground level after withdrawing the casing (lining), as specified by the Minister,
- (i) an extraction measurement device shall be installed and maintained on each water supply work (bore) used for extraction of water under an access licence, and such devices shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
- (j) a water supply work (bore) must comply with the relevant local impact management rules in Part 10 of this Plan,
- (k) notwithstanding the available water determination, it is the responsibility of the water supply work (bore) approval holder to ascertain from the Minister whether or not there are in place any local impact restrictions before commencing to take water from these groundwater sources,
- (l) extraction under an access licence through the approved water supply work (bore) is only authorised with respect to the access licences specified on the water supply work (bore) approval,

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- (m) a water supply work (bore) approval holder must supply to the Minister on request, and to the required standards, a report pertaining to the quality of the water obtained from the water supply work (bore), and
- (n) any other conditions required to implement the provisions of this Plan.

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

Part 13 Monitoring and reporting

54 Monitoring

The monitoring of the performance indicators specified in clause 13 shall be undertaken by the Minister.

Note: Review & Audit of this Plan

In accordance with section 43 (2) of the Act, this Plan is to be reviewed, within the fifth year of its term, for the purpose of ascertaining whether its provisions remain adequate and appropriate for ensuring the effective implementation of the water management principles of the Act.

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

Note: The Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

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Part 14 Amendment of this Plan

55 Amendment of this Plan

- (1) This Part is made in accordance with section 42 (2) of the Act.
- (2) This Plan can be amended in accordance with the following clauses of this Plan:
 - (a) clause 16 in respect to average annual recharge,
 - (b) clause 18 in respect to environmental health water,
 - (c) clause 25 in respect to share components of access licences,
 - (d) clause 28 in respect to extraction limits, or
 - (e) clause 39 in respect to high priority groundwater dependent ecosystems.

Schedule 1 Dictionary

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

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

aquifer compaction refers to the reduction in the porosity (pore spaces) of an aquifer, and may result from over pumping the aquifer.

aquitards are geologic units that are of low permeability. Aquitards usually form a layer in a geologic sequence. They may contain water, but would not yield reasonable volumes of water to bores or wells. An example of an aquitard would be a saturated clay layer that is overlying a saturated sandy aquifer.

aquitard compaction refers to the reduction in the porosity (pore spaces) of an aquitard.

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

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

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

compaction see aquifer compaction

component see share component.

drawdown refers to a lowering of the piezometric surface. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

extraction limit is the amount of water that can be extracted in each water accounting year of this Plan., subject to water allocation account management rules.

Great Artesian Basin is a 'confined' groundwater basin comprised of a complex multi-layered system of water bearing strata (porous sandstone aquifers) separated by largely impervious rock units, underlying largely arid and semi-arid landscapes to the west of the Great Dividing Range, and extending from Queensland through New South Wales and the Northern Territory, to South Australia.

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

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

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

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

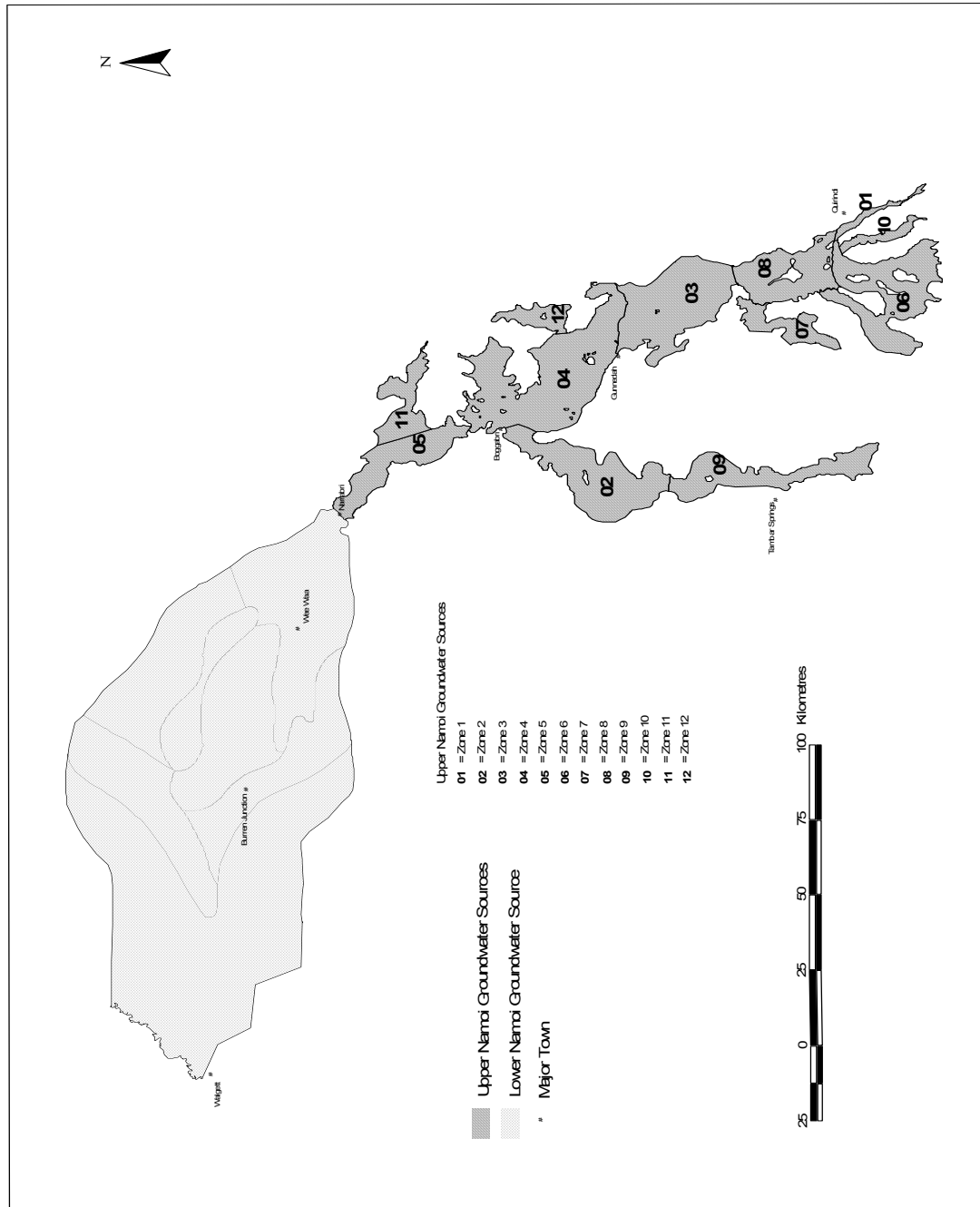
share component is the share component of an access licence.

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unconsolidated alluvial sediments are sediments deposited by the action of flowing water, in particular along river beds and floodplains, but not including lakes and seas.

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Schedule 2 Upper and Lower Namoi Groundwater Sources



Schedule 3 Contribution to targets in the State Water Management Outcomes Plan

Levels of assessed contribution:

FULL – contributes to target in full

HIGH - while not fully contributing to target is a good level of contribution

PARTIAL - goes some way to the target

LOW - only small degree of contribution

Relevant target	Level of contribution	Comments
<p>Target 1e The long term average annual extractions for groundwater limited (or being phased down) to an ecologically sustainable level (the Sustainable Yield) as determined by detailed assessment of each groundwater source and consultation with the relevant management committee. In the absence of such an assessment, the following to apply: 100 percent of average annual recharge for a groundwater source where there is no significant ecosystem dependency; 70 percent of average annual recharge where there is significant ecosystem dependency</p>	PARTIAL	<ul style="list-style-type: none"> ➤ This Plan sets out the Sustainable Yield as 100% of estimated recharge which is also distributed by each water source ➤ Detailed assessment of groundwater dependent ecosystems and their environmental requirements has not been undertaken, however there is a review of groundwater dependent ecosystem requirements and this Plan can be amended in Year 5 to take account of the results of this
<p>Target 1f Rules for adjustments to future water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant water management committee, and acted upon</p>	FULL	<ul style="list-style-type: none"> ➤ Rules set out in Part 9 of this Plan
<p>Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes</p>	PARTIAL	<ul style="list-style-type: none"> ➤ Detailed assessment of groundwater dependent ecosystems and their environmental requirements has not been undertaken ➤ This Plan excludes licensed extraction from within 200 metres of high priority groundwater dependent ecosystems which may be identified during the term of

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		<p>this Plan, creeks and rivers (or 100m for basic rights)</p> <ul style="list-style-type: none"> ➤ This Plan sets out local extraction rules to prevent the localised decline in water levels ➤ However the water account rules in Part 10 of this Plan allow a high level of extraction to occur and may place the resource and any dependent ecosystems at risk ➤ This Plan allows for a review of groundwater dependent ecosystems by Year 6
<p>Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components</p>	PARTIAL	<ul style="list-style-type: none"> ➤ This Plan establishes transparent Sustainable Yields and allocation rules ➤ Access licence share components are tradeable under this Plan ➤ This Plan recommends embargos on new licence application ➤ The reduction in access licence share components are made explicit in this Plan ➤ The water account rules in Part 10 of this Plan may allow a high level of extraction to occur and place the rights of other licence holders at risk ➤ The local impact management rules means that rights will not be exclusive but affected by the future location of works. Licences with existing water supply works (bores) will have priority over licences requiring new water supply works (bores)
<p>Target 6a The total volume of water specified on access licences reduced over the term of a water sharing plan to no more than 125% of the Sustainable Yield</p>	FULL	<ul style="list-style-type: none"> ➤ The total access licence share components for aquifers (and individual water sources) is greater than 125% of Sustainable Yield ➤ This Plan provides for a reduction in share components in Year 1 to 100% of Sustainable Yield (which is set at recharge) except in Zones 1 and 5 which will be reduced to 125%

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<p>Target 10 Degree of connectivity between aquifers and rivers assessed, and zones of high connectivity mapped to enable baseflows to the river to be maintained or improved</p>	PARTIAL	<ul style="list-style-type: none"> ➤ Detailed assessment of connectivity has not been undertaken ➤ A review of groundwater dependent ecosystem requirements is being undertaken in the first 5 years, and mechanisms are in this Plan to change the environmental rules as a result of that review
<p>Target 11 Groundwater dependent ecosystems identified and mapped for all priority aquifers, and the ecological water requirements assessed to enable local groundwater extraction rates and/or Sustainable Yields to be reviewed</p>	PARTIAL	<ul style="list-style-type: none"> ➤ Detailed assessment of groundwater dependent ecosystems and their environmental requirements has not been undertaken ➤ This Plan excludes licensed extraction from within 200 metres (or 100m for basic rights) of high priority groundwater dependent ecosystems which may be identified during the term of this Plan, and these may not be identified until Year 5 ➤ This Plan allows for a review of groundwater dependent ecosystems by Year 6
<p>Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use</p>	HIGH	<ul style="list-style-type: none"> ➤ This Plan has identified the volumes necessary to meet domestic and stock requirements in each groundwater source ➤ This Plan protects domestic and stock bores from interference from higher yielding bores and local water level declines
<p>Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed</p>	HIGH	<ul style="list-style-type: none"> ➤ 2 Aboriginal community representatives have been involved in development of this Plan ➤ The Namoi Groundwater Management Committee that prepared this Plan attended Aboriginal cultural awareness training ➤ A Department of Land and Water Conservation (DLWC) Aboriginal Natural Resource Officer supported the Aboriginal representatives ➤ Meetings were held between the

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		DLWC Aboriginal Natural Resource Officer and indigenous stakeholders, Elders and NSW Aboriginal Lands Council
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them	PARTIAL	<ul style="list-style-type: none"> ➤ This Plan does not address Aboriginal cultural or traditional requirements specifically, but acknowledges that they are likely to be addressed through the environmental health water and local impact management provisions ➤ This Plan excludes licensed extraction from within 200 metres of high priority groundwater dependent ecosystems and any creeks and rivers where impact may occur on Aboriginal values
Target 16a All share components of access licences tradeable	FULL	<ul style="list-style-type: none"> ➤ Part 11 of this Plan provides for trading of access licences
Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water	HIGH	<ul style="list-style-type: none"> ➤ This Plan does not allow trading out of these groundwater sources (justifiable) ➤ This Plan does establish rules for transfers between and within these groundwater sources, and establishes rules for minimising the impact of any transfers on existing licence holders and the environment
Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery	FULL	<ul style="list-style-type: none"> ➤ This Plan does not impose reduction factors
Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment	N/A	<ul style="list-style-type: none"> ➤ No unallocated water
Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit	FULL	<ul style="list-style-type: none"> ➤ In the Upper Namoi aquifer this Plan establishes 12 water sources, referred to as Zones 1 to 12, and prohibits trading between them excepting into Zone 10

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<p>Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries</p>	<p>HIGH</p>	<ul style="list-style-type: none"> ➤ This Plan includes a water quality objective ➤ The beneficial use categories and criteria are specified
<p>Target 38 Aquifer water quality vulnerability zones mapped and extraction limits reviewed to reduce the risk of lateral intrusion of poor quality water</p>	<p>PARTIAL</p>	<ul style="list-style-type: none"> ➤ No vulnerability mapping of these groundwater sources is referenced in this Plan ➤ This Plan includes rules to manage the lateral movement of poor quality water

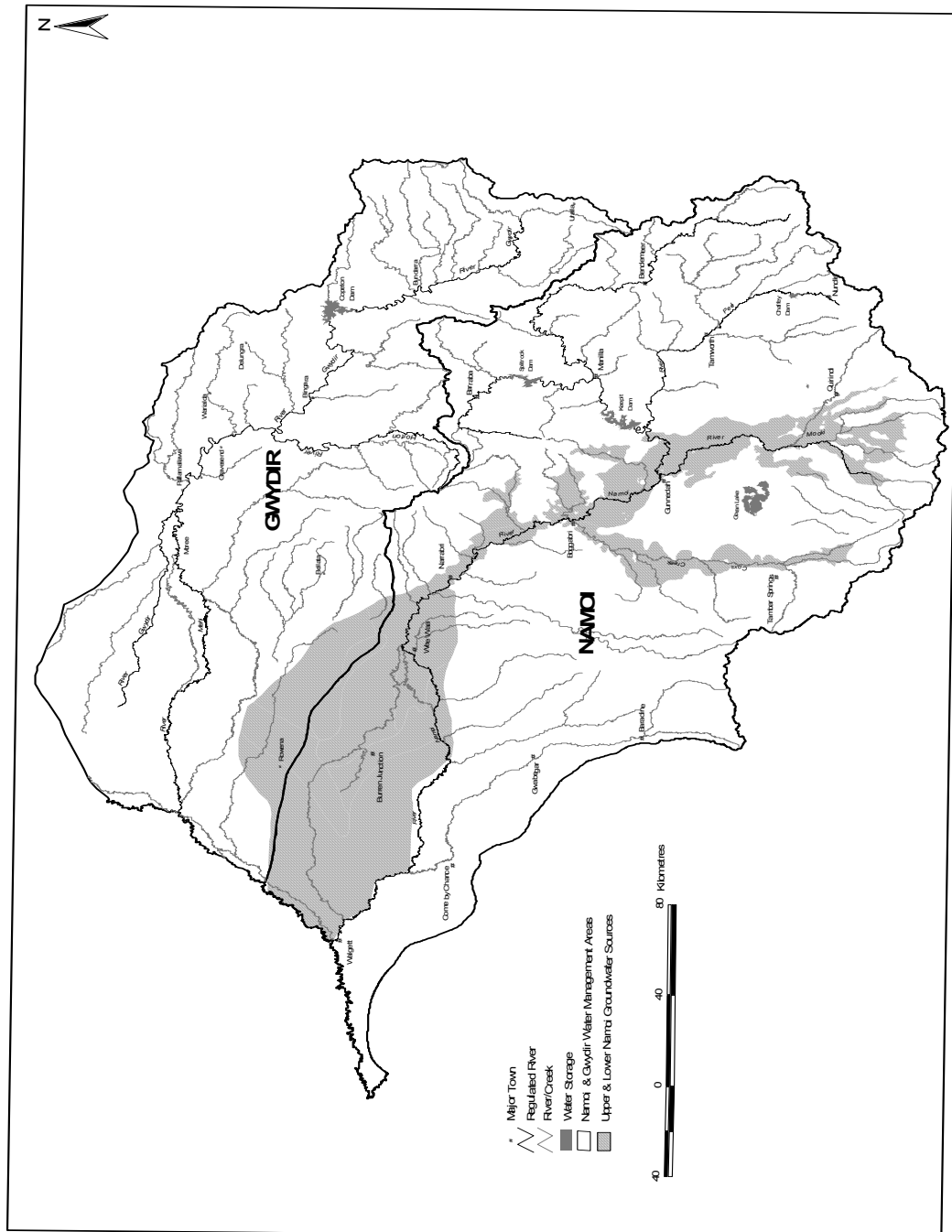
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Schedule 4 High priority groundwater dependent ecosystems

Note. There are no high priority groundwater dependent ecosystems identified and scheduled at the commencement of this Plan.

Note. High priority groundwater dependant ecosystems may be added to (and removed from) this Schedule during the period of this Plan. The Regional or District Office of the Department of Land and Water Conservation, shown in Appendix 2, should be contacted for a current list.

Appendix 1 Namoi and Gwydir Water Management Areas



Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003

Appendix 2 Location of maps

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

Regional Office
Department of Land and Water Conservation
155-157 Marius St
TAMWORTH NSW 2340

District Office
Department of Land and Water Conservation
53 Maitland St
NARRABRI NSW 2390

District Office
Department of Land and Water Conservation
35-37 Abbott Street
GUNNEDAH NSW 2380

Appendix 3 Performance indicators

Performance indicators for the Upper and Lower Namoi Groundwater Sources Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(a) Change in groundwater extraction relative to the extraction limit.	11 (a) 11 (b) 11 (c) 11 (g)	<ul style="list-style-type: none"> Extraction volume for the groundwater source as a percentage of the extraction limit. 	<ul style="list-style-type: none"> Plan provisions will set the mechanism to remain within the recharge over the long-term.
(b) Change in climate adjusted groundwater levels.	11(a) 11 (b) 11 (c) 11 (g)	<ul style="list-style-type: none"> Average annual frequency and duration (in days) of water level drawdown below pre-plan baseline. Density of extraction in critical areas. 	<ul style="list-style-type: none"> Note that water levels will fluctuate with climate and resultant variable recharge. Some level declines will be expected during dry times, just as level rises are expected during wetter periods.
(c) Change in water levels adjacent to identified groundwater dependent ecosystems.	11 (a) 11 (c)	<ul style="list-style-type: none"> Identification of groundwater dependent ecosystems (GDEs). Assessment of the relationship between selected GDEs and local groundwater levels in terms of the water requirements of these GDEs. Assessment of the adequacy of buffer zones or local impact restrictions by comparison of water levels near in or GDEs compared to plan baseline. Frequency and duration of water level drawdown below critical levels. 	<ul style="list-style-type: none"> Groundwater dependent ecosystems should be identified in the water sharing plans.

Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003

Performance indicators for the Upper and Lower Namoi Groundwater Sources Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(d) Change in groundwater quality.	11 (a) 11 (b) 11 (c)	<ul style="list-style-type: none"> Trends in selected water quality parameters at selected monitoring bores that are likely to be affected by groundwater extraction. 	<ul style="list-style-type: none"> Note that some water quality issues are a function of contamination by land based activities, rather than extraction.
(e) Change in economic benefits derived from groundwater extraction and use.	11 (c) 11 (e) 11(f) 11(g)	<ul style="list-style-type: none"> Change in regional gross margins. Change in unit price of water transferred. Number of trades. 	<ul style="list-style-type: none"> Note that there are many factors affecting economic status of a region, for example commodity prices, other sources of water (ie surface water) etc. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions.
(f) Change in structural integrity of the aquifer.	11 (a) 11 (b) 11 (c)	<ul style="list-style-type: none"> Annual number of reports of new land subsidence and reduced bore yields. Survey if necessary. 	
(g) Extent to which domestic and stock rights requirements have been met.	11 (c) 11 (d)	<ul style="list-style-type: none"> Monitor increase in applications for water supply work (bore) approvals. Number of reports of interference between high yield extraction and basic rights, or number of domestic and stock bores deepened. Assess frequency and duration of water level drawdown below critical thresholds. 	<ul style="list-style-type: none"> Basic rights usage figures in water sharing plans are estimated (not actual use). Increases in licences may be due to past unlicensed works.

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Performance indicators for the Upper and Lower Namoi Groundwater Sources Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(h) Extent to which local water utility requirements have been met.	11(c)	<ul style="list-style-type: none"> • Monitor increase in access by local water utilities. • Monitor impact of interference between high yield extraction and local water utility extraction. 	<ul style="list-style-type: none"> •
(i) Extent to which native title rights requirements have been met.	11 (c) 11 (d)	<ul style="list-style-type: none"> • Monitor increase in applications for water supply work (bore) approvals for native title basic rights. • Number of reports of interference between high yield extraction and native title rights holders, or number of bores deepened. • Assess frequency and duration of water level drawdown below critical thresholds. 	<ul style="list-style-type: none"> •
(j) Extent of recognition of spiritual, social and customary values of groundwater to Aboriginal people.	11 (a) 11 (c) 11 (e) 11 (f)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. • It would be expected that at the end of five years there should be relevant information collected for each groundwater source, as a minimum requirement.

Appendix 4 Minister's access licence dealing principles

The following is the text from the Access Licence Dealing Principles Order, published in the NSW Government Gazette on 27 December 2002.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1. Name of Order

This Order is the *Access Licence Dealing Principles Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4. Interpretation

- (1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.
- (2) Notes in this order do not form part of the order.

5. Effect

- (1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6. Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the *Water Management Act 2000*.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the *Water Management Act 2000*.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7. Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8. Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9. Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10. Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings

11. Transfer of access licences

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12. Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.
- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.

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- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
- (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
 - (a) a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - (b) subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
- (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (12) For conversion of category from regulated river (general security) to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and

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- (d) water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
- (13) For conversion of category from unregulated river to runoff harvesting:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13. Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of

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the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14. Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15. Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16. Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or

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- (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) from an unregulated river water source to a regulated river water source, or
 - (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
 - (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
 - (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
 - (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
 - (7) Conversion factors rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
 - (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
 - (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
 - (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17. Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.
- (2) Dealings under section 71F are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.

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- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
 - (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18. Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
 - (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and

- (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19. Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

20. Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
- (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71I are prohibited:
 - (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or

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- (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.
- (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21. Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
 - (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
 - (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
 - (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and

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- (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.
- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.
- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Water Sharing Plan for the Toorumbree Creek Water Source 2003 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Land and Water Conservation, make the following Minister's plan.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Water Sharing Plan for the Toorumbree Creek Water Source 2003

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Water Sharing Plan for the Toorumbee Creek Water Source 2003

Water Sharing Plan for the Toorumbee Creek Water Source 2003

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Toorumbee Creek Water Source 2003* (hereafter this Plan).

2 Nature and status of this Plan

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

3 Date of commencement

This Plan takes effect on 1 July 2003 and ceases 10 years after that date.

4 Area and waters to which this Plan applies

- (1) The area in respect of which this Plan is made is that area of land within the Mid North Coast Water Management Area known as the Toorumbee Creek Water Source (hereafter this water source) as shown in Schedule 2.

Note. The Mid North Coast Water Management Area is shown on the map in Appendix 1.

- (2) The waters of this water source includes all water occurring on the land surface shown on the map in Schedule 2 including, but not limited to:
 - (a) all rivers in this water source including, but not limited to, those nominated in Schedule 3, and
 - (b) all lakes and wetlands in this water source.
- (3) The waters of this water source exclude all water contained within aquifers underlying this water source.

5 Interpretation

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

6 Inspection of detailed maps

Maps referred to in this Plan may be inspected at locations listed in Appendix 2.

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7 Effect on licences, authorities and permits under the *Water Act 1912*

- (1) This Plan applies from commencement to those matters that are administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible, the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

8 State Water Management Outcomes Plan

- (1) This Plan is consistent with the State Water Management Outcomes Plan (hereafter SWMOP) in accordance with section 16 (1) (a) of the Act.
- (2) Schedule 4 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Note. The SWMOP applying at the commencement of this Plan is that gazetted on 20 December 2002 under section 6 of the Act.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

The vision for this Plan is that the water needs of the communities dependent on Toorumbee Creek Water Source are addressed, in the context of maintaining its high conservation values.

11 Objectives

The objectives of this Plan are to:

- (a) preserve the high conservation values of the Toorumbee Creek Water Source by limiting extraction from the river to basic landholder rights users, domestic and stock and unregulated river (Aboriginal cultural) access licence users, and by encouraging these users to adopt efficient practices during periods of very low flows,
- (b) maintain high quality waters in the Toorumbee Creek Water Source,
- (c) maintain or improve the overall health of the Macleay River catchment, its estuary and adjoining inshore waters, by enabling sufficient contributions to this system from Toorumbee Creek flows,
- (d) protect and enhance water dependent ecosystems, threatened species and endangered ecological communities within the river by allowing only the holders of domestic and stock rights, native title rights, and domestic and stock and unregulated river (Aboriginal cultural) access licence users access to flows,
- (e) protect water quality and habitat by protecting freshes and low flows throughout the river system by allowing only domestic and stock users, native title rights holders and Aboriginal people to access flows, and by encouraging these users to adopt efficient practices during periods of very low flows, and
- (f) recognise and protect Aboriginal heritage sites and values in access management and water licensing decisions.

12 Strategies

The strategies of this Plan are to:

- (a) identify and make provision for water requirements for basic landholder rights,
- (b) specify the circumstances in which access licences may be granted,
- (c) limit the amount of water that can be extracted on a daily,
- (d) limit the long-term average extraction of water,

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- (e) clearly define access conditions for water extraction and rules for extracting water from this water source,
- (f) establish rules for determining the water available from time to time under access licences,
- (g) establish water allocation accounting rules,
- (h) specify mandatory conditions for access licences, and
- (i) specify the rules for water supply works approvals.

13 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in low flows,
- (b) change in moderate to high flows,
- (c) change in ecological condition of this water source and dependent ecosystems,
- (d) extent to which basic landholder rights requirements have been met,
- (e) change in economic benefits derived from water extraction and use,
- (f) extent to which native title rights requirements have been met,
- (g) extent of recognition of spiritual, social and customary values of water to Aboriginal people, and
- (h) contribution to the achievement of water quality to support the environmental values of this water source.

Note. Appendix 3 details the objectives to which these performance indicators relate and the proposed methods for assessing these indicators.

Part 3 Basis for water sharing

14 Basis for water sharing

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

15 Climatic variability

- (1) This Plan recognises climatic variability and therefore river flow variability in this water source.
- (2) This Plan recognises the high conservation value of this water source.
- (3) To give effect to subclauses (1) and (2), this Plan has provisions that:
 - (a) manage limited access to the water in this water source, and
 - (b) enable the protection of the conservation values of this water source.

16 Extraction management unit

- (1) The availability of water for extraction from this water source on a long-term average basis will be determined at the level of an extraction management unit.
- (2) The extraction management unit of which this water source is part is known as the Macleay River Extraction Management Unit, and is shown on the map in Schedule 5.

Part 4 Environmental water provisions

17 Environmental water provisions

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

18 Environmental health water

- (1) Environmental health water is identified and established as all flows occurring in this water source minus 0.025 megalitres per day (hereafter ML/day).
- (2) Environmental health water is maintained in all flows as follows:
 - (a) persons exercising domestic and stock and native title rights may extract water, and
 - (b) the holders of access licences have restricted access to water as specified in clauses 43 to 46,
 - (c) limits are imposed on the availability of water, in accordance with clauses 33 and 35, that protect a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.

Note. This Plan recognises that the environmental health water provisions provide benefits, including a non-extractive water source for traditional Aboriginal spiritual, social and cultural use, and contributes to improved water quality.

19 Extraction by water supply work

Notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is permitted only if there is visible flow in the river in the vicinity of the work.

20 Supplementary environmental water

At the commencement of this Plan, there is no water committed for specified environmental purposes in accordance with section 8 (1) (b) of the Act.

21 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the licence, and
 - (c) shall be such as to ensure that there is a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

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Part 5 Basic landholder rights

22 Basic landholder rights

This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.

23 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights are estimated to be a total of 0.025 ML/day.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note. Increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting rivers in this water source and/or as a result of an increase of the exercise of basic rights by existing landholders.

24 Native title rights

- (1) At the commencement of this Plan there are no holders of native title rights and therefore the water requirements for native title rights are estimated to be a total of 0 ML/day.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increase in use of native title rights may occur as a result of the granting of native title rights under the Commonwealth's *Native Title Act 1993*.

Harvestable rights

The requirement for water under harvestable rights is the amount of water owners of land are entitled to capture pursuant to the harvestable rights Order published in the NSW Government Gazette on 23 March 2001 under section 54 of the Act.

Part 6 Bulk access regime

26 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Divisions 1 and 2 of this Plan,
 - d) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 3 of this Plan,
 - e) establishes rules according to which access licences are managed as provided for in Part 10 of this Plan, and
 - f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Parts 9 and 10 of this Plan.

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Part 7 Requirements for water under access licences

27 Requirements for water under access licences

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

Note. The amount of water specified in this Part represents the total volumes specified on access licences in this water source. It is not a commitment to supply that water.

28 Estimate of water requirements

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the requirements identified for water for extraction under licence within this water source will total zero megalitres per year (hereafter ML/yr).
- (2) This Plan recognises that the total requirements for water for extraction within this water source may change during the term of this Plan as a result of the granting, surrender, cancellation or non-renewal of access licences.

Part 8 Rules for granting access licences

29 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 of the Act, having regard to the limits to water availability in this water sources and the need to protect the ecological health of the river.
- (2) Access licences may be granted in this water source subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
 - (a) domestic and stock access licences,
 - (b) an access licence resulting from an application of a type listed in section 82 (1) (c) and 82 (1) (d) of the Act, and
 - (c) unregulated river (Aboriginal cultural) access licences where the access licence share component does not exceed 10 ML/yr per application.

In applying for a new access licence, the applicant must establish the purpose and circumstance relating to that access licence, and that the share and extraction components sought will be the minimum required to meet that purpose and circumstance.

- (5) Subclause (4) does not apply to a new access licence arising from an application of a type listed in section 82 (1) of the Act.
- (6) In accordance with section 56 of the Act, all access licences in this water source shall have a share component expressed as a volume in ML/yr.
- (7) Notwithstanding subclause (6) runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.

30 Aboriginal assessment of new access licences

- (1) The Minister should seek the views of the Bellbrook Local Aboriginal Land Council in relation to impacts on significant Aboriginal sites and appropriate mitigation measures, such as buffer distances, for all renewals and new access licence or water supply works approval applications.
- (2) The Minister should consider any advice under subclause (1) before making a determination of the access licence application.

Part 9 Limits to the availability of water

Division 1 Long-term average extraction limit

31 Limits to the availability of water

This Division is made in accordance with section 20 (2) (a) of the Act.

32 Extraction management unit

Management of the long-term extraction of water in this water source will be undertaken in the context of the Macleay River Extraction Management Unit (hereafter this Unit) referred to in clause 16 (2).

33 Long-term average extraction limit

The long-term average extraction limit for this Unit of which this water source is a part will be the total of:

- (a) the quantity of water specified in conditions attached to or included in components issued under Part 2 of the *Water Act 1912* in this Unit, immediately prior to the commencement of Part 2 of Chapter 3 of the Act for this Unit, and
- (b) an estimate of annual extraction of water (excluding those exercised via a water bore) under:
 - (i) domestic and stock rights, and
 - (ii) native title rights,in this water source at the commencement of this Plan.

34 Variation of the long-term average extraction limit

The long-term average extraction limit of this Unit may be varied by the Minister if dealings under Part 11 of this Plan result in the issuing or cancellation of access licences in this Unit.

Division 2 Available water determinations

35 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules:
 - (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 33, based on comparison of the extraction limit against the average extraction within this Unit over that year and the preceding 2 years,
Note. A water accounting year is defined in clause 40 (3).

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- (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in a river for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
- (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work,
- (d) for all access licences, an initial available water determination of two times the access licence share component should be made on 1 July 2003, and such determination should apply for one water accounting year,
- (e) from 1 July 2004, available water determinations for domestic and stock access licences should be 100% of the access licence share component, with priority given to making this water available above the making of water available to all other categories of access licence, and such determinations should be made annually,
- (f) from 1 July 2004, available water determinations for unregulated river access licences, including all subcategories, should be 100% of the access licence share component, except as provided in subclauses (g) and (h), and such determinations should be made annually,
- (g) if the 3 year average of extraction in this Unit exceeds the long-term average extraction limit established in clause 33 by 5% or greater, then the available water determination for the following water accounting year for unregulated river access licences in this water source should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
- (h) when the 3 year average of extraction in this Unit is less than 95% of the long-term average extraction limit established in clause 33, the available water determination for unregulated river access licences in this water source shall be increased to such an extent as to allow extraction to increase to that extraction limit,
- (i) notwithstanding subclause (h), the available water determination shall not exceed 100% of total access licence share components,
- (j) a new available water determination for unregulated river access licences determined under subclause (g) or (h) should be repeated for each of the subsequent two water accounting years unchanged in quantity, and
- (k) available water determinations for runoff harvesting access licences should be made annually and should be either the access licence share component or the water that can be extracted from time to time from the approved works, depending on the manner in which the share component is expressed on the licence.

Part 10 Rules for managing access licences

36 Rules for managing access licences

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

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

Division 1 Water allocation account management

37 Water allocation account management

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

38 Water allocation accounts

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

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

Note. Water allocations may also be re-credited to these accounts in accordance with section 76 of the Act, subject to the operation of a return flows scheme established under section 75 of the Act.

39 Accrual of water allocations

Water allocations will be accrued into water allocation accounts in accordance with the Minister's available water determinations as specified in clause 35.

40 Annual accounting for water extraction

- (1) Water taken from this water source will be accounted for at least annually.
- (2) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) The maximum water allocation that can be carried over from one water accounting year to the next is as follows:
 - (a) 100% of the access licence share component from 2003/4 to 2004/5,
 - (b) 200% of the access licence share component from 2004/5 to 2005/6, and
 - (c) thereafter, the sum of the previous two available water determinations.

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- (5) Notwithstanding subclause (4) total water in any water allocation account cannot exceed 3 times the share component of the access licence:
 - (a) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in that year,
 - (b) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (c) minus any water allocations assigned to another licence by water allocation assignment under section 71G of the Act in that year.
- (6) In any one water accounting year, water taken from this water source under an access licence may not exceed a volume consisting of:
 - (a) twice the water allocation accrued under the licence that year,
 - (b) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in that year,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (d) minus any water allocations assigned to another licence, by water allocation assignment under section 71G of the Act in that year.
- (7) A water allocation account shall remain at or above zero at all times.

41 Three year accounting for water extraction

Water taken from this water source in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:

- (a) the water allocations accrued under the licence in those years,
- (b) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in those years,
- (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
- (d) minus any water allocations assigned to another licence, by water allocation assignment under section 71G of the Act in those years.

Division 2 Sharing flows on a daily basis

42 Sharing flows on a daily basis

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

43 Total daily extraction limits

This Plan establishes a total daily extraction limit (hereafter TDEL) of 0.2 ML/day during all river flows in this water source.

44 Initial assignment of the TDEL to categories of access licence

The TDEL under clause 43 will initially be assigned to categories of access licences according to the following:

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- (a) 0 ML/day for domestic and stock access licences, and
- (b) 0 ML/day for unregulated river (Aboriginal cultural) access licences.

45 Unassigned TDEL

At the commencement of this Plan, unassigned TDEL is as follows:

- (a) 0.1 ML/day for domestic and stock access licences, and
- (b) 0.1 ML/day for unregulated river (Aboriginal cultural) access licences.

Note. Unassigned TDEL may vary as a result of the surrender, cancellation or non-renewal of an access licence's individual daily extraction limits, or the operation of Part 8 of this Plan.

46 Granting of unassigned TDEL

The unassigned TDEL in clause 45 may be assigned to individual access licences as individual daily extraction limits (hereafter IDELs) where they are applied for as part of a new access licence application in accordance with Part 8 of this Plan.

Part 11 Access licence dealing rules

47 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (e) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71L of the Act.

Note. The Minister's access licence dealing principles are contained in Appendix 4.

- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

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

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

48 Rules relating to constraints within this water source

- (1) This clause applies to any relevant dealings under sections 71D, 71F, and 71J of the Act, and section 71G of the Act with respect to water allocation assignments within this water source.
- (2) Dealings are prohibited under this clause if:
 - (a) any of the access licences or water allocations involved are not within this water source, or
 - (b) the dealing would result in more than minimal harm occurring to the water source and the environment.

49 Rules for access licence dealings which alter the times, rates or circumstances specified in access licence extraction components

Notwithstanding clause 49, applications under section 71F of the Act to vary the times, rates or circumstances specified in an access licence with respect to the taking of water under the licence are prohibited.

50 Rules for change of water source

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

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

- (2) Dealings that result in an access licence being cancelled in another water source and an access licence issued in this water source are prohibited.

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- (3) Dealings that result in an access licence being cancelled in this water source and an access licence issued in another water source are prohibited.

51 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category in this water source are prohibited.

52 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71H of the Act.
- (2) Dealings that result in the interstate transfer of an access licence into or out of this water source are prohibited.

53 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71G of the Act, in relation to water allocation assignments between water sources.
- (2) Dealings under section 71G of the Act that result in water allocation assignments to or from access licences in this water source are prohibited.

54 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71I of the Act.
- (2) Dealings that result in interstate assignment of water allocations to or from this water source are prohibited.

Part 12 Mandatory conditions

55 Mandatory conditions on access licences

- (1) This Part is made in accordance with section 17 (c) and 20 (2) (c) of the Act.
- (2) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of share component of the access licence,
 - (b) the specification of extraction component of the access licence, including IDELs arising from the operation of Part 10 Division 2 of this Plan where applicable,
 - (c) the requirement that extraction under the access licence will be subject to the available water determinations,
 - (d) the requirement that extraction under the access licence will be subject to the water allocation account management rules established in Part 10 Division 1 of this Plan,
 - (e) the requirement that the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and
 - (f) any other conditions required to implement the provisions of this Plan.

56 Unregulated river access licences

All unregulated river access licences shall have mandatory conditions such that water may only be taken at a rate not exceeding that specified on the access licence extraction component.

57 Domestic and stock access licences

All domestic and stock access licences shall have mandatory conditions to give effect to the following:

- (a) water may only be taken for the purposes of domestic consumption or stock watering as defined in section 52 of the Act, and
- (b) water may only be taken at a rate not exceeding that specified on the access licence extraction component.

58 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken for Aboriginal personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, hunting, fishing and gathering, and for recreational, cultural and ceremonial purposes, and

- (b) water may only be taken at a rate not exceeding that specified on the access licence extraction component.

59 Mandatory conditions on water supply works approvals

All approvals for water supply works in this water source shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:

- (a) flow measurement devices:
 - (i) shall be installed and maintained on all works used for extraction of water under an access licence, and
 - (ii) shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
- (b) water extraction and property water management infrastructure details shall be provided to the Minister on request,
- (c) notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is not permitted if there is no visible flow in the river in the vicinity of the work,
- (d) extraction under an access licence through an approved work is only authorised with respect to the work nominated by the access licence, and
- (e) where new licence applications are made in accordance with clause 29 and where an impact to endangered ecological communities is identified from the use of the water supply work, a minimum buffer of 100 metres will be applied between the identified endangered ecological community and the water supply work.

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Part 13 Granting and amending water supply works approvals

60 Granting and amending water supply works approvals

This Part is made in accordance with section 21 (b) of the Act.

61 Runoff harvesting dams

Applications for new runoff harvesting dams within this water source should not be approved.

62 In-river dams

Applications for new in-river dams within this water source should not be approved.

Note. Taking of water from an in-river dam requires an access licence unless it is taken in accordance with section 52 of the Act (domestic and stock rights). In either case, however, the dam requires a water management works approval unless exempted by regulation under the Act.

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Part 14 Monitoring and reporting

63 Monitoring and reporting of performance indicators

The monitoring and reporting of the performance indicators specified in clause 13 shall be undertaken by the Minister.

Note: Review & Audit of this Plan

In accordance with section 43 (2) of the Act, this Plan is to be reviewed, within the fifth year of its term, for the purpose of ascertaining whether its provisions remain adequate and appropriate for ensuring the effective implementation of the water management principles of the Act.

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

Note:The Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

Schedule 1 Dictionary

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

account water is the balance in an access licence water allocation account at a particular time.

Note. An access licence water allocation account records water allocations accrued under the licence as well as water allocations acquired, used or transferred, or re-credited. The operation of the account is also governed by rules for the carrying over of credits from one accounting period to the next and rules for the maximum credit that may be allowed to accumulate in the account as established in a water sharing plan. Water allocations are the shares of available water accrued under an access licence from time to time as a result of available water determinations.

domestic consumption means the consumption of water for normal household purposes in domestic premises situated on the land.

ecological community means an assemblage of species occupying a particular area.

endangered ecological communities means ecological communities listed in Schedule 1 of the *Threatened Species Conservation Act 1995* or Schedule 4 of the *Fisheries Management Act 1994*.

extraction limit is a limit on the long-term average amount of water that may be extracted from an extraction management unit.

extraction management unit is a group of water sources for the purpose of managing annual average extraction.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs. See also **in-river dam** and **runoff harvesting dam**.

Implementation Program is an Implementation Program established by the Minister under section 51 of the Act to implement this Plan.

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

in-river dam is a dam on a 3rd, 4th or higher order river. 3rd, 4th or higher order rivers are as defined in the Order made under section 5 of the *Water Act 1912* in relation to the definition of a "river" gazetted 23rd March 2001. See also **farm dam** and **runoff harvesting dam**.

Minister is the Minister for Land and Water Conservation. The Minister may delegate his functions under section 389 of the Act.

stock watering means the watering of stock being raised on the land, but does not include the use of water in connection with intensive animal husbandry.

runoff harvesting dam is a farm dam on a hillside or 1st or 2nd order stream which collects and stores rainfall runoff. 1st and 2nd order streams are as defined the Order made under section 5 of the *Water Act 1912* in relation to the definition of a river gazetted 23rd March 2001. See also **farm dam** and **in-river dam**.

Water Sharing Plan for the Toorumbee Creek Water Source 2003

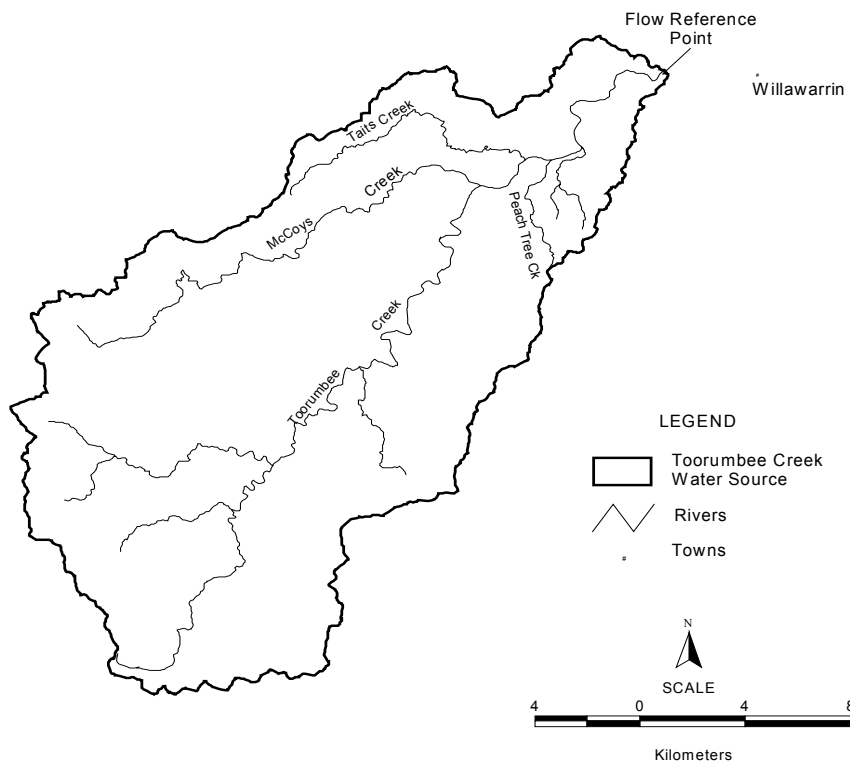
Note. This Order refers to watercourses shown as blue lines on topographic maps. The lines which are uppermost in a catchment are 1st order streams, when two 1st order streams are joined they make a 2nd order stream, etc. For more information see the Farm Dams Assessment Guide available from the Department of Land and Water Conservation.

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

water accounting year is any twelve month period commencing on 1 July.

Water Sharing Plan for the Toorumbree Creek Water Source 2003

Schedule 2 Toorumbree Creek Water Source



Water Sharing Plan for the Toorumbee Creek Water Source 2003

Schedule 3 Rivers in the Toorumbee Creek Water Source

This water source includes:

Home Creek

McCoys Creek

Parrabel Creek

Peach Tree Creek

Taits Creek

Toorumbee Creek

Schedule 4 Contribution to targets in the State Water Management Outcomes Plan

Levels of assessed contribution:

FULL – contributes to target in full

HIGH - while not fully contributing to target is a good level of contribution

PARTIAL - goes some way to the target

LOW - only small degree of contribution

Relevant Target	Level of Contribution	Comments
Target 1c Long term average annual extraction limits which are ecologically sustainable, and which minimise downstream impacts, established in all coastal water sources	HIGH	<ul style="list-style-type: none"> ➤ Part 9 Division 1 of this Plan clearly sets out the basis for the extraction limit for the Macleay River Extraction Management Unit ➤ Until the cumulative impact of this limit can be assessed for all of this Unit it is not possible to properly assess ecological sustainability and downstream impact ➤ However there are no access licence of share components in this Unit and application of IDELs should ensure adequate downstream flows
Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon	FULL	<ul style="list-style-type: none"> ➤ Rules set out in Part 9 of this Plan
Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes	HIGH	<ul style="list-style-type: none"> ➤ Part 10 Division 2 of this Plan has put in place comprehensive daily extraction limits to protect/restore environmental flows ➤ This Plan has significantly improved low to very low flow protection ➤ This Plan is consistent with relevant Threatened Species Recovery Plans
Target 4a Wherever the frequency of		<ul style="list-style-type: none"> ➤ Daily extraction limits protect

Water Sharing Plan for the Toorumbree Creek Water Source 2003

<p>“end of system” daily flows would be less than 60% of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60% of predevelopment levels or increased by at least 10% of the predevelopment frequency</p>	<p>FULL</p>	<p>60% to 100% of flows</p>
<p>Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95th percentile</p>	<p>FULL</p>	<ul style="list-style-type: none"> ➤ Cease-to-pump levels protect flows below 80thtile in critical months
<p>Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components</p>	<p>FULL</p>	<ul style="list-style-type: none"> ➤ This Plan establishes total daily extraction limits for distribution to individual licensees
<p>Target 6b A pathway for reducing the share components to 200 % of the long-term average annual extraction limit to be established not later than the end of the term of the SWMOP</p>	<p>FULL</p>	<ul style="list-style-type: none"> ➤ Total licensed share components for the Macleay River Extraction Management Unit should not exceed 200% of extraction limit for this Unit
<p>Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy</p>	<p>HIGH</p>	<ul style="list-style-type: none"> ➤ The Government has established other mechanisms outside of this water sharing plan to address the target ➤ This Plan proposes an exemption from the access licence embargo for Aboriginal cultural heritage
<p>Target 8 Daily extraction components specified and tradeable, subject to metering, reporting and compliance, for at least 50% of unregulated river access licences and for 80% of stressed unregulated rivers</p>	<p>FULL</p>	<ul style="list-style-type: none"> ➤ To meet this target Statewide, the individual plans should as far as practicable, establish daily extraction limits across the whole water source, and this Plan does this

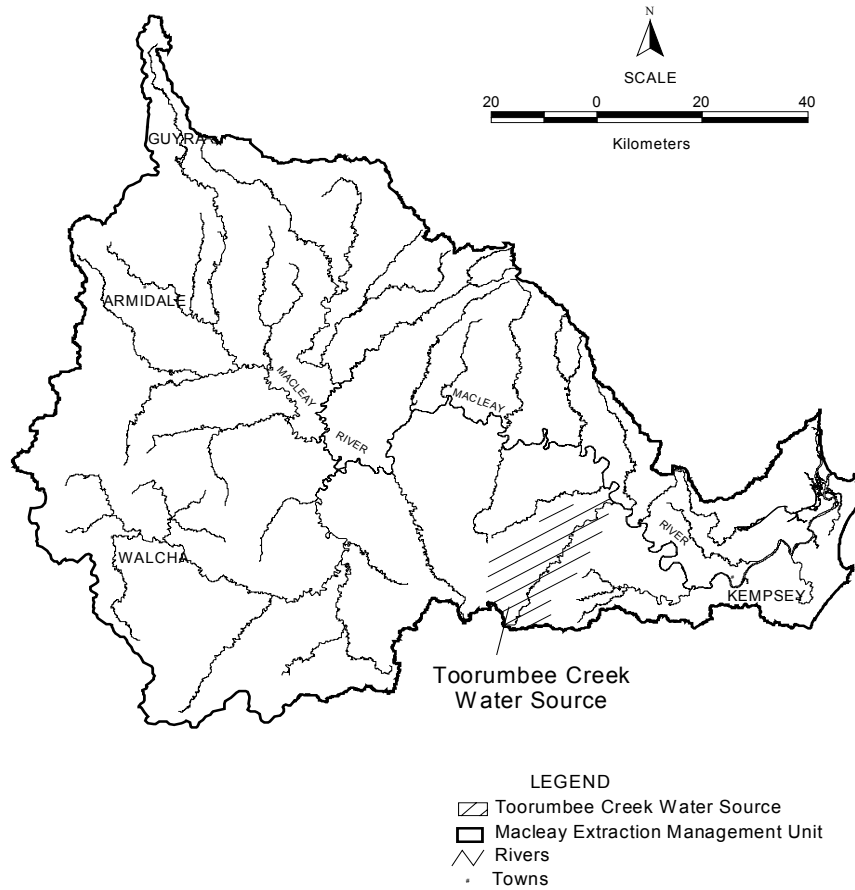
Water Sharing Plan for the Toorumbree Creek Water Source 2003

<p>Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use</p>	FULL	<ul style="list-style-type: none"> ➤ Cease to pump level will protect flows for domestic and stock rights ➤ IDELs explicitly provide for domestic and stock requirements
<p>Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed</p>	HIGH	<ul style="list-style-type: none"> ➤ Aboriginal community representatives have been actively involved in development of this Plan and their advice has been incorporated into this Plan ➤ The Plan includes provisions to refer licence and approval applications to the Local Aboriginal Land Council
<p>Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan does not address specific Aboriginal cultural or traditional requirements and has not identified any sites of particular importance ➤ This Plan does provide reasonably high level of environmental protection that should assist in protecting Aboriginal values ➤ The Plan includes provisions to refer licence and approval applications to the Local Aboriginal Land Council
<p>Target 16a All share components of access licences tradeable</p>	FULL	<ul style="list-style-type: none"> ➤ Part 11 of this Plan provides for dealings of share components and daily extraction limits
<p>Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan does not impose reduction factors
<p>Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment</p>	FULL	<ul style="list-style-type: none"> ➤ Rules established in Part 10 Division 2 of this Plan
<p>Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made</p>	NIL (Justifiable)	<ul style="list-style-type: none"> ➤ This Plan does not establish water transfer zones and since this water source is relatively small, this position is justified

Water Sharing Plan for the Toorumbree Creek Water Source 2003

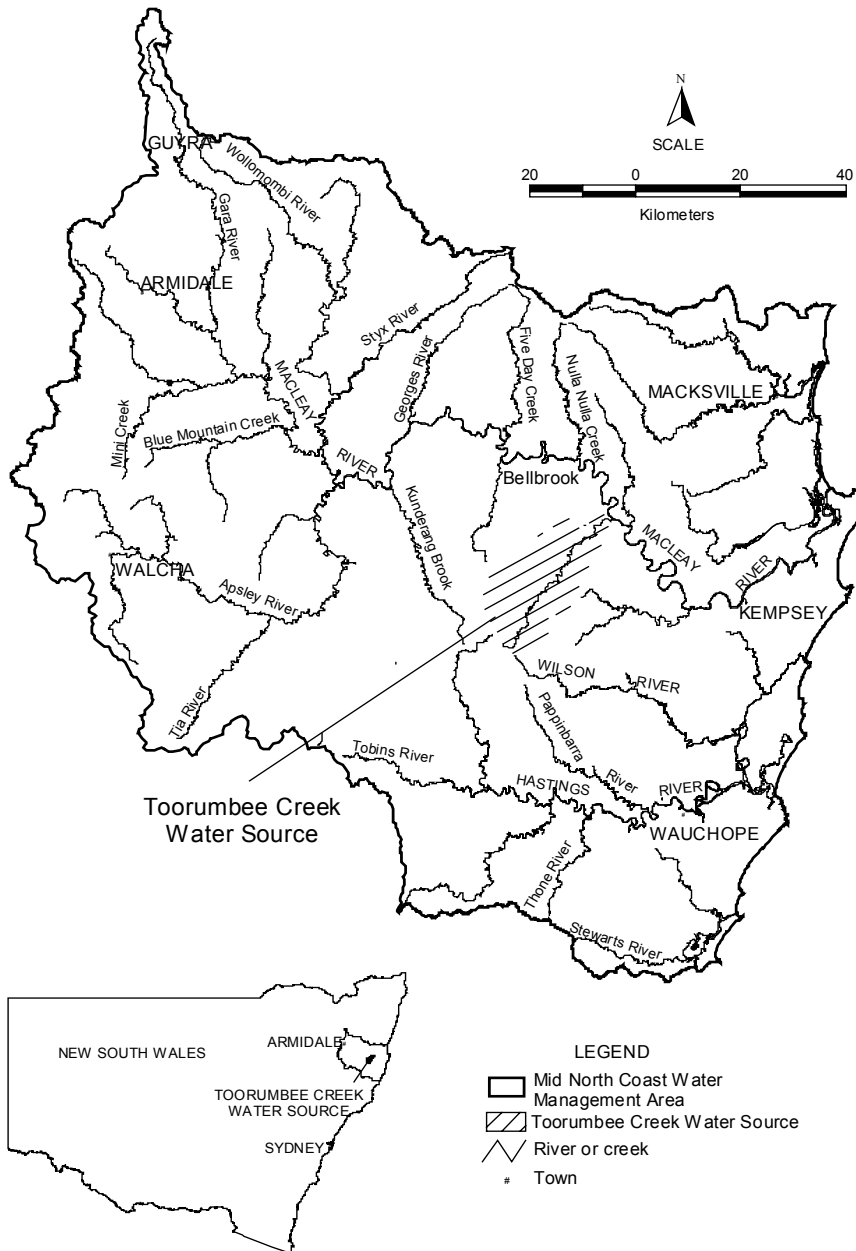
explicit		
<p>Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries</p>	HIGH	<ul style="list-style-type: none"> ➤ This Plan includes a generalised water quality objective ➤ This Plan does provide reasonably high level of environmental protection which should assist in protecting water quality

Schedule 5 Macleay River Extraction Management Unit



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Appendix 1 Mid North Coast Water Management Area



Water Sharing Plan for the Toorumbree Creek Water Source 2003

Appendix 2 Location of maps for public inspection

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

District Office
Department of Land and Water Conservation
Elbow Street
WEST KEMPSEY NSW 2440

Water Sharing Plan for the Toorumbree Creek Water Source 2003

Appendix 3 Performance indicators

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(a) Change in low flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.
(b) Change in moderate to high flows.	11 (a) 11 (c) 11 (d) 11 (f) 11 (g)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.
(c) Change in ecological condition of this water source and dependent ecosystems.	11 (a) 11 (b) 11 (c) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Periodic assessment of identified indicators for ecological condition. 	<ul style="list-style-type: none"> Water sharing plans are limited to providing for changes in flow regime aimed at improving the conditions for the ecological condition of the river. There are many other factors that contribute to ecological objectives. The focus of this performance indicator will be the effect of flow strategies. Therefore assessment of ecological condition should be based largely on hydrologic parameters (such as wetted area, depth in pools

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Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
			and velocity). This attempts to exclude external, non - water sharing plan related factors (such as climate and catchment landuse changes).
(e) Extent to which basic landholder rights requirements have been met.	11 (e)	Assessment of cease to pump levels in relation to basic rights requirements.	<ul style="list-style-type: none"> Basic landholder rights usage figures in water sharing plans are estimated (not actual use).
(f) Change in economic benefits derived from water extraction and use.	11 (c) 11 (e)	<ul style="list-style-type: none"> Number of days access provided. Percentage change in number and volume of farm dams. Change in unit price of water transferred. 	<ul style="list-style-type: none"> Note that there are many factors affecting economic status of a region, for example commodity prices. Measurement of the number of farm dams will attempt to identify the impact of the plan provisions.
(g) Extent to which native title rights requirements have been met.	11 (h)	<ul style="list-style-type: none"> Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(h) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (b) 11 (d) 11 (f) 11 (h)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. Change in consultation on Aboriginal values in water licensing decisions, as measured by the number of licence 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement. Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

Water Sharing Plan for the Toorumbree Creek Water Source 2003

Performance indicators for the Toorumbree Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
		applications referred to the Bellbrook Local Aboriginal Land Council.	
(i) Contribution to the achievement of water quality to support the environmental values of this water source.	11 (f)	<ul style="list-style-type: none"> Change in the baseline figures of identified water quality variables. 	<ul style="list-style-type: none"> Note that many factors may affect water quality that are not related directly to flow management.

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Appendix 4 Minister's access licence dealing principles

The following is the text from the Access Licence Dealing Principles Order, published in the NSW Government Gazette on 27 December 2002.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1. Name of Order

This Order is the *Access Licence Dealing Principles Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4. Interpretation

- (1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.
- (2) Notes in this order do not form part of the order.

5. Effect

- (1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6. Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the *Water Management Act 2000*.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the *Water Management Act 2000*.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7. Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8. Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9. Impacts on water users

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- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10. Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings**11. Transfer of access licences**

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12. Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.
- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.

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- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
- (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
 - (a) a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - (b) subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
- (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (12) For conversion of category from regulated river (general security) to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and

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- (d) water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
- (13) For conversion of category from unregulated river to runoff harvesting:
- (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
- (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13. Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of

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the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14. Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15. Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16. Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or

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- (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) from an unregulated river water source to a regulated river water source, or
 - (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
 - (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
 - (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
 - (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
 - (7) Conversion factors rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
 - (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
 - (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
 - (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17. Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.
- (2) Dealings under section 71F are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.
- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:

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- (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18. Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
 - (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.

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- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19. Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

20. Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
- (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71I are prohibited:
 - (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or
 - (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.
- (4) This dealing is prohibited unless arrangements are in place which:

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- (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
- (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21. Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
- (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
- (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
- (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and
 - (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.
- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.

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- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Water Sharing Plan for the Adelong Creek Water Source 2003 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Land and Water Conservation, make the following Minister's plan.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Water Sharing Plan for the Adelong Creek Water Source 2003

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Water Sharing Plan for the Adelong Creek Water Source 2003

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Adelong Creek Water Source 2003* (hereafter this Plan).

2 Nature and status of this Plan

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

3 Date of commencement

This Plan takes effect on 1 July 2003 and ceases 10 years after that date.

4 Area and waters to which this Plan applies

- (1) The area in respect of which this Plan is made is that area of land within the Murrumbidgee Water Management Area known as the Adelong Creek Water Source (hereafter this water source) as shown in Schedule 2.

Note. The Murrumbidgee Water Management Area is shown on the map in Appendix 1.

- (2) The waters of this water source includes all water occurring on the land surface shown on the map in Schedule 2 including, but not limited to:
 - (a) all rivers in this water source including, but not limited to, those nominated in Schedule 3, and
 - (b) all lakes and wetlands in this water source.
- (3) The waters of this water source exclude all water contained within aquifer water sources underlying this water source.

5 Interpretation

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

6 Inspection of detailed maps

Maps referred to in this Plan may be inspected at locations listed in Appendix 2.

Water Sharing Plan for the Adelong Creek Water Source 2003

7 Effect on licences, authorities and permits under the *Water Act 1912*

- (1) This Plan applies from commencement to those matters that are administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible, the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

8 State Water Management Outcomes Plan

- (1) This Plan is consistent with the State Water Management Outcomes Plan (hereafter SWMOP) in accordance with section 16 (1) (a) of the Act.
- (2) Schedule 4 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Note. The SWMOP applying at the commencement of this Plan is that gazetted on 20 December 2002 under section 6 of the Act.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

The vision for this Plan is the equitable and sustainable sharing of water between the environment, cultural, economic and social uses in the Adelong Creek Water Source.

11 Objectives

- (1) The broad objectives of this Plan are to:
 - (a) maintain flow-dependent riverine ecosystems and restore to health those which have been degraded, and
 - (b) optimise economic, social, cultural and environmental values, including those of Indigenous peoples, by providing for the fair and equitable sharing of the water resource.
- (2) The specific objectives of this Plan are to:
 - (a) protect basic landholder rights including native title rights,
 - (b) minimise impact on natural water levels in river pools and wetlands during periods of no flow,
 - (c) protect natural low flow regimes,
 - (d) protect a portion of freshes and high flows,
 - (e) maintain the natural inundation patterns and distribution of floodwaters supporting natural wetlands and floodplain ecosystems,
 - (f) maintain or imitate natural flow variability in all rivers,
 - (g) maintain groundwater within natural levels and variability to sustain critical surface flows and ecosystems,
 - (h) define and provide for town water access,
 - (i) provide, where possible, adequate flow conditions for recreational and cultural use and amenity,
 - (j) define licensed water users access to a share of available water, to provide for sustainable current and future water uses, within the limits of the Murray Darling Basin Ministerial Council Cap,
 - (k) facilitate water use efficiency to protect river flows,
 - (l) recognise and protect Indigenous rights to a share of flow for cultural heritage (especially within wetlands, floodplain, riverbanks and tributaries on Crown Lands) and traditional uses,

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- (m) improve diversity and abundance of local native species, especially for the recovery of threatened species,
- (n) contribute to flows occurring in the Murrumbidgee River, and
- (o) contribute to the achievement of water quality suitable for identified values in this water source, including aquatic ecosystems, visual amenity, secondary and primary contact recreation, livestock, irrigation and homestead water supply, drinking water and aquatic foods (cooked).

Note. Objective (o) refers to maintaining water quality. Although there are no specific strategies directly related to this objective in this Plan, the environmental water provision in this Plan makes a positive contribution to maintaining water quality.

12 Strategies

The strategies of this Plan are to:

- (a) establish cease (and commence) to pump levels and flow classes,
- (b) limit the amount of water that can be extracted on a daily basis from different flow classes,
- (c) limit the long-term average extraction of water,
- (d) clearly define access conditions for water extraction and rules for extracting water from this water source,
- (e) establish rules for determining the water available from time to time under access licences,
- (f) establish water allocation accounting rules, and
- (g) specify access licence dealing rules which maximise flexibility for water users without adversely impacting on this water source, and specifying rules for the management of access licences.

13 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in low flows,
- (b) change in moderate to high flows,
- (c) change in local water utilities and major utilities access (where those utilities are involved in urban water provision),
- (d) change in ecological condition of this water source and dependent ecosystems,
- (e) extent to which basic landholder rights requirements have been met,
- (f) change in economic benefits derived from water extraction and use,
- (g) extent to which native title rights requirements have been met,
- (h) extent of recognition of spiritual, social and customary values of water to Aboriginal people, and

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- (i) contribution to the achievement of water quality to support the environmental values of this water source.

Note. Appendix 3 details the objectives to which these performance indicators relate and the methods for assessing these indicators.

Part 3 Basis for water sharing

14 Basis for water sharing

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

15 Climatic variability

- (1) This Plan recognises climatic variability and therefore river flow variability in this water source.
- (2) To give effect to subclause (1), this Plan has provisions that manage:
 - (a) the sharing of water in this water source within the limits of water availability on a long-term average basis, and
 - (b) sharing of the flows that occur in this water source on a daily basis.

16 Extraction management unit

- (1) The availability of water for extraction from this water source on a long-term average basis will be determined at the level of an extraction management unit.
- (2) The extraction management unit of which this water source is part is known as Murrumbidgee Unregulated Rivers Extraction Management Unit, and is shown on the map in Schedule 5.

17 Flow classes

This Plan establishes the following flow classes as the basis for sharing of daily flows:

- (a) very low flow class at or less than 15 megalitres/day (hereafter ML/day),

Note. The 15 ML/day in subclause (a) corresponds to the estimated 90th percentile of all days with flow in February.

Note. The 15 ML/day in subclause (a) is referred to as the cease to pump and commence to pump level and is equivalent to 12 ML/day at the Batlow Road gauging station.

- (b) A class flows greater than 15 ML/day and at or less than 25 ML/day,
- (c) B class flows greater than 25 ML/day and at or less than 38 ML/day, and
- (d) C class flows greater than 38 ML/day.

Note. The flow classes recognise climate and therefore flow variability, in accordance with section 20 (2) (c) of the Act. They have been determined based on flow information which inherently includes seasonal effects as well as evaporation and seepage losses.

18 Flow reference point

For the purpose of this Plan, all flows referred to relate to the estimated flows at the flow reference point at the downstream end of this water source, as shown in the map in Schedule 2.

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19 Determination of flow class

Announcement of daily flow classes will be made from time to time by the Minister based on the flow at a flow gauging station, correlated to the flow reference point established in clause 18.

Part 4 Environmental water provisions

20 Environmental water provisions

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

21 Environmental health water

(1) Environmental health water is identified and established as follows:

(a) In very low flows, the flow occurring in this water source minus 3.63 ML/day.

Note. This figure is the amount of water estimated at the commencement of this Plan for basic landholder rights.

(b) In A class flows, the flow occurring in this water source minus 13.63 ML/day.

Note. This figure is the amount of water estimated at the commencement of this Plan for A class total daily extraction limit and basic landholder rights.

(c) In B class flows, the flow occurring in this water source minus 14.63 ML/day.

Note. This figure is the amount of water estimated at the commencement of this Plan for B class total daily extraction limit and basic landholder rights.

(d) In C class flows, the flow occurring in this water source minus 19.63 ML/day.

Note. This figure is the amount of water estimated at the commencement of this Plan for C class total daily extraction limit and basic landholder rights.

(2) Environmental health water is maintained as follows:

(a) In very low flows:

(i) the holders of unregulated river access licences are not permitted any access,

(ii) the holders of domestic and stock, local water utility and unregulated river (Aboriginal cultural) access licences may take water in very low flows, up to a total of 2.5 ML/day, and

(iii) persons exercising domestic and stock and native title basic landholder rights may take a combined total of up to 1.13 ML/day.

Note. In times of severe water shortage the Minister may issue an order under section 60 (2) of the Act which suspends the provisions of this Plan and the priorities it establishes.

Note. The Minister may issue an order under section 323 or 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment for reasons of public health, or to preserve basic landholder rights.

(b) In A class flows:

(i) the holders of access licences have restricted access to water as specified in clause 45,

(ii) persons exercising domestic and stock and native title rights may take water, and

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- (iii) if the water taken under domestic and stock and native title rights is assessed to be exceeding 1.13 ML/day in this flow class the access to water for access licences will be reduced in accordance with clause 50 to maintain the environmental water in this flow class.
- (c) In B class flows:
 - (i) the holders of access licences have restricted access to water as specified in clause 45,
 - (ii) persons exercising domestic and stock and native title rights may take water, and
 - (iii) if the water taken under domestic and stock and native title rights is assessed to be exceeding 1.13 ML/day in this flow class the access to water for access licences will be reduced in accordance with clause 50 to maintain the environmental water in this flow class.
- (d) In C class flows:
 - (i) the holders of access licences have restricted access to water as specified in clause 45,
 - (ii) persons exercising domestic and stock and native title rights may take water, and
 - (iii) if the water taken under domestic and stock and native title rights is assessed to be exceeding 1.13 ML/day in this flow class the access to water for access licences will be reduced in accordance with clause 50 if this is necessary to maintain the environmental water in this flow class.
- (e) In all flow classes, limits are imposed on the availability of water in accordance with clauses 35 and 37, that protect a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.

Note. These rules protect the water for the environment by limiting the overall rate of extraction of water, thereby achieving the objectives of this Plan.

Note. This Plan recognises that the environmental health water provisions provide benefits, including a non-extractive water source for traditional Aboriginal spiritual, social and cultural use, and contributes to improved water quality.

22 Extraction by water supply work

Notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is permitted only if there is visible flow in the river in the vicinity of the work.

23 Supplementary environmental water

At the commencement of this Plan, there is no water committed for specified environmental purposes in accordance with section 8 (1) (b) of the Act.

24 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.

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- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the licence, and
 - (c) shall be such as to ensure that there is a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 5 Basic landholder rights

25 Basic landholder rights

This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.

26 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights are estimated to be a total of 1.13 ML/day.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note. Increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting rivers and lakes in this water source and/or as a result of an increase of the exercise of basic landholder rights by existing landholders.

27 Native title rights

- (1) At the commencement of this Plan there are no holders of native title rights and therefore the water requirements for native title rights are estimated to be a total of 0 ML/day.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increase in use of native title rights may occur as a result of the granting of native title rights under the Commonwealth's *Native Title Act 1993*.

28 Harvestable rights

The requirement for water under harvestable rights is the amount of water owners of land are entitled to capture pursuant to the harvestable rights Order published in the NSW Government Gazette on 23 March 2001 under section 54 of the Act.

Part 6 Bulk access regime

29 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (1):
 - (a) recognises the effect of climatic variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Divisions 1 and 2 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 9 Division 3 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Part 10 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Parts 9 and 10 of this Plan.

Part 7 Requirements for water under access licences

30 Requirements for water under access licences

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

Note. The amount of water specified in this Part represents the total volumes specified on access licences in this water source. It is not a commitment to supply that water.

31 Estimate of water requirements

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the requirements identified for water for extraction under licence within this water source will total approximately 1530 megalitres per year (hereafter ML/yr).
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the access licence share component of runoff harvesting access licences in this water source will total 2530 ML/yr.

Note. Runoff harvesting is a category of access licence to be established by regulation under section 57 (k) of the Act. Runoff harvesting access licences may only be used for taking water from licensed runoff harvesting dams.
- (3) This Plan recognises that the total requirements for water for extraction within this water source may change during the term of this Plan as a result of:
 - (a) the granting, surrender, cancellation or non-renewal of access licences, or
 - (b) variations to local water utility licences arising from sections 66 (3) or 66 (4) of the Act.

Part 8 Rules for granting access licences

32 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b) and 63 (2) of the Act, having regard to the limits to water availability in this water source and the need to protect the ecological health of the river.
- (2) Access licences may be granted in this water source subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than access licences of the following kinds:
 - (a) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) domestic and stock access licences,
 - (c) an access licence resulting from an application of a type listed in section 82 (1) of the Act,
 - (d) unregulated river (Aboriginal cultural) access licences where the cumulative daily extraction limit assigned to this category of licence shall not exceed:
 - (i) 0.2 ML/ day in very low flows,
 - (ii) 0.2 ML/ day in A class flows,
 - (iii) 0.3 ML/ day in B class flows, and
 - (iv) 1.0 ML/ day in C class flows, and
 - (e) unregulated river (research) access licences where the cumulative daily extraction limit assigned to this category of licence shall not exceed:
 - (i) 0.0 ML/ day in very low flows,
 - (ii) 0.2 ML/ day in A class flows,
 - (iii) 0.3 ML/ day in B class flows, and
 - (iv) 0.5 ML/ day in C class flows.
- (4) In applying for a new access licence, the applicant must establish the purpose and circumstance relating to that access licence, and that the share component sought will be the minimum required to meet that purpose and circumstance.
- (5) Subclause (4) does not apply to a new access licence arising from an application of a type listed in section 82 (1) of the Act.
- (6) Any individual daily extraction limit (hereafter IDEL) granted in accordance with this clause cannot exceed the IDEL initially assigned to an equivalent share component for that category of access licence, as varied by clause 50.
- (7) In accordance with section 56 of the Act, all access licences in this water source shall have a share component expressed as a volume in ML/yr.
- (8) Notwithstanding subclause (7), runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from the specified works.

Part 9 Limits to the availability of water

Division 1 Long-term average extraction limit

33 Limits to the availability of water

This Division is made in accordance with section 20 (2) (a) of the Act.

34 Extraction management unit

Management of the long-term extraction of water from this water source will be undertaken in the context of the Murrumbidgee Unregulated Rivers Extraction Management Unit (hereafter this Unit) referred to in clause 16 (2).

35 Long-term average extraction limit

The long-term average extraction limit for this Unit of which this water source is a part will be the total of:

- (a) the estimated annual extraction of water averaged over the period from July 1993 to June 1999 specified in conditions attached to or included in entitlements issued under Part 2 of the *Water Act 1912* in this Unit, immediately prior to the commencement of Part 2 of Chapter 3 of the Act for this Unit, and
- (b) an estimate of annual extraction of water (excluding those exercised via a water bore) under:
 - (i) domestic and stock rights, and
 - (ii) native title rights,in this water source at the commencement of this Plan.

36 Variation of the long-term average extraction limit

The long-term average extraction limit of this Unit may be varied by the Minister if dealings under Part 11 of this Plan result in the issuing or cancellation of access licences in this Unit.

Division 2 Available water determinations

37 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules:
 - (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 35, based on comparison of the extraction limit against the average extraction within this Unit over that year and the preceding 2 years,
Note. A water accounting year is defined in clause 42 (3).

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- (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in a river for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
- (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work,
- (d) for all access licences, an initial available water determination, of such volume of water as is equivalent to two times the access licence share component, should be made on 1 July 2003, and such determination should apply for one water accounting year,
- (e) from 1 July 2004, available water determinations for local water utility and domestic and stock access licences should be of such volume of water as is equivalent to the access licence share component, with priority given to making this water available above the making of water available to all other categories of access licence, and such determinations should be made annually,
- (f) from 1 July 2004, available water determinations for unregulated river access licences, including all subcategories, should be such volume of water as is equivalent to the access licence share component, except as provided in subclauses (g) and (h), and such determinations should be made annually,
- (g) if the 3 year average of extraction in this Unit exceeds the long-term average extraction limit established in clause 35 by 5% or greater, then the available water determination for the following water accounting year for unregulated river access licences in this water source should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
- (h) when the 3 year average of extraction in this Unit is less than 95% of the long-term average extraction limit established in clause 35, the available water determination for unregulated river access licences in this water source shall be increased to such an extent as to allow extraction to increase to that extraction limit,
- (i) notwithstanding subclause (h), the available water determination shall not exceed 100% of total access licence share components,
- (j) a new available water determination for unregulated river access licences determined under subclause (g) or (h) should be repeated for each of the subsequent two water accounting years unchanged in quantity, and
- (k) available water determinations for runoff harvesting access licences should be made annually and should be either the access licence share component or the water that can be extracted from time to time from the approved works, depending on the manner in which the share component is expressed on the licence.

Part 10 Rules for managing access licences

38 Rules for managing access licences

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

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

Division 1 Water allocation account management

39 Water allocation account management

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

40 Water allocation accounts

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

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

Note. Water allocations may also be re-credited to these accounts in accordance with section 76 of the Act, subject to the operation of a return flows scheme established under section 75 of the Act.

41 Accrual of water allocations

Water allocations will be accrued into water allocation accounts in accordance with the Minister's available water determinations as specified in clause 37.

42 Annual accounting for water extraction

- (1) Water taken from this water source will be accounted for at least annually.
- (2) Water extracted by a water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) The maximum water allocation that can be carried over from one water accounting year to the next is as follows:
 - (a) 100% of the access licence share component from 2003/4 to 2004/5,
 - (b) 200% of the access licence share component from 2004/5 to 2005/6, and
 - (c) thereafter, the sum of the previous two available water determinations.

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- (5) Notwithstanding subclause (4) total water in any water allocation account cannot exceed 3 times the share component of the access licence:
 - (a) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in that year,
 - (b) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (c) minus any water allocations assigned to another licence by water allocation assignment under section 71G of the Act in that year.
- (6) In any one water accounting year, water taken from this water source under an access licence may not exceed a volume consisting of:
 - (a) twice the water allocation accrued under the licence that year,
 - (b) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in that year,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in that year, and
 - (d) minus any water allocations assigned to another licence, by water allocation assignment under section 71G of the Act in that year.
- (7) A water allocation account shall remain at or above zero at all times.

43 Three year accounting for water extraction

- (1) Water taken from this water source in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:
 - (a) the water allocations accrued under the licence in those years,
 - (b) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in those years,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocations assigned to another licence, by water allocation assignment under section 71G of the Act in those years.
- (2) Notwithstanding subclause (1), water taken under an access licence from this water source in the first 3 water accounting years of this Plan may not exceed a volume consisting of:
 - (a) 3 times the share component of the access licence,
 - (b) plus any water allocations assigned from another licence by water allocation assignment under section 71G of the Act in those years,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocations assigned to another licence, by water allocation assignment under section 71G of the Act in those years.

Division 2 Sharing flows on a daily basis

44 Sharing flows on a daily basis

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

45 Total daily extraction limits

- (1) This Plan establishes a total daily extraction limit (hereafter TDEL) for each flow class as follows:
- (a) 2.5 ML/day for the very low flow class,
 - (b) 12.5 ML/day for A class,
 - (c) 13.5 ML/day for B class, and
 - (d) 18.5 ML/day for C class.

Note. These flows represent 16.7% of the top of very low class flows, 50% of the top of A class flows, 35.5% of the top of B class flows, in C class flows, 14.5% of the 30th percentile of all days with flow.

- (2) The TDEL for each flow class specified in subclause (1) applies to all rivers within this water source apart from those rivers defined as minor streams in a harvestable right order made under section 54 of the Act.

Note. The harvestable rights order applying to this area at the commencement of this Plan is that gazetted on 23 March 2001 under section 54 of the Act. It identifies minor streams as non-permanent 1st and 2nd order streams as shown on topographic maps.

46 Initial assignment of the TDEL to categories of access licence

The TDEL for each flow class will initially be assigned to categories of access licences according to the following:

- (a) Local water utilities access licences:
 - (i) 2.1 ML/day of very low flow class,
 - (ii) 2.3 ML/day of A class,
 - (iii) 2.3 ML/day of B class, and
 - (iv) 2.3 ML/day of C class.
- (b) Domestic and stock access licences:
 - (i) 0.2 ML/day of very low flow class,
 - (ii) 0.2 ML/day of A class,
 - (iii) 0.2 ML/day of B class, and
 - (iv) 0.2 ML/day of C class.
- (c) Unregulated river access licences:
 - (i) 0 ML/ day of very low flow class,
 - (ii) 10 ML/day of A class,
 - (iii) 11 ML/day of B class, and
 - (iv) 12 ML/day of C class.

Note. No IDELs will be issued to runoff harvesting access licences, and no TDEL is assigned to that category of access licence.

47 Unassigned TDEL

At the commencement of this Plan, unassigned TDEL in each flow class is as follows:

- (a) 0.2 ML/day of very low flow class,
- (b) 0 ML/day of A class,
- (c) 0 ML/day of B class, and
- (d) 4 ML/day of C class.

Note. Unassigned TDEL may increase as a result of the surrender or cancellation of an access licence's IDELs, or the operation of Part 8 of this Plan.

48 Daily extraction limits for individual access licence holders

- (1) Each access licence requiring an IDEL, as specified in Part 12 of this Plan, is assigned the same proportion of the TDEL specified in clause 46 as its share component bears to all the share components of access licences of that category.
- (2) Notwithstanding subclause (1), in relation to those access licences that are currently excluded from a flow class or part of a flow class by existing conditions on the access licence or the water supply work nominated by the access licence, the IDEL resulting from subclause (1) will be adjusted to reflect as far as possible such an exclusion.

49 Granting of unassigned TDEL

- (1) The unassigned TDEL in clause 47 may be assigned to access licences in the following circumstances:
 - (a) where they are applied for as part of a new access licence application,
 - (b) to a local water utility access licence where the Minister varies the access licence in accordance with sections 66 (3) or 66 (4) of the Act,
 - (c) to existing access licences for the purpose of pumping into farm dams if:
 - (i) the purpose of the additional IDEL sought is established by the proponent,
 - (ii) the IDEL sought is the minimum required to satisfy that purpose, and
 - (iii) the extraction is consistent with the objectives and principles of this Plan.
- (2) Notwithstanding subclause (1), the unassigned TDEL in clause 47 (a) may only be assigned to unregulated river (Aboriginal cultural) access licences in accordance with clause 32 (3) (d).
- (3) Where additional IDELs are assigned to an access licence in accordance with this clause, the amount of IDEL so assigned shall be determined by the Minister consistent with the ratios of share component to IDEL for the specific category of access licence as initially assigned under clause 48.

50 Adjustment to TDELS and IDELS

- (1) Where IDELS are assigned under clause 49 the unassigned TDEL is reduced accordingly, and the TDEL assigned to the appropriate licence category in clause 46 is increased accordingly.
- (2) Notwithstanding subclause (1), where an access licence in this water source is cancelled as a result of the operation of section 71 of the Act or otherwise, and that cancellation would result in the cancellation of an A class IDEL:
 - (a) the cancelled A class IDEL will be reserved as environmental health water, and the A class TDEL in clause 45 (1) (b) reduced until that TDEL reaches a volume of 10 ML/day, and
 - (b) once the TDEL reaches a volume of 10 ML/day, further cancelled IDELS, creating unassigned TDEL, will become available to access licences through subsequent assignments.

Note. A TDEL volume of 10 ML/day is equivalent to 40% of the top of A class flows in accordance with agreed Government policy.
- (3) Pursuant to section 42 (2) of the Act, if total extraction of water under domestic and stock and native title rights exceeds the level specified in Part 5 of this Plan:
 - (a) first the unassigned TDEL specified in clause 47 then, if necessary, the TDEL for unregulated river access licences in clause 46 (c) shall be diminished to allow these additional basic landholder rights to be met, and
 - (b) the IDELS of each unregulated river access licence will then be reduced to comply with this diminished TDEL.
- (4) Pursuant to section 42 (2) of the Act, if any unassigned TDEL cannot meet either:
 - (a) the IDEL requirements of applicants for new access licences for domestic and stock access, unregulated river (Aboriginal cultural) access and unregulated river (research) access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,then the TDEL for unregulated river access licences in clause 46 (c) will be diminished to such an extent as to allow those requirements to be met.
- (5) Following an adjustment to the TDEL for unregulated river access licences in subclause (3) the IDELS of each unregulated river access licence will then be reduced to comply with this diminished TDEL.
- (6) Any adjustment to unregulated river access licence IDELS arising from this clause will be done at intervals of no greater than 5 years.
- (7) If water that, pursuant to an access licence:
 - (a) is committed to adaptive environmental water, then the TDEL for categories and classes specified on the committed access licence will be reduced by the IDEL on the access licence so committed and clause 45 adjusted accordingly, or
 - (b) is uncommitted to adaptive environmental water, then the TDEL for categories and classes specified on the committed access licence will be

increased by the IDEL on the access licence so uncommitted and clause 45 adjusted accordingly.

51 Administrative arrangements for managing access to daily flows

Notwithstanding the provisions of this Division, this Plan provides that access licences may be managed as a group with respect to the IDELs, subject to the following rules:

- (a) all access licences (excepting local water utility licences) with IDELs shall be made part of a group established and maintained by the Minister at the time when IDELs are first assigned under clause 48,
- (b) access licence holders have the right to have their access licence removed from the group, in which case they shall be permitted to extract under that access licence a maximum of the licensed IDEL,
- (c) where an access licence is removed or added to a group, the group combined IDEL shall be adjusted by the amount of IDEL on the subject access licence,
- (d) access licence holders may make a request to form a group for their access licences,
- (e) daily extraction under all access licences within a group will be assessed as a whole against the combined IDELs,
- (f) daily extraction by a group cannot exceed the combined IDELs of all access licences in the group,
- (g) where it has been assessed that a holder of a licence within a group is repeatedly causing the combined IDEL to be exceeded then the Minister may remove that licence from the group,
- (h) where daily extraction by a group exceeds the combined IDELs of all access licences in the group, then the Minister may dissolve the group and require each access licence holder to comply with the licensed IDELs,
- (i) should a holder of an access licence which is part of a group commit the IDELs of that access licence to the environment consistent with section 8 (1) (c) of the Act, then those IDELs shall be removed from the group,
- (j) an access licence may not be in more than one group, and
- (k) the Minister may refuse to allow an access licence to be included in a group, and may refuse a request to form a group.

52 Infrastructure failure

In the event of infrastructure failure, the Minister can elect to:

- (a) continue to announce the current flow class,
- (b) announce another flow class based on climatic conditions and any other flow gauging information, or
- (c) restrict access to water to the lowest flow class.

Note. Infrastructure is defined in the dictionary.

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Note. If satisfied that it is necessary to do so in the public interest, the Minister may direct the holders of an access licence to cease using a water supply work in accordance with section 323 of the Act.

Part 11 Access licence dealing rules

53 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (e) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71L of the Act.

Note. The Minister's access licence dealing principles are contained in Appendix 4.

- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

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

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

54 Rules relating to constraints within this water source

- (1) This clause applies to any relevant dealings under sections 71D, 71F, and 71J of the Act, and section 71G of the Act with respect to water allocation assignments within this water source.

- (2) Dealings are prohibited under this clause if:

- (a) any of the access licences or water allocations involved are not within this water source, unless the dealing is permitted under clause 59,

Note. Clause 59 relates to any dealings that involve an access licence moving from one water source to another.

- (b) the dealing would result in more than minimal harm occurring to the water source and the environment,

- (c) the dealing would result in an increase in the total access licence extraction components (IDELs) in the Hindmarsh Creek Exclusion Zone above those existing in that Zone at the commencement of Part 2 of Chapter 3 of the Act, or

- (d) the dealing would result in an increase in the total access licence share components nominating works in the Hindmarsh Creek Exclusion Zone above those existing in that Zone at the commencement of Part 2 of Chapter 3 of the Act.

Note. The Hindmarsh Creek Exclusion Zone is shown on the map in Schedule 2.

- (3) Dealings under this clause may be subject to a conversion factor established by the Minister, and published in an order made under section 71L of the Act, that protects environmental water, basic landholder rights, and the reliability of supply to all other access licences subject to this Plan.

55 Rules for access licence dealings which alter the times, rates or circumstances specified in access licence extraction components

Notwithstanding clause 54, applications under section 71F of the Act to vary the times, rates or circumstances specified in the licence with respect to the taking of water under the licence are prohibited.

56 Rules for change of water source

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

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

- (2) Dealings under section 71E of the Act are prohibited in this water source, unless provided for in this clause.
- (3) An access licence with a share component specifying this water source may be cancelled and a new licence issued under this dealing only if the new access licence issued is within the Murrumbidgee Unregulated Rivers Extraction Management Unit, and the access licence dealing rules in the other water source permit such a dealing.
- (4) An access licence with a share component specifying another water source may be cancelled and a new access licence issued in this water source under this dealing only if the access licence dealing rules in the other water source permit such a dealing, and:
- (a) the access licence cancelled is within the Murrumbidgee Unregulated Rivers Extraction Management Unit, or
 - (b) the access licence cancelled is within the Murrumbidgee Regulated River Water Source.
- (5) The volume of share component on an access licence issued under this clause is to be the volume of the cancelled share component multiplied by a conversion factor established by the Minister, and published in an order made under section 71L of the Act, that protects environmental water, basic landholder rights, and the reliability of supply to all other access licences subject to this Plan.
- (6) The extraction component of the cancelled access licence is not to be carried over to the new access licence.

57 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category may be permitted only if:
- (a) the conversion is from an unregulated river access licence to a runoff harvesting access licence,
 - (b) the conversion is from a runoff harvesting access licence to an unregulated river access licence,

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- (c) the conversion is from a regulated river access licence to an unregulated river access licence, or
Note. This will occur directly following a dealing under section 71E that changes the water source to which the access licence applies.
 - (d) the conversion is from an unregulated river access licence to a major water utility access licence, or vice versa.
- (3) The volume of share component on an access licence issued under this clause is to be the volume of the cancelled share component multiplied by a conversion factor established by the Minister, and published in an order made under section 71L of the Act, that protects environmental water, basic landholder rights, and the reliability of supply to all other access licences subject to this Plan.

58 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71H of the Act.
- (2) Dealings that result in the interstate transfer of an access licence into or out of this water source are prohibited.

59 Rules for water allocation assignment between water sources

- (1) This clause relates to dealings under section 71G of the Act, in relation to water allocation assignments between water sources.
- (2) Dealings under section 71G of the Act that result in water allocation assignments to or from access licences in this water source are prohibited unless provided for in this clause.
- (3) Dealings that assign water allocations between access licences inside this water source and access licences outside this water source, but inside of the Murrumbidgee Unregulated Extraction Management Unit, are permitted only if the access licence dealing rules in the other water source permit such a dealing.
- (4) Dealings that assign water allocations between access licences inside this water source, are permitted.
Note. Each water allocation assignment must be applied for. Licence holders may enter into private contracts to assign water allocations for a number of years. Such contracts are not guaranteed by the Government, and approval must be sought annually. Approval will be subject to the rules in this Plan, including local impact assessment.

60 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71I of the Act.
- (2) Dealings that result in interstate assignment of water allocations to or from this water source are prohibited.

Part 12 Mandatory conditions

61 Mandatory conditions on access licences

- (1) This Part is made in accordance with sections 17 (c) and 20 (2) (c) of the Act.
- (2) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of share component of the access licence,
 - (b) the specification of extraction component of the access licence, including IDELs arising from the operation of Part 10 Division 2 of this Plan where applicable, and the variation thereof,
 - (c) the requirement that extraction under the access licence will be subject to the available water determinations,
 - (d) the requirement that extraction under the access licence will be subject to the water allocation account management rules established in Part 10 Division 1 of this Plan,
 - (e) the requirement that the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and
 - (f) any other conditions required to implement the provisions of this Plan.

62 Unregulated river access licences

All unregulated river access licences shall have mandatory conditions to give effect to the following:

- (a) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group, and
- (b) notwithstanding subclause (a), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows.

63 Local water utility access licences

All local water utility access licences shall have mandatory conditions to give effect to the following:

- (a) water may only be taken for the purposes of supplying water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, and
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows.

64 Domestic and stock access licences

All domestic and stock access licences shall have mandatory conditions to give effect to the following:

- (a) water may only be taken for the purposes of domestic consumption or stock watering as defined in section 52 of the Act,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the access licence specifies that water may only be taken from a runoff harvesting dam.

65 Runoff harvesting access licences

All runoff harvesting access licences shall have a mandatory condition imposed on them specifying that water may be taken without restriction in rate, but only from the specified work.

66 Unregulated river (Aboriginal cultural) access licences

All unregulated river (Aboriginal cultural) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken for Aboriginal personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the licence specifies that water may only be taken from a runoff harvesting dam.

67 Unregulated river (research) access licences

All unregulated river (research) access licences shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken for the purpose of scientific research, experimentation or teaching by accredited tertiary institutions, government bodies or other approved organisations, where any primary production

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resulting from the research program is not sold for profit, unless approved by the Minister,

- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all inflows, and
- (a) the conditions in subclauses (b) and (c) are not to be imposed if the IDEL of the access licence specifies that water may only be taken from a runoff harvesting dam.

68 Mandatory conditions on water supply works approvals

All approvals for water supply works in this water source shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:

- (a) flow measurement devices:
 - (i) shall be installed and maintained on all works used for extraction of water under an access licence, and
 - (ii) shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
- (b) water extraction and property water management infrastructure details shall be provided to the Minister on request,
- (c) it is the responsibility of the work approval holder to ascertain from the Minister the flow class at any time before commencing to take water under an access licence with an IDEL,
- (d) notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is not permitted if there is no visible flow in the river in the vicinity of the work,
- (e) extraction under an access licence through an approved work is only authorised with respect to the work nominated by the access licence, and
- (f) approvals for in-river dams must include a condition requiring the passing of such flows as the Minister determines to be appropriate to achieve the objectives of this Plan.

Part 13 Granting and amending water supply works approvals

69 Granting and amending water supply works approvals

This Part is made in accordance with section 21 (b) of the Act.

70 Runoff harvesting dams

- (1) New or expanded runoff harvesting dams shall, in addition to other considerations, be subject to the dam capacity not exceeding that which is consistent with the access licence specifying the runoff harvesting dam as the nominated work.
- (2) When the water allocations that may be taken from a runoff harvesting dam are reduced either by the Minister, or on application of the approval holder, or by an assignment in accordance with Part 11 of this Plan, the Minister may impose an additional condition requiring the dam to be modified so as to reduce its capacity, or require the water taken and evaporated from the dam to be reduced, consistent with the reduction in water allocations available.

Note. Extraction of water from a runoff harvesting dam requires a runoff harvesting access licence, unless the runoff harvesting dam is within the maximum harvestable right dam capacity for the property on which it is located, in which case no licences or approvals are required. Runoff harvesting is a category of access licence to be established by regulation under section 57 (k) of the Act.

71 In-river dams

The Minister may consider applications for in-river dams within this water source.

Note. Taking of water from an in-river dam requires an access licence unless it is taken in accordance with section 52 of the Act (domestic and stock rights). In either case, however, the dam requires a water management works approval unless exempted by regulation under the Act.

Water Sharing Plan for the Adelong Creek Water Source 2003

Part 14 Monitoring and reporting

72 Monitoring and reporting of performance indicators

The monitoring and reporting of the performance indicators specified in clause 13 shall be undertaken by the Minister.

Note: Review & Audit of this Plan

In accordance with section 43 (2) of the Act, this Plan is to be reviewed, within the fifth year of its term, for the purpose of ascertaining whether its provisions remain adequate and appropriate for ensuring the effective implementation of the water management principles of the Act.

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

Note: The Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51(5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

Water Sharing Plan for the Adelong Creek Water Source 2003

Part 15 Amendment of this Plan

73 Amendment of this Plan

- (1) This Part is made in accordance with section 42 (2) of the Act.
- (2) This Plan can be amended in accordance with clause 50 in respect to adjustments to TDELS and IDELS.

Schedule 1 Dictionary

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

account water is the balance in an access licence water allocation account at a particular time.

Note. An access licence water allocation account records water allocations accrued under the licence as well as water allocations acquired, used or transferred, or re-credited. The operation of the account is also governed by rules for the carrying over of credits from one accounting period to the next and rules for the maximum credit that may be allowed to accumulate in the account as established in a water sharing plan. Water allocations are the shares of available water accrued under an access licence from time to time as a result of available water determinations.

domestic consumption means the consumption of water for normal household purposes in domestic premises situated on the land.

endangered ecological communities means ecological communities listed in Schedule 1 of the *Threatened Species Conservation Act 1995* or Schedule 4 of the *Fisheries Management Act 1994*.

extraction limit is a limit on the amount of water that may be extracted from an extraction management unit.

extraction management unit is a group of water sources for the purpose of managing annual average extraction.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs. See also **in-river dam** and **runoff harvesting dam**.

flow classes are categorised by the size and duration of flow levels in unregulated rivers, for example:

- (a) very low flows may be a class on their own,
- (b) low flows may be categorised as 'A' class,
- (c) moderate flows may be categorised as 'B' class,
- (d) high flows may be categorised as 'C' class,
- (e) very high flows may be categorised as 'D' class, and
- (f) extremely high flows may be categorised as 'E' class.

flow gauging station is a device that is used to measure the height of a river, from which the flow in the river can be calculated.

Implementation Program is an Implementation Program established by the Minister under section 51 of the Act to implement this Plan.

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

Water Sharing Plan for the Adelong Creek Water Source 2003

infrastructure includes, but is not limited to, a:

- (a) flow gauging device or any other appliance that is used to measure the height of a river relative to a known datum point, from which the flow in the river can be calculated, or
- (b) flow announcement system which is the mechanism by which the Minister communicates daily flow classes to the holders of an access licence within this water source.

in-river dam is a dam on a 3rd, 4th or higher order river. 3rd, 4th or higher order rivers are as defined in the order made under section 5 of the *Water Act 1912* in relation to the definition of a “river” gazetted 23rd March 2001. See also **farm dam** and **runoff harvesting dam**.

management zone is an area within the water source to which daily extraction limits are defined. Management zones are designated only where the water source to which the plan applies is divided into areas and daily extraction limits are defined for each area.

Minister is the Minister for Land and Water Conservation. The Minister may delegate his functions under section 389 of the Act.

stock watering means the watering of stock being raised on the land, but does not include the use of water in connection with intensive animal husbandry.

runoff harvesting dam is a farm dam on a hillside or 1st or 2nd order stream which collects and stores rainfall runoff. 1st and 2nd order streams are as defined by the order made under section 5 of the *Water Act 1912* in relation to the definition of a river gazetted 23rd March 2001. See also **farm dam** and **in-river dam**.

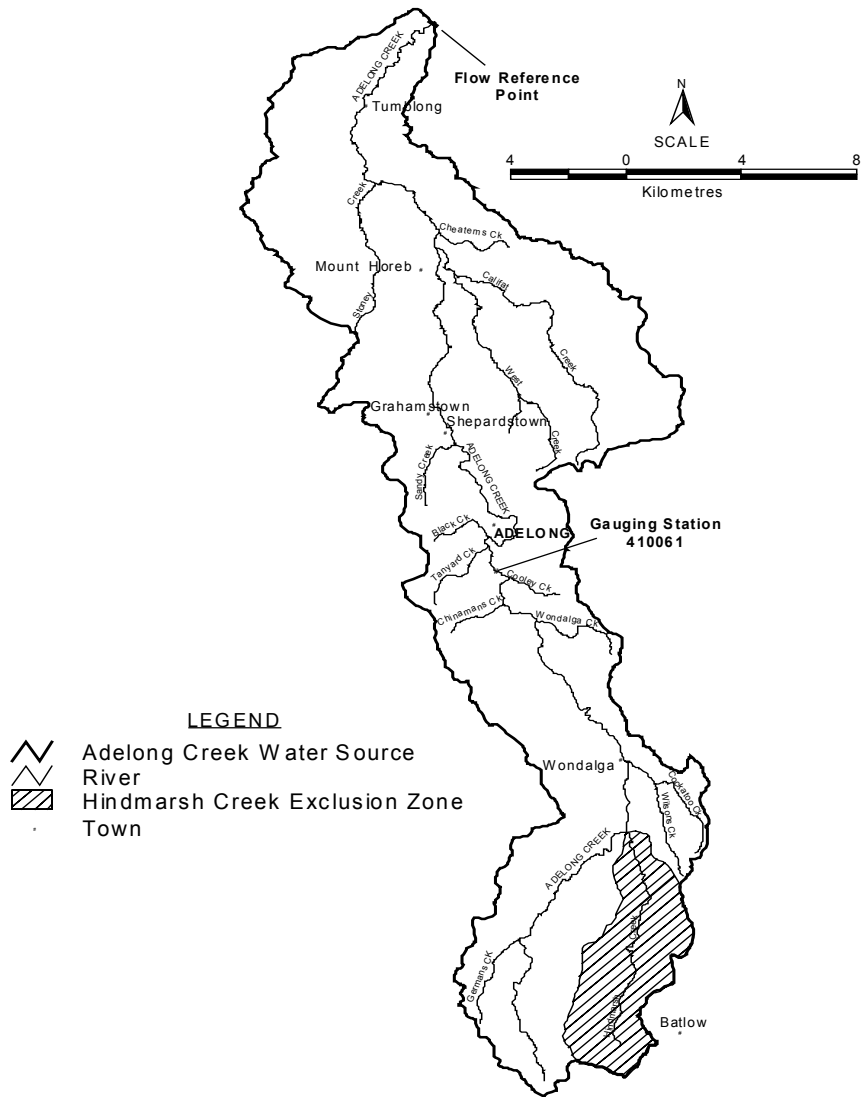
Note. This order refers to watercourses shown as blue lines on topographic maps. The lines which are uppermost in a catchment are 1st order streams, when two 1st order streams are joined they make a 2nd order stream, etc. For more information see the Farm Dams Assessment Guide available from the Department of Land and Water Conservation.

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

water accounting year is any 12 month period commencing on 1 July.

Water Sharing Plan for the Adelong Creek Water Source 2003

Schedule 2 Adelong Creek Water Source



Water Sharing Plan for the Adelong Creek Water Source 2003

Schedule 3 Rivers in the Adelong Creek Water Source

This water source includes:

Adelong Creek

Black Creek

Bunnabuckbuck Creek

Califat Creek

Cheatems Creek

Cockatoo Creek

Cooley Creek

Donkey Reef Creek

Germans Creek

Golden Gully

Hindmarsh Creek

Nuggety Creek

Rocky Gully

Sandy Creek

Stony Creek

Tanyard Creek

West Creek

Wilsons Creek

Wondalga Creek

All 3rd order and permanently flowing 1st and 2nd order streams in this water source.

Water Sharing Plan for the Adelong Creek Water Source 2003

Schedule 4 Contribution to targets in the State Water Management Outcomes Plan

Levels of assessed contribution:

FULL - contributes to target in full

HIGH - while not fully contributing to target is a good level of contribution

PARTIAL - goes some way to the target

LOW - only small degree of contribution

Relevant target	Level of contribution	Comments
<p>Target 1b Extractions in Murray Darling Basin's unregulated rivers limited to the Murray-Darling Basin Ministerial Council Cap level</p> <p>Note. This Cap is the long-term average annual volume of water that would have been diverted under the development and management conditions defined in Schedule F of the Murray Darling Basin Agreement</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan sets out the basis for the extraction limit for this water source ➤ The extraction limit is clearly defined as the average of the 6 years surveyed usage (1993-1999) ➤ Rules set out in Part 9 Divisions 1 and 2 of this Plan
<p>Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon</p>	FULL	<ul style="list-style-type: none"> ➤ Rules set out in Part 9 of this Plan
<p>Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes</p>	PARTIAL	<ul style="list-style-type: none"> ➤ This Plan has put in place daily extraction limits to protect/restore 50% to 85.5% of flows ➤ Four threatened fish species but no recovery plans in place therefore no specific provisions in this Plan ➤ Adelong is part of area listed as an endangered aquatic community with reduced flows as a key threatening process ➤ See rules set out in Part 4 of this Plan
<p>Target 4a Wherever the frequency of "end of system" daily flows would</p>		<ul style="list-style-type: none"> ➤ This Plan indicates that this water source has been

Water Sharing Plan for the Adelong Creek Water Source 2003

Relevant target	Level of contribution	Comments
be less than 60% of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60% of predevelopment levels or increased by at least 10% of the predevelopment frequency	FULL	<p>reassessed as medium hydrologic stress (ie 14.5 -60% of index flow extracted by licences)</p> <ul style="list-style-type: none"> ➤ Daily extraction limit protects 50% of A class flow – less than 10% improvement on current ➤ 64.5% to 85.5 % of flow in B and C class is protected ➤ Rules set out in Part 10 Division 2 of this Plan
Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95 th percentile	HIGH	<ul style="list-style-type: none"> ➤ Cease-to-pump levels protect flows below 95thile (15 ML/day) for all days from access licensing excepting domestic and stock, unregulated river (Aboriginal cultural) and local water utility access licences (2.5 ML/day) ➤ Rules set out in Parts 3, 4 and 10 (Division 2) of this Plan
Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components	FULL	<ul style="list-style-type: none"> ➤ This Plan recognises the annual volumetric entitlements and establishes IDELs for distribution to individual licensees ➤ Rules set out in Part 10 Division 2 of this Plan
Target 6b A pathway for reducing the share components to 200 percent of the long term average annual extraction limit to be established not later than the end of the term of the SWMOP	FULL	<ul style="list-style-type: none"> ➤ Total Murrumbidgee unregulated entitlements should not exceed 200% of extraction (diversion) limit for Murrumbidgee Unregulated Rivers Extraction Management Unit ➤ Rules set out in Part 9 of this Plan
Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy		<ul style="list-style-type: none"> ➤ The Government has yet to establish these mechanisms and therefore these early plans cannot effectively address the

Water Sharing Plan for the Adelong Creek Water Source 2003

Relevant target	Level of contribution	Comments
	PARTIAL	target <ul style="list-style-type: none"> ➤ This Plan does provide reasonable market opportunity ➤ Although it does not give Aboriginal peoples any priority re access to unassigned daily extraction volumes the Government Policy on this has yet to be determined, and to provide for this possibility, this Plan could include “other priorities as may be determined by Government”
Target 8 Daily extraction components specified and tradeable, subject to metering, reporting and compliance, for at least 50% of unregulated river access licences and for 80% of stressed unregulated rivers	FULL	<ul style="list-style-type: none"> ➤ To meet this target state wide, the individual plans should as far as practicable, establish daily extraction limits across the whole water source, and this Plan does this ➤ Rules set out in Part 10 Division 2 of this Plan
Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect basic domestic and stock rights from the impact of other water access and use	FULL	<ul style="list-style-type: none"> ➤ Cease to pump level will protect flows for holders of domestic and stock rights from the impact of most access, however it does not protect them from the impact of licensed domestic and stock or urban water during dry periods ➤ Rules set out in Parts 3 and 5 of this Plan
Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed	PARTIAL	<ul style="list-style-type: none"> ➤ An Aboriginal community representative has been involved in development of this Plan ➤ Forums were held with indigenous people to identify local water sharing issues
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them	HIGH	<ul style="list-style-type: none"> ➤ This Plan does address specific Aboriginal cultural and traditional requirements, but has not identified any sites of particular importance ➤ This Plan does provide a level

Water Sharing Plan for the Adelong Creek Water Source 2003

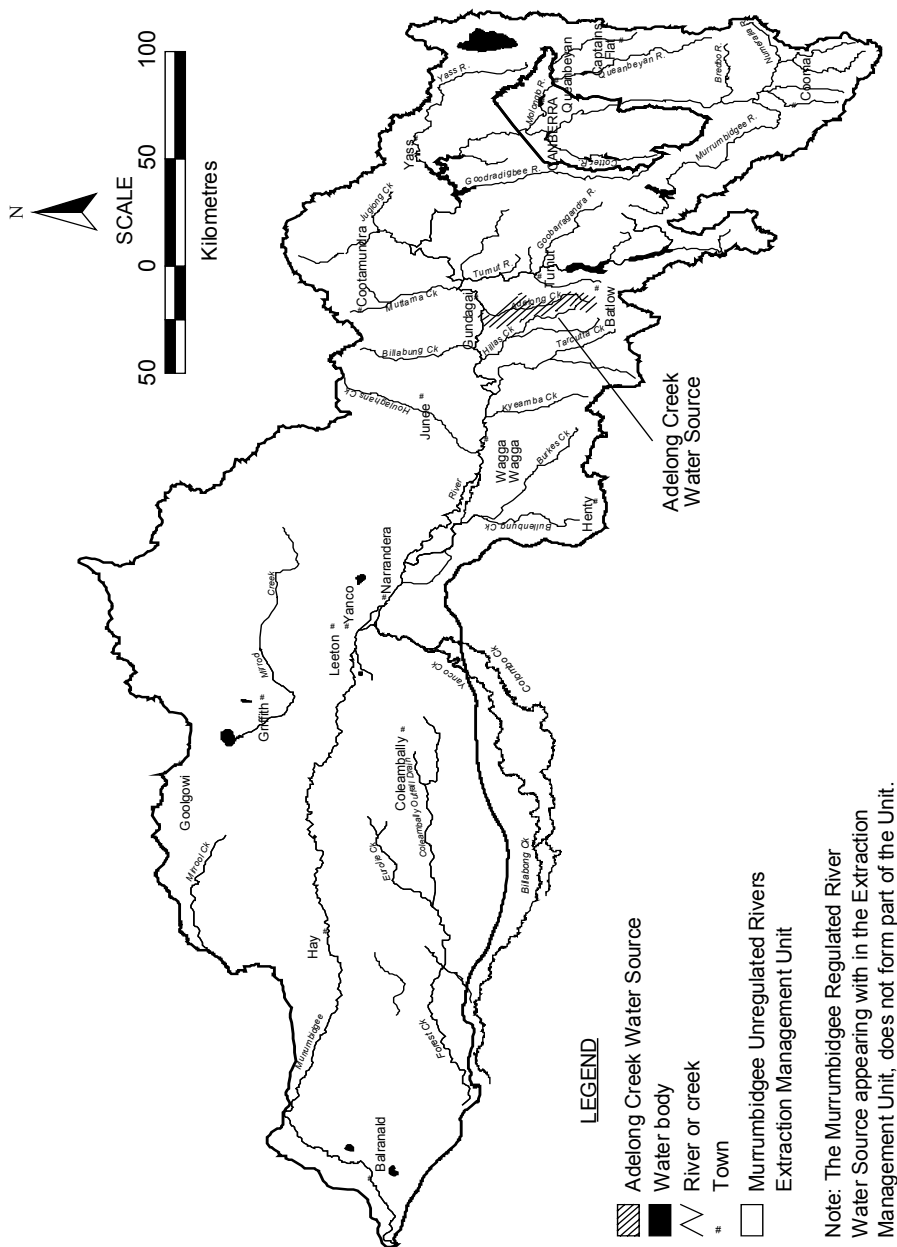
Relevant target	Level of contribution	Comments
		<p>of environmental protection which will assist in protecting many Aboriginal values</p> <ul style="list-style-type: none"> ➤ Part 8 of this Plan proposes unregulated river (Aboriginal cultural) access licences to provide for traditional cultural, spiritual and customary uses
<p>Target 16a All share components of access licences tradeable</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan provides principles for the trading of share components and IDELS ➤ Rules set out in Part 11 of this Plan
<p>Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan establishes exchange rate for trading between unregulated water sources in the Murrumbidgee catchment (see note in Part 11 of this Plan)
<p>Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan does not impose reduction factors
<p>Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment</p>	FULL	<ul style="list-style-type: none"> ➤ Rules established in Part 10 Division 2 of this Plan
<p>Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit</p>	FULL	<ul style="list-style-type: none"> ➤ This Plan establishes 2 water transfer zones (Hindmarsh Creek Exclusion Zone and the rest) ➤ No net increase in entitlement volume is permitted in the Hindmarsh Creek Exclusion Zone
<p>Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation</p>	HIGH	<ul style="list-style-type: none"> ➤ This Plan includes a specific water quality objective to improve or maintain water quality through flow management (This would not change rules but make expected outcomes more transparent)

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Relevant target	Level of contribution	Comments
Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries		<ul style="list-style-type: none"><li data-bbox="927 349 1361 517">➤ This Plan does provide reasonably high level of environmental protection which should assist in protecting water quality<li data-bbox="927 517 1361 584">➤ See provisions set out in Part 2 of this Plan

Water Sharing Plan for the Adelong Creek Water Source 2003

Schedule 5 Murrumbidgee Unregulated Rivers Extraction Management Unit



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Appendix 2 Location of maps for public inspection

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

District Office
Department of Land and Water Conservation
76 Capper Street
TUMUT NSW 2730

Water Sharing Plan for the Adelong Creek Water Source 2003

Appendix 3 Performance indicators

Performance indicators for Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
(a) Change in low flows.	11 (2) (c) 11 (2) (b) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics at identified reference points. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Plan will contribute to a decrease in the frequency and duration of low flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.
(b) Change in moderate to high flows.	11 (2) (d) 11 (2) (e) 11 (2) (f) 11 (2) (n)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics at identified reference points. 	<ul style="list-style-type: none"> RFO 3. Plan will maintain or increase the frequency and duration of moderate to high flows. This assessment will focus on the plan's end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers.
(c) Change in local and major water utilities access (where those utilities are involved in urban water provision).	11 (2) (h) 11 (2) (j)	<ul style="list-style-type: none"> Change in safe yield (<i>safe yield</i> is the annual demand that can be supplied from the water supply headworks and is based on the period of records used and an acceptable level of restriction). 	<ul style="list-style-type: none"> Water sharing plans for unregulated water sources have the potential to impact on urban water supplies.
(d) Change in ecological	11 (2) (b) 11 (2) (g)	<ul style="list-style-type: none"> Periodic assessment of identified 	<ul style="list-style-type: none"> Water sharing plans are limited to providing for changes in flow

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Performance indicators for Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
condition of this water source and dependent ecosystems.	11 (2) (m)	indicators for ecological condition.	<p>regime aimed at improving the conditions for the ecological condition of the river.</p> <ul style="list-style-type: none"> • There are many other factors that contribute to ecological objectives. • The focus of this performance indicator will be the effect of flow strategies. Therefore assessment of ecological condition should be based largely on hydrologic parameters (such as wetted area, depth in pools and velocity). This attempts to exclude external, non-water sharing plan related factors (such as climate and catchment landuse changes).
(e) Extent to which basic landholder rights requirements have been met.	11 (2) (a) 11 (2) (i) 11 (2) (l)	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. 	<ul style="list-style-type: none"> • Basic landholders rights usage figures in water sharing plans are estimated (not actual use).
(f) Change in economic benefits derived from water extraction and use.	11(2) (a) 11 (2) (h) 11 (2) (i) 11 (2) (j) 11 (2) (k) 11 (2) (n)	<ul style="list-style-type: none"> • Number of days access provided. • Percentage change in number and volume of farm dams. • Change in unit price of water transferred. 	<ul style="list-style-type: none"> • Note that there are many factors affecting economic status of a region, for example commodity prices. • Measurement of the number of farm dams will indicate the adjustment to the rules and the ongoing access to water. • Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions.
(g) Extent to which native title rights requirements	11 (2) (a) 11 (2) (l)	<ul style="list-style-type: none"> • Assessment of amount and type of information collected to identify 	<ul style="list-style-type: none"> • The collection of information on the values associated with water is considered the first step in addressing the objects of the Act.

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Performance indicators for Adelong Creek Water Sharing Plan			
Performance indicator	Related objective	As measured by	Commentary
have been met.		the range of values of water to Aboriginal people.	It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(h) Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	11 (2) (i) 11 (2) (l)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.
(i) Contribution to the achievement of water quality to support the environmental values of this water source.	11 (2) (o)	<ul style="list-style-type: none"> Change in the baseline figures of identified water quality variables. 	<ul style="list-style-type: none"> Note that many factors may affect water quality that are not related to directly to flow management.

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Appendix 4 Minister's access licence dealing principles

The following is the text from the Access Licence Dealing Principles Order, published in the NSW Government Gazette on 27 December 2002.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1. Name of Order

This Order is the *Access Licence Dealing Principles Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4. Interpretation

- (1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.
- (2) Notes in this order do not form part of the order.

5. Effect

- (1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6. Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the *Water Management Act 2000*.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

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hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the *Water Management Act 2000*.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7. Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8. Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9. Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.
- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10. Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings

11. Transfer of access licences

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12. Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.
- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.

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- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
- (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
- (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
 - (a) a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - (b) subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
- (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
- (12) For conversion of category from regulated river (general security) to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and

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- (d) water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
- (13) For conversion of category from unregulated river to runoff harvesting:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13. Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of

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the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14. Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15. Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16. Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or

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- (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) from an unregulated river water source to a regulated river water source, or
 - (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
 - (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
 - (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
 - (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
 - (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
 - (7) Conversion factors rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
 - (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
 - (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
 - (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17. Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.
- (2) Dealings under section 71F are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.

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- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
 - (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and
 - (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18. Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
 - (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and

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- (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19. Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

20. Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
- (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71I are prohibited:
 - (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or

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- (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.
- (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.
- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21. Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
 - (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
 - (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
 - (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and
 - (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.

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- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.
- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003 Order

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Land and Water Conservation, make the following Minister's plan.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

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Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Part 1 Introduction

1 Name of plan

This Plan is the *Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003* (hereafter this Plan).

2 Nature and status of this Plan

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

3 Date of commencement

This Plan takes effect on 1 July 2003 and ceases on 1 July 2013.

4 Water source and waters to which this Plan applies

- (1) The water source in respect of which this Plan is made is that between the banks of all rivers from the upper limit of Burrinjuck Dam water storage and Blowering Dam water storage downstream to the junction of the Murrumbidgee River and the Murray River, which at the date of commencement of this Plan, have been declared by the Minister to be regulated rivers.

Note. A regulated river is a river that has been declared by the Minister, by Order published in the New South Wales Government Gazette, to be a regulated river.

Note. The rivers and lakes referred to in subclause (1) are listed in Appendix 1.

- (2) The water source shall be known as the Murrumbidgee Regulated River Water Source (hereafter this water source).
- (3) The rivers in this water source may be varied under section 42 (2) of the Act as set out in Part 14 of this Plan.
- (4) This water source is within the Murrumbidgee Water Management Area as constituted by the Ministerial Order published in the New South Wales Government Gazette (hereafter the Gazette) on 23 November 2001.

Note. The Murrumbidgee Water Management Area is shown on the map in Appendix 2.

- (5) This Plan applies to all water contained within this water source but does not apply to water contained within aquifer water sources underlying this water source or to water on land adjacent to this water source.

Note. Management of floodplain harvesting will not be a component of individual water sharing plans being produced for the regulated and unregulated rivers. Management of floodplain harvesting will occur according to a number of State-wide management principles, attached in Appendix 3.

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

5 Interpretation

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

6 Effect on licences, authorities and permits under the *Water Act 1912*

- (1) This Plan applies from the date of commencement to those matters that are being administered under the Act, at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note. To the extent possible, the rules embodied in this Plan will apply to matters administered under the *Water Act 1912* in the interim.

7 State Water Management Outcomes Plan

- (1) This Plan is consistent with the State Water Management Outcomes Plan (hereafter SWMOP) in accordance with section 16 (1) (a) of the Act.
- (2) Schedule 2 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Note. The SWMOP applying at the commencement of this Plan is that gazetted on 20 December 2002 under section 6 of the Act.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

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

9 Vision

The vision for this Plan is to provide for equitable sharing of limited water resources to sustain a healthy and productive river and the welfare and well being of Murrumbidgee regional communities.

10 Objectives

The objectives of this Plan are to:

- (a) protect and restore in-river and riparian habitats and ecological processes,
- (b) provide for appropriate watering regimes for wetlands,
- (c) sustain and enhance population numbers and diversity of indigenous species,
- (d) protect basic landholder rights, as specified in the *Water Management Act 2000*, including native title rights,
- (e) maximise early season general security allocations,
- (f) protect town water supply,
- (g) protect end-of-system flows,
- (h) provide for commercial consumptive use,
- (i) provide for identified recreational water needs,
- (j) protect identified indigenous and traditional uses of water, and
- (k) within the ability of this Plan promote the recovery of known threatened species.

11 Strategies

The strategies for reaching the objectives set out in clause 10 are to:

- (a) establish environmental water provisions (Part 3 of this Plan),
- (b) identify water requirements for basic landholder rights (Part 4 of this Plan),
- (c) identify water requirements for access licences (Part 6 of this Plan),
- (d) establish rules for granting of access licences (Part 7 of this Plan),
- (e) establish provisions that place limits on the availability of water (Part 8 of this Plan),
- (f) establish rules for making available water determinations (Part 8 of this Plan),
- (g) establish rules for the operation of water allocation accounts (Part 9 of this Plan),

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- (h) establish provisions specifying circumstances under which water may be extracted (Part 9 of this Plan), and
- (i) establish access licence dealing rules (Part 10 of this Plan).

12 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in low flows,
- (b) change in moderate to high flows,
- (c) change in water quality in this water source,
- (d) change in ecological condition of this water source and dependent ecosystems,
- (e) change in economic benefits derived from water extraction and use,
- (f) extent to which basic landholder rights requirements have been met,
- (g) extent to which local water utility requirements have been met,
- (h) extent to which native title rights have been met, and
- (i) extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Note. Appendix 4 details the objectives to which these performance indicators relate and the methods for assessing indicators.

Part 3 Environmental water provisions

13 Environmental water provisions

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

14 Environmental health water

- (1) This Plan establishes the following environmental health water rules:
 - (a) water volume in excess of the long-term extraction limit established in clause 32 of this Plan may not be taken from this water source and used for any purpose, and
 - (b) access to water is to be managed as specified in clause 34 of this Plan to ensure water volume in excess of the long-term extraction limit is not being taken.

Note. At the time of gazettal, it is estimated that long-term extractions at the commencement of this Plan will be limited to around 1,925,000 megalitres per year. By doing this, this Plan will ensure that approximately 56% of the long-term average annual flow in this water source (estimated to be 4,360,000 megalitres per year) will be preserved and contribute to the maintenance of basic ecosystem health.

Note. At the time of gazettal, it is estimated that long term extractions after the 5th year of this Plan will be limited to around 1,890,000 megalitres per year. By doing this, this Plan will ensure that approximately 57% of the long-term average annual flow in this water source (estimated to be 4,360,000 megalitres per year) will be preserved and contribute to the maintenance of basic ecosystem health.

- (2) Until 1 July 2008 a minimum daily flow of 200 megalitres per day shall be maintained in the Murrumbidgee River at Balranald, when the sum of available water determinations to regulated river (general security) access licences plus water allocations carried over in water allocation accounts, is less than 80% of share components, which cannot be used to meet access licence water requirements or basic landholder rights requirements below Balranald.
- (3) Until 1 July 2008 a minimum daily flow of 300 megalitres per day shall be maintained in the Murrumbidgee River at Balranald, when the sum of available water determinations to regulated river (general security) access licences plus water allocations carried over in water allocation accounts, is equal to or greater than 80% of share components, which cannot be used to meet access licence water requirements or basic landholder rights requirements below Balranald.
- (4) From 1 July 2008 a minimum daily flow shall be maintained in the Murrumbidgee River at Balranald, throughout the water year, which cannot be used to meet access licence water requirements or basic landholder rights requirements below Balranald and is calculated using the following formula:

minimum daily flow at Balranald = $300 + (0.4 \times ((95^{\text{th}} \text{ %ile natural monthly flow} / \text{ number of days in the month}) - 300))$,

where the “95th %ile natural monthly flow” is the computer model generated natural, that is pre-regulation, monthly flow for each month, over the entire modelled period, that is exceeded in 95% of months, as calculated using the hydrologic computer model that, at the time, is approved by the Director-General

of the Department of Land and Water Conservation for determining natural flows in this water source.

15 Supplementary environmental water

- (1) This clause establishes the supplementary environmental water rules for this Plan.
- (2) Transparent releases shall be made from Blowering Dam water storage in accordance with the following rules:
 - (a) when natural inflows are less than 560 megalitres per day then the release from Blowering Dam must be greater than or equal to natural inflows plus any water use (other than basic landholder rights use) expected to occur between the dam and the confluence with the Murrumbidgee River, and
 - (b) when natural inflows are greater than 560 megalitres per day then the minimum release from Blowering Dam is to be 560 megalitres per day plus the volume of water use (other than basic landholder rights use) expected to occur between the dam and the confluence with the Murrumbidgee River.
- (3) A transparent release volume for Burrinjuck Dam water storage shall be calculated each day and shall be the lesser of:
 - (a) the volume of inflows to the storage over the previous 24 hour period, and
 - (b) 615 megalitres.
- (4) On each day between 22 April and 21 October, when Burrinjuck Dam water storage inflows are greater than 615 megalitres per day, the catchment condition for the Burrinjuck Dam catchment will be assessed by:
 - (a) comparing the average flow in the Goodradigbee River at Wee Jasper over the preceding 24 hour period with the flows listed for the corresponding date in the table in Schedule 3,
 - (b) when the Goodradigbee flow is less than or equal to the flow listed in column 2 of the table in Schedule 3 the catchment condition shall be deemed to be dry,
 - (c) when the Goodradigbee flow is greater than the flow listed in column 2 of the table in Schedule 3 but less than the flow listed in column 3 of the table in Schedule 3 the catchment condition shall be deemed to be normal, and
 - (d) when the Goodradigbee flow is equal to or greater than the flow listed in column 3 of the table in Schedule 3 the catchment condition shall be deemed to be wet.
- (5) On each day between 22 April and 21 October a Burrinjuck Dam translucent release volume shall be calculated by multiplying the calculated Burrinjuck Dam water storage inflow over the previous 24 hours and the appropriate percentage from the table in Schedule 4, using the catchment condition classification determined in subclause (4), and at all other times the translucent release volume shall be zero.
- (6) Unless operational constraints prevent all or part of this release being made, the release during the succeeding 24 hours from Burrinjuck Dam shall be made according to the following:

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- (a) if the volume calculated under subclause (3) and subclause (5) is less than 300 megalitres, the release shall be 300 megalitres,
- (b) if the volume calculated under subclause (3) is greater than or equal to the volume calculated under subclause (5), the release shall be made according to the following:
 - (i) if the volume calculated under subclause (3) is greater than 300 megalitres but less than or equal to 450 megalitres, the release shall be that volume, and
 - (ii) if the volume calculated under subclause (3) is greater than 450 megalitres but less than or equal to 615 megalitres, the release shall be 450 megalitres,
- (c) if the volume calculated under subclause (5) is greater than the volume calculated under subclause (3), the release shall be made according to the following:
 - (i) if the volume calculated under subclause (5) is less than 1,000 megalitres, the release shall be the volume calculated under subclause (5) less 315 megalitres per day, and
 - (ii) if the volume calculated under subclause (5) is greater than 1,000 megalitres and less than 10,000 megalitres, the release shall be the volume calculated under subclause (5) less the sum of:
 - (1) where the daily release balance (hereafter the DRB) volume (as per subclause (23)) is greater than zero, the lesser of 10% of the volume calculated under subclause (5) or the DRB volume, and
 - (2) 315 megalitres per day.
- (d) where the volume necessary to supply access licence requirements and other requirements identified in this Plan exceeds the release volume calculated under subclause (6), it shall be taken as the release, and
- (e) the daily release shall be equal to the inflow to the storage over the previous 24 hours or 300 megalitres (whichever is the greater), plus the volume of any water use (other than basic landholder rights use) expected to occur between Burrinjuck Dam and the Tumut River confluence shall be released, up to a maximum of 615 megalitres, if either of the following conditions are met:
 - (i) if the release made over each of the previous 10 days has been 450 megalitres, and the release otherwise calculated under subclause (6) would again be 450 megalitres, or
 - (ii) a release was made under subclause (6) (b) (i) over the previous 24 hour period but not the 24 hour period preceding it.
- (7) If some or all of the volume determined in subclause (6) cannot be released in the succeeding 24 hours due to system operation constraints, then the shortfall shall be added to the minimum release requirement (up to the limit of system operational constraints) for the succeeding day(s) until released.
- (8) An environmental water allowance (hereafter EWA1) shall be established and managed according to the following:

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- (a) the EWA1 shall be credited when the sum of available water determinations for regulated river (general security) access licences during the water year and the water carried over in regulated river (general security) access licence water allocation accounts from the previous water year is equivalent to or greater than 60% of regulated river (general security) access license share components,
 - (b) the volume credited to the EWA1 shall be the volume of water in excess of that required to meet the trigger specified in subclause (8) (a), up to a maximum of 50,000 megalitres in any water year, subject to subclause (8) (d) (iv),
 - (c) releases of EWA1 cannot be used by access licences or to meet water requirements in another water source that result from an assignment of water allocations from an access licence water allocation account,
 - (d) up to 50,000 megalitres may be made available for use as additional EWA1 in the current water year, subject to the following:
 - (i) the additional volume shall be made available from the second provisional storage volume established under clause 62 (3), and shall not exceed the water available in the second provisional storage volume,
 - (ii) a need for releases under subclause (11) has occurred,
 - (iii) there is no water remaining in the EWA1, the second environmental water allowance established under subclause (9) and the third environmental water allowance established under subclause (10), and
 - (iv) the volume credited to EWA1 in the following year shall be reduced by the additional volume made available from the second provisional storage volume under subclause (8),
 - (e) any EWA1 remaining at the end of each water year may be carried over to the next water year, up to a maximum of 50,000 megalitres,
 - (f) during any flow event where water is spilled from Blowering Dam or Burrinjuck Dam, EWA1 carried over from the previous water year will be reduced in proportion to the volume of water spilled, up to a limit of 50% of the volume of EWA1 carried over from the previous water year, and
 - (g) at the commencement of this plan a volume equivalent to the water remaining in the environmental contingency allowance immediately prior to the commencement of this Plan, shall exist in the EWA1.
- (9) A second environmental water allowance (hereafter EWA2) shall be established and managed according to the following:
- (a) whenever a transparent release from Burrinjuck Dam is made under subclause (6) (b), the EWA2 shall be credited with a volume equal to the storage inflow from which the release was determined less 300 megalitres,
 - (b) each day that translucent releases from Burrinjuck Dam are made under subclause (6) (c), a volume of 315 megalitres shall be credited to the EWA2,

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- (c) releases of EWA2 cannot be used by access licence holders or to meet water requirements in another water source that result from a transfer of access licence account water,
 - (d) any water remaining in the EWA2 at the end of each water year that was not carried forward from the previous water year may be carried over to the following water year without limit, and
 - (e) water remaining in the EWA2 at the end of each water year that was carried over from the previous water year may not be carried over again to the following water year.
- (10) A third environmental water allowance (hereafter EWA3) shall be established and managed according to the following:
- (a) the EWA3 shall have a maximum limit each water year, which shall be the total of:
 - (i) the cumulative total of the difference between the translucent release volume from subclause (6) (c) and the translucent release volume calculated using Schedule 5, prior to 1 November in that water year, and
 - (ii) the cumulative total of the difference between the translucent release volume from subclause (6) (c) and the translucent release volume calculated using Schedule 5 for the period 22 April to 30 June of the previous water year,

Note. This is the difference between the translucent releases in Schedule 4 and Schedule 5, which is known as foregone translucent release.
 - (b) the EWA3 shall be credited when the sum of available water determinations made for regulated river (general security) access licences plus water carried over in regulated river (general security) access licence water allocation accounts from the previous water year are equivalent to or greater than 80% of regulated river (general security) access licence share components, and
 - (c) the volume credited to the EWA3 shall be the volume of water in excess of the trigger specified in subclause 10 (b), subject to:
 - (i) the maximum limit of the EWA3 at the time when available resources are assessed, between 1 July and 31 October,
 - (ii) between 1 November and 31 December, the EWA3 shall be credited with 50% of the water determined using the trigger specified in subclause (10) (b),
 - (iii) the other 50% of the water determined using the trigger specified in subclause (10) (b) but not credited to the EWA3 shall be credited to the second provisional storage volume established under clause 62 (3),
 - (iv) the EWA3 shall not be credited from 1 January to 30 June of the current water year,
 - (v) releases of the EWA3 cannot be used by access licence holders or to meet water requirements in another water source that result from a transfer of access licence account water,

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- (vi) on 1 November, 50% of the EWA3 at that time, shall be transferred to the second provisional storage volume established under clause 62 (3), and
 - (vii) on 1 January all remaining EWA3 shall be transferred to the second provisional storage volume established under clause 62 (3).
- (11) Release of the EWA1, EWA2 and EWA3 are to be made to provide environmentally beneficial outcomes for water bird breeding, wetland inundation, fish passage and breeding and water quality,
- (12) Release of the EWA1, EWA2 and EWA3 shall endeavour to provide maximum environmental benefit and be made to the maximum extent possible,
- (13) Release of the EWA1, EWA2 and EWA3 shall be made in the following order:
 - (a) the EWA3 first,
 - (b) then the EWA2 that has been carried over from the previous water year,
 - (c) then the remaining EWA2,
 - (d) then the EWA1 that has been carried over from the previous water year,
 - (e) then the EWA1, and
 - (f) then the EWA1 made available from the second provisional storage volume.
- (14) Before the commencement of each water year, detailed release rules for the EWA1, EWA2 and EWA3 should be developed which address the ecological objectives specified in subclauses (11) and (12),
- (15) An Environmental Water Allowance Reference Group should be established by the Minister under section 388 of the Act for the purpose of providing advice on the release rules developed under subclause (14).

Note. The Environmental Water Allowance Reference Group should be established prior to the commencement of this Plan
- (16) In providing advice in accordance with subclause (15) the Environmental Water Allowance Reference Group should have regard to:
 - (a) the objectives of this Plan,
 - (b) the principles of adaptive management, and
 - (c) the ecological objectives specified in subclauses (11) and (12).
- (17) If advice cannot be provided by the Environmental Water Allowance Reference Group under subclause (15) releases from the environmental water account shall be approved by the Minister, in accordance with the ecological objectives specified in subclauses (11) and (12) and the release rule specified in subclause (13).
- (18) The Environmental Water Allowance Reference Group established under subclause (15) should consist of 9 members each with a nominated alternate member representing:
 - (a) Nature Conservation Council or its subsequent organisation,
 - (b) Murrumbidgee Field Naturalists or its subsequent organisation,
 - (c) Murrumbidgee Customer Service Committee (upper river) or its subsequent organisation,

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- (d) Murrumbidgee Customer Service Committee (mid river) or its subsequent organisation,
 - (e) Lowbidgee League or its subsequent organisation,
 - (f) New South Wales Fisheries,
 - (g) New South Wales National Parks and Wildlife Service,
 - (h) State Water or its subsequent organisation, and
 - (i) the Department of Land and Water Conservation.
- (19) Members of the Environmental Water Allowance Reference Group should be appointed for a period of 5 years.
- (20) Members of the Environmental Water Allowance Reference Group should elect the Chair.
- (21) A quorum of the Environmental Water Allowance Reference Group should be two community representatives and two representatives of Government Agencies.
- (22) The Environmental Water Allowance Reference Group should report and communicate on its activities in accordance with procedures established by the Minister.
- (23) A DRB volume shall be calculated according to the following:
- (a) whenever a dam release made over a 24 hour period under subclause (6) (b) is greater than 300 megalitres, the DRB volume shall be increased by the release less 300 megalitres,
 - (b) whenever releases are made under subclause (6) (c) (ii) the DRB volume shall be reduced by 10% of the inflow to Burrinjuck Dam water storage over the previous 24 hours, until the DRB volume is calculated to be zero, and
 - (c) the DRB volume shall be calculated continuously from each water year to the next.
- Note.** The DRB is calculated to maintain a continuous record of the net difference between the minimum translucent dam releases made under this Plan and water credited to environmental water allowances under this Plan.
- (24) Pursuant to section 42 (2) of the Act and clause 72 of this Plan, the Minister may amend the supplementary environmental water rules under clause 15 to the extent specified in clause 72.

16 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The conditions of the commitment specified in subclause (1):
 - (a) are to be established by the Minister,
 - (b) are to be specified on the licence, and
 - (c) shall be such as to ensure that there is a contribution to the objectives of this Plan.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 4 Basic landholder rights

17 Basic landholder rights

This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.

18 Domestic and stock rights

Note. It is not recommended that the water from this water source be consumed without prior treatment. Land use activities may have polluted the water in some areas.

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights are estimated to be 4,560 megalitres per year.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note. Increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting this water source or as a result of an increase in the exercise of domestic and stock rights by existing landholders.

- (3) The water supply system shall be managed so that it would be capable of maintaining supply to those exercising domestic and stock rights through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department of Land and Water Conservation.
- (4) To achieve subclause (3) sufficient volumes of water must be set aside from assured inflows into this water source or in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage.

Note. The Minister may issue an Order under section 323 or 328 of the Act to restrict the exercise of domestic and stock rights from this water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

19 Native title rights

Note. It is not recommended that the water from this water source be consumed without prior treatment. Land use activities may have polluted the water in some areas.

- (1) At the commencement of this Plan there are no holders of native title rights and therefore the water requirements for native title rights are estimated to be a total of 0 megalitres per year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note. Increase in use of native title rights may occur as a result of the granting of native title rights under the Commonwealth's *Native Titles Act 1993*.

- (3) The water supply system shall be managed so that it would be capable of maintaining supply to those exercising native title rights through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department of Land and Water Conservation.
- (4) To achieve subclause (3) sufficient volumes of water must be set aside from assured inflows into this water source or in reserves held in Burrinjuck Dam water storage, Blowering Dam storage or other water storage.

Part 5 Bulk access regime

20 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in this water source having regard to:
 - (a) the environmental water provisions established under Part 3 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 4 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 6 of this Plan.
- (3) The bulk access regime established under subclause (2):
 - (a) establishes rules according to which access licences are granted as provided for in Part 7 of this Plan,
 - (b) recognises and is consistent with the limits to the availability of water as provided for in Part 8 of this Plan,
 - (c) establishes rules according to which available water determinations are to be made as provided for in Part 8 of this Plan,
 - (d) recognises the effect of climatic variability on the availability of water as provided for in Part 8 of this Plan,
 - (e) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction of the availability of water as provided for in Part 8 of this Plan, and
 - (f) establishes rules according to which access licences are managed as provide for in Part 9 of this Plan.

Part 6 Requirements for water under access licences

21 Requirements for water under access licences

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

Note. The following clauses in this Part represent the total volumes specified on access licences in this water source. There is no commitment to make the volumes specified available. The actual volumes available will depend on climate, licence priority and the rules in this Plan.

22 Share component for domestic and stock access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of domestic and stock access licences authorised to extract water from this water source will total approximately 35,572 megalitres per year.

23 Share component for local water utility access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of local water utility access licences authorised to extract water from this water source will total approximately 23,403 megalitres per year.

24 Share component for regulated river (high security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (high security) access licences authorised to extract water from this water source will total approximately 298,021 megalitres per year.

25 Share component for regulated river (general security) access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of regulated river (general security) access licences authorised to extract water from this water source will total approximately 2,043,432 megalitres per year.

26 Share component for Murrumbidgee Irrigation (conveyance) access licence

At the time of commencement of Part 2 of Chapter 3 of the Act, the share component of the regulated river (conveyance) access licence will be 243,000 megalitres.

Note. This licence volume and the associated available water determinations in clause 40 reflects the increase in conveyance losses that Murrumbidgee Irrigation experience as regulated river (general security) access licence allocations increase.

27 Share component for Coleambally Irrigation (conveyance) access licence

At the time of commencement of Part 2 of Chapter 3 of the Act, the share component of the regulated river (conveyance) access licence will be 130,000 megalitres.

Note. This licence volume and the associated available water determinations in clause 41 reflects the increase in conveyance losses that Coleambally Irrigation Corporation Limited experience as regulated river (general security) access licence allocations increase.

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28 Share component for supplementary water access licences

It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act, the volume of supplementary water access licences authorised to extract water from this water source will total approximately 220,000 megalitres per year.

29 Changes to total share component

This Plan recognises that total requirements for extraction under access licences in each access licence category may change during the term of this Plan as a result of:

- (a) the granting, surrender, cancellation or non renewal of access licences, or
- (b) variations to local water utility access licences arising from section 66 of the Act.

Part 7 Rules for granting access licences

30 Rules for granting access licences

- (1) This Part is made in accordance with section 20 (2) (b) and 63 of the Act, having regard to the limits to water availability in this water source and the need to protect its ecological health.
- (2) Access licences may be granted in this water source subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in this water source, other than for access licences of the following kinds:
 - (a) local water utility access licences,
Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) domestic and stock access licences,
 - (c) regulated river (high security - indigenous cultural) access licences, subject to the sum of regulated river (high security - indigenous cultural) access licence share components not exceeding 2,150 megalitres per year, or
 - (d) an access licence resulting from an application of a type listed in section 82 (1) of the Act.
- (4) In applying for a new access licence, the applicant must establish the purpose and circumstance relating to that access licence, and that the share or extraction component sought will be the minimum required to meet that purpose and circumstance.
- (5) Subclause (4) does not apply to a new access licence arising from an application of a type listed in section 82 (1) of the Act.

Part 8 Limits to the availability of water

Division 1 Long-term extraction limit

31 Limits to the availability of water

This Division is made in accordance with sections 20 (2) (a) of the Act.

32 Volume of the long-term extraction limit

- (1) This Plan establishes a long-term extraction limit for this water source, which is the lesser of:
 - (a) the long-term average annual extractions from this water source that would occur with the water storages, access licence share components and water use development that existed in 1999/2000, and the water management rules defined in this Plan, or
 - (b) the long-term average annual extractions from this water source that would occur under the baseline conditions used for assessment of Cap under Schedule F of the Murray Darling Basin Agreement.

Note. An assessment of the long-term average annual extractions that would result under the conditions specified under subclause (1) (a) has been made using the Murrumbidgee Integrated Quantity Quality Model scenario run number '50 EWA1 plus TT'. This indicates that at the commencement of this Plan a long-term average annual extraction volume of 1,925,000 megalitres would result.

Note. An assessment of the long-term average annual extractions that would result under the baseline conditions in subclause (1) (b) has been made using the Murrumbidgee Integrated Quantity Quality Model Cap scenario run number '721capm4'. This indicates a long-term average annual extraction volume of 1,980,000 megalitres would result.

Note. The long-term extraction limit recognises the effect of climatic variability on the availability of water, in accordance with section 20 (2) (c) of the Act, as historic climate and river flow information is used in its determination.

- (2) The values referred to in subclauses (1) (a) and (1) (b) shall be adjusted for any access licence dealing under section 71E or 71H of the Act.
- (3) The values referred to in subclauses (1) (a) and (1) (b) shall be adjusted as a result of system efficiency savings made to supply additional water to the Snowy River under the Snowy Water Inquiry Outcomes Implementation Deed.
- (4) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the following will be included:
 - (a) all water extractions by all categories of access licences in accordance with the rules used for accounting of Cap diversions for Schedule F of the Murray Darling Basin Agreement,
 - (b) domestic and stock rights and native title rights extractions,
 - (c) delivery of water pursuant to any adaptive environmental water,
 - (d) floodplain harvesting diversions determined to be taken for use in conjunction with extractions from this water source, and

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- (e) assignment of water allocations from the water allocation accounts of access licences in this water source to the water allocation accounts of access licences in other water sources.
- (5) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the following will not be included:
 - (a) replenishment flows made in accordance with this Plan, and
 - (b) diversion of water pursuant to the environmental health water rules under clause 14 and the supplementary environmental water rules under clause 15 of this Plan.
- (6) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the assessed volume of extractions will be reduced by the volume of water allocations being assigned from the water allocation accounts of access licences in other water sources to the water allocation accounts of access licences in this water source.
- (7) The volume of reduction in relation to subclause (6) shall be that which is representative of:
 - (a) practices as they existed in 1999/2000 in the case of an assessment under clause 33 (2) of the long-term average annual extraction volume resulting from subclause (1) (a),
 - (b) baseline conditions used for assessment of Cap under Schedule F of the Murray Darling Basin Agreement in the case of an assessment under clause 33 (2) of the long-term average annual extraction volume resulting from subclause 1 (b), and
 - (c) current day practices in the case of an assessment under clause 33 (3).

33 Assessment of the long-term extraction limit and current level of long-term average annual extraction

- (1) Assessment of the long-term extraction limit and the current level of long-term average annual extraction shall be carried out by the Department of Land and Water Conservation after the end of each water year, using the hydrologic computer model that, at the time, is approved by the Director-General of that Department for assessing expected long-term water use from this water source.
- (2) To assess the long-term extraction limit, the model referred to in subclause (1) shall be set to represent as closely as possible the development and management conditions referred to in clause 32 (1) (a) and clause 32 (1) (b).
- (3) To assess the current level of long-term average annual extraction from this water source, the model referred to in subclause (1) shall be set to represent as closely as possible all water use development, supply system management and other factors affecting the quantity of long-term average annual water extractions from this water source at the time of assessment.

34 Compliance with the long-term extraction limit

- (1) The level of long-term average annual extractions from this water source may not be permitted to exceed the long-term extraction limit specified in clause 32 (1).

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- (2) Pursuant to subclause (1), if the volume specified in clause 32 (1) (a) is less than the volume specified in clause 32 (1) (b), the maximum available water determination in any water year for supplementary water access licences and, if necessary, the maximum sum of available water determinations for regulated river (general security) access licences shall, be reduced if it has been assessed that the current long-term average annual water extractions from this water source exceed the long-term extraction limit specified in clause 32 (1) by 3%, or half the difference between the volume specified in clause 32 (1) (a) and the volume specified in clause 32 (1) (b).
- (3) Pursuant to subclause (1), if the volume specified in clause 32 (1) (a) is not less than the volume specified in clause 32 (b), the maximum available water determination in any water year for supplementary water access licences and, if necessary, the maximum sum of available water determinations for regulated river (general security) access licences, shall be reduced if it has been assessed that the current long-term average annual water extraction from this water source exceeds the volume specified in clause 32 (b).
- (4) Pursuant to subclause (1), the maximum available water determination in any water year for supplementary water access licences and, if necessary, the maximum sum of available water determinations for regulated river (general security) access licences, shall be reduced if assessments in accordance with clause 33 for 3 consecutive water years indicate that the long-term average annual water extractions from this water source exceed the long-term extraction limit.
- (5) The degree of reduction under subclauses (2), (3) or (4) shall be to the degree that is assessed necessary to return water use to the levels defined by the long-term extraction limit.
- (6) The first reduction method used under subclause (2), (3) or (4) shall be to reduce the maximum available water determination that may be made for supplementary water access licences for any water year.
- (7) Once no extractions by supplementary water access licences are allowed as a result of subclause (6) then the maximum sum of available water determinations in any water year that may be made for regulated river (general security) access licences, is to be reduced.
- (8) If action has been taken under subclause (2), (3) or (4) and a subsequent assessment under clause 33 indicates that the current level of long-term average annual extraction is below the long-term extraction limit by more than 3%, then previous reductions under subclause (2), (3) or (4) may be reversed to the degree that it is assessed necessary to return long-term average annual water extractions to the long-term extraction limit.
- (9) Any reversal of previous reductions under subclause (8) shall:
 - (a) be applied to higher priority categories of licence as set out in section 58 of the Act, first, and
 - (b) not exceed the previous reductions made under subclause (2).
- (10) The assessment of the degree of reduction required under subclause (2), (3) or (4) or degree of reversal under subclause (8) shall be made using the same computer model used to carry out assessments under clause 33.

Division 2 Available water determinations**35 Available water determinations**

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in this water source shall be expressed as a percentage of the share component of each access licence in a licence category.

36 Available water determinations for domestic and stock access licences

- (1) The water supply system shall be managed so that available water determinations for domestic and stock access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department of Land and Water Conservation.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage to provide for subclause (1).
- (3) The available water determination for domestic and stock access licences made for the commencement of each water year shall provide an allocation of 100% of share components whenever possible.
- (4) The sum of available water determinations made for domestic and stock access licences in any water year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of domestic and stock access licences may increase during the term of this Plan in accordance with clause 30.
- (6) The volumes of water set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage shall be adjusted as required over the course of this Plan if necessary to do so, to ensure subclause (1) is satisfied.

37 Available water determinations for local water utility access licences

- (1) The water supply system shall be managed so that available water determinations for local water utility access licences of 100% of share components can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department of Land and Water Conservation.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage to provide for subclause (1).
- (3) The available water determination for local water utility access licences made for the commencement of each water year shall provide an allocation of 100% of share components whenever possible.
- (4) The sum of available water determinations made for local water utility access licences in any water year shall not exceed 100% of share components.
- (5) This Plan recognises that the water requirement of local water utility access licences may increase during the term of this Plan in accordance with clause 30.

- (6) The volumes of water set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage shall be adjusted as required over the course of this Plan if necessary to do so, to ensure subclause (1) is satisfied.

38 Available water determinations for regulated river (high security) access licences

- (1) The water supply system shall be managed so that available water determinations for regulated river (high security) access licences of 95% of share components can be maintained through a repeat of the worst period of low inflows to this water source represented in flow information held by the Department of Land and Water Conservation.
- (2) Sufficient volumes of water must be set aside from assured inflows into this water source and in reserves held in Burrinjuck Dam water storage, Blowering Dam water storage or other water storage to provide for subclause (1).
- (3) The available water determination for regulated river (high security) access licences made for the commencement of each year shall, whenever possible provide an allocation which is the greater of:
- (a) 95% of share components,
 - (b) 1% more than the sum of available water determinations for regulated river (general security) access licences when the sum of available water determinations for regulated river (general security) access licences is less than 100% of share components, or
 - (c) 100% of share component when the sum of available water determinations for regulated river (general security) access licences is 100%.
- (4) If the sum of available water determinations made under subclause (3) is less than 100%, of share components then further available water determinations for regulated river (high security) access licences shall be made at least monthly, if water can be provided to them.
- (5) The available water determinations made under subclause (4) shall provide whenever possible additional water allocations such that the sum of available water determinations for regulated river (high security) access licences for the water year is the greater of:
- (a) 95% of share components,
 - (b) 1% more than the sum of available water determinations for regulated river (general security) access licences when the sum of available water determinations for regulated river (general security) access licences is less than 100% of share components, or
 - (c) 100% of share component when the sum of available water determinations for regulated river (general security) access licences is 100%.
- (6) The sum of available water determinations made for regulated river (high security) access licences in any water year shall not exceed 100% of share components.
- (7) Available water determinations made for regulated river (high security) access licences must take into account:

- (a) the environmental water provisions established by this Plan,
- (b) requirements for domestic and stock and native title rights,
- (c) requirements for domestic and stock access licences,
- (d) requirements for local water utility access licences,
- (e) volumes remaining in water accounts from previous available water determinations,
- (f) water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (e),
- (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
- (j) any other relevant matters.

39 Available water determinations for regulated river (general security) access licences

- (1) An available water determination is not to be made for regulated river (general security) access licences in any water year until the sum of available water determinations for regulated river (high security) access licences for the water year is equivalent to 95% of share components.
- (2) An available water determination for regulated river (general security) access licences shall be made at the commencement of each water year if water can be provided to them.
- (3) If the available water determination resulting from subclause (2) is less than the percentage specified in subclause (4) then further available water determinations shall be made at least monthly if additional water can be provided.
- (4) The sum of available water determinations for regulated river (general security) access licences in any water year shall not exceed 100% of share components, or such lower percentage as results from clause 34 (2), (3) or (4).
- (5) Available water determinations made for regulated river (general security) access licences must take into account any relevant operational requirements identified in Part 12 of this Plan and:
 - (a) the environmental water provisions established by this Plan,
 - (b) requirements for domestic and stock and native title rights,
 - (c) requirements for domestic and stock access licences,
 - (d) requirements for local water utility access licences,
 - (e) requirements for regulated river (high security) access licences,
 - (f) requirements for Murrumbidgee Irrigation (conveyance) access licences,
 - (g) requirements for Coleambally Irrigation (conveyance) access licences,
 - (h) allocations remaining in water accounts from previous available water determinations,
 - (i) water losses associated with holding and delivery of water to meet the requirements specified in subclauses (a) to (h),

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- (j) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from the available water determination, and
 - (k) any other relevant matters.
- (6) Whenever the sum of available water determinations for regulated river (general security) access licences resulting from subclauses (2) and (3) for that water year is less than or equal to 70% of regulated river (general security) access licence share components, available water determinations made for regulated river (general security) access licences shall also indicate that:
- (a) water may be extracted without debit to regulated river (general security) access licence water allocation accounts whenever access to water by supplementary water access licences is permitted under clause 51,
 - (b) the total amount of water that may be extracted without debit to the water allocation account under subclause (6) (a) in any water year is limited to 85% of the share component minus the sum of available water determinations resulting from subclause (2) and (3) for that year, and
 - (c) if at any time during the water year the sum of available water determinations for regulated river (general security) access licences resulting from subclause (2) and (3) for that water year and the total volume of extractions taken under subclause (6) (b) exceed 85% of share components then the regulated river (general security) access licence water allocation account will be debited by a volume equivalent to the exceedance.

40 Available water determinations for Murrumbidgee Irrigation (conveyance) access licences

- (1) Available water determinations for Murrumbidgee Irrigation (conveyance) access licence shall be made for the commencement of each water year and as required, during the water year, to provide a total volume of water to licences in this category during the water year that is equal to:
- (a) 100,000 megalitres plus 1,500 megalitres for each 1% of available water determinations made for regulated river (general security) access licences in the water year, when the sum of available water determinations for regulated river (general security) access for the water year is less than or equal to 60% of share components, or
 - (b) 143,000 megalitres when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 60% of share components.
- (2) The Minister may under section 42 (2) of the Act and by notice published in the Gazette vary the provisions of subclause (1) (a) if the Minister considers it is necessary to do so to reflect the actual losses experienced by Murrumbidgee Irrigation.

41 Available water determinations for Coleambally Irrigation (conveyance) access licences

- (1) Available water determinations for Coleambally Irrigation (conveyance) access licence shall be made for the commencement of each water year and as required,

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during the water year, to provide a total volume of water to licences in this category during the water year that is equal to:

- (a) 111,600 megalitres when the sum of available water determinations for regulated river (general security) access for the water year is less than or equal to 35% of share components,
 - (b) 111,600 megalitres plus 760 megalitres for each 1% of available water determinations made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 35% but less than 40% of share components,
 - (c) 115,400 megalitres plus 243.3 megalitres for each 1% of available water determinations made for regulated river (general security) access licences in the water year when the sum of available water determinations for regulated river (general security) access licences for the water year is greater than 40% but less than 100% of share components, or
 - (d) 130,000 megalitres when the sum of available water determinations for regulated river (general security) access licences for the water year is equal to 100% of share components.
- (2) The Minister may under section 42 (2) of the Act and by notice published in the Gazette vary the provisions of subclause (1) (a), (1) (b) and (1) (c) if the Minister considers it is necessary to do so to reflect the actual losses experienced by Coleambally Irrigation.

42 Available water determinations for supplementary water access licences

- (1) An available water determination will be made at the commencement of each water year and will define the percentage of supplementary water access licence share component that can be taken in that year.
- (2) The available water determination made at the commencement of each water year shall not exceed 100% of share components or such lower percentage as results from clause 34 (2), (3) or (4).

Part 9 Rules for managing access licences

43 Rules for managing access licences

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

- (a) the environmental water rules established in Part 3 of this Plan,
- (b) requirements for water to satisfy basic landholder rights identified in Part 4 of this Plan, and
- (c) requirements for water for extraction under access licences in Part 6 of this Plan.

Division 1 Water allocation account management

44 Water allocation accounts

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

45 Accrual of water allocations

- (1) Water allocations will be accrued into water allocation accounts in accordance with the available water determinations made for the access licence category.
- (2) The sum of water allocations credited to a regulated river (general security) access licences account from available water determinations in a water year plus the volume of water carried over from the previous year under clause 48 (2) (a) shall not exceed 100% of the licence share component.

46 Volume taken under access licences

Note. Section 341 of the Act makes it unlawful to take a volume of water under an access licence that exceeds the volume of water allocation which at the time of water extraction is credited to the access licence.

- (1) The water allocation taken under a domestic and stock access licence, local water utility access licence, regulated river (high security) access licence, regulated river (general security) access licence, Murrumbidgee Irrigation (conveyance) access licence and Coleambally Irrigation (conveyance) access licence will be assessed as:
 - (a) the volume of water extracted by the approved works nominated by the access licence, or
 - (b) the greater of:
 - (i) the volume of water extracted by the approved works nominated by the access licence, or
 - (ii) the volume of water ordered for extraction by the approved works nominated by the access licence,where the Minister has applied such a discretionary condition to the access licence.

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- (2) The Minister should only apply a discretionary condition in relation to subclause (1) (b) where this has been provided for in an approved compliance management strategy.

Note. It is intended that the discretionary condition referred to above should only be applied where water orders have been exceeding the volume of water being taken under an access licence and this cannot be explained by rainfall or other unavoidable factors.

- (3) The water allocation taken from the water allocation accounts of supplementary water access licences will be the volume of water extracted in accordance with announcements and access licence conditions by the approved works nominated by the access licences.

47 Accounting of assigned water allocations and return flows

- (1) Water allocations assigned from a water allocation account under Part 2 Division 4 of the Act will be debited from that water allocation account and water allocations assigned to a water allocation account under Part 2 Division 4 of the Act will be credited to that water allocation account.
- (2) Water allocations may also be re-credited to access licence water allocation accounts under section 76 of the Act, in accordance with water return flow rules established under section 75 of the Act.

48 Account forfeits/limits/carryover

- (1) Water allocations remaining in the water allocation accounts of domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, and supplementary water access licences cannot be carried over from one water year to the next.
- (2) The following rules shall apply to the management of water allocations in the water allocation accounts of regulated river (general security) access licences:
 - (a) the maximum volume of water allocation that may be carried over in the water allocation account from one water year to the next shall be equal to 15% of the access licence share component,
 - (b) the maximum volume that may be credited to an account in any water year shall be equivalent to the maximum sum of available water determinations permitted under clause 39 (4), minus the volume of water that was carried over in the account from the previous water year, and
 - (c) when the sum of available water determinations to regulated river (general security) access licenses is equivalent to or less than 70% of share components, and access to water by supplementary water access licences is permitted under clause 51 then water extracted by regulated river (general security) access licences will not be debited against their water allocation account in accordance with clause 39 (6).
- (3) The maximum volume of water allocation that may be carried over in the water allocation account of the Murrumbidgee Irrigation (conveyance) access licence and the water allocation account of the Coleambally Irrigation (conveyance) access licence from one water year to the next shall be equal to 15% of the access licence share component.
- (4) The Minister may, under section 42 (2) of the Act and by notice published in the Gazette, increase the maximum carryover percentage specified in subclause (2) (a)

and (3) up to a maximum of 50% and or apply different maximum carryover percentages for regulated river (general security) access licence water accounts based on different zones within this water source, following the completion of a review of the possible impact associated with such changes.

- (5) The review under subclause (4) should be undertaken within the first three years of this Plan.

Division 2 Extraction conditions

49 General priority of extractions

Where extraction components of an access licence do not specify the rate as a share of supply capacity or a volume per unit of time, then whenever supply capability is insufficient to satisfy all orders for water in any section of this water source at any time then:

- (a) water will be supplied to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, and
- (b) then any remaining supply capability will be shared between regulated river (general security) access licences that have placed an order for water, in proportion to the share components specified on the access licence.

50 Numerical specification of extraction components

- (1) At any time during the term of this Plan, the Minister may, in accordance with the mandatory conditions on licences, amend the extraction components of access licences in this water source, or in any section of this water source.
- (2) Action under subclause (1) should be undertaken as follows:
 - (a) the specified rate in the extraction component of each access licence should be a volume per unit of time or a share of supply capability,
 - (b) the specified rate in the extraction component of each domestic and stock, local water utility and regulated river (high security) access licence should be sufficient to satisfy the maximum daily water needs, and
 - (c) after satisfying subclause (2) (b) the remaining supply capability should be distributed among regulated river (general security) access licences in proportion to the share component of each access licence.
- (3) When action under subclause (1) is undertaken the Minister may also, in accordance with mandatory conditions on access licences, amend the extraction components of access licences in other sections of this water source to re-specify their extraction components to exclude extractions in sections of this water source affected by action under subclause (1).

51 Extraction of water under supplementary water access licences

- (1) The taking of water under supplementary water access licences should only be permitted in accordance with announcements made by the Director-General of the Department of Land and Water Conservation.

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- (2) The maximum volume that may be taken under supplementary water access licences during each period of time to which an announcement applies may be expressed as a percentage of the access licence share component.

Note. At the gazettal of this Plan, this was not the practice for the Murrumbidgee Regulated River Water Source but may need to occur at some stage during the term of this Plan.

- (3) The taking of water under supplementary water access licences will be managed, as far as possible to evenly share access opportunity amongst all supplementary water access licences.
- (4) The taking of water under supplementary water access licences should only be permitted while flows are in excess of those required:
- (a) under the environmental water provisions specified in Part 3,
 - (b) to supply stock and domestic rights and native title rights requirements,
 - (c) to supply higher priority access licence requirements,
 - (d) to provide relevant replenishment flows as specified in clause 62, and
 - (e) to satisfy requirements in the New South Wales Murray Regulated River Water Source, as specified in subclause (5).
- (5) When the sum of available water determinations to regulated river (general security) access licences in this water source have exceeded 70% and the sum of available water determinations to regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus water carried over from the previous water year, is less than 60% of share components then only those flows that cannot be re-regulated in the New South Wales Murray Regulated River Water Source may be made available for extraction by supplementary water access licence holders in this water source.
- (6) Pursuant to section 42 (2) of the Act and clause 73 this Plan, the Minister may vary the access rules under this clause to the extent specified in clause 73.

Part 10 Access licence dealing rules

52 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (e) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71L of the Act.

Note. The Minister's access licence dealing principles are contained in Appendix 5

- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71L of the Act and the rules in this Part.

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

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

53 Rules relating to constraints within a water source

- (1) This clause relates to dealings under sections 71D, 71F and 71J of the Act and to dealings in respect of water allocation assignments within this water source under section 71G of the Act.
- (2) Dealings are prohibited under this clause if any of the access licences or water allocations involved are not within this water source, unless the dealing is permitted under clause 57.
- (3) A dealing is prohibited that results in a change of location at which share and extraction components of supplementary water access licences can be exercised if the dealing results in a change of location that is not within the same supplementary water access zone, where supplementary water access zones are specified in accordance with procedures established by the Minister.
- (4) Subclause (3) shall not apply if the works nominated by the supplementary water access licence assigning the rights is within 5 kilometres of a supplementary water access zone boundary and the change of location is across that boundary.
- (5) Until such time as extraction components on access licences in Yanco Creek have been numerically specified, any dealing that results in total share components within Yanco Creek exceeding those within Yanco Creek at the time of commencement of Part 2 of Chapter 3 of the Act, is prohibited.
- (6) Assignment of water allocations from a supplementary water access licence water allocation account to licences in any other category of access licence is prohibited.
- (7) Assignment of water allocations to a supplementary water access licence water allocation account from a licence in any other category of access licence is prohibited.

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- (8) A dealing is prohibited if the application for assignment of water allocations from a regulated river (high security) access licence water allocation account is received after 1 September in any water year.

54 Rules for change of water source

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

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

- (2) Access licences in other water sources outside of this water source may be issued following cancellation of access licences in this water source, only if:
- (a) the access licence dealing rules in the receiving water source permit such a dealing,
 - (b) a conversion factor, established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, has been applied, and
 - (c) the water source in which the access licence is issued is one of the following:
 - (i) a water source within the Murrumbidgee Unregulated River Extraction Management Unit, as defined in the *Water Sharing Plan for the Adelong Creek Water Source 2003*,
 - (ii) the New South Wales Murray Regulated River Water Source, or
 - (iii) the Lower Darling Regulated River Water Source.
- (3) Access licences in this water source may be issued following cancellation of access licences in other water sources, only if:
- (a) the access licence dealing rules in the other water source permit such a dealing,
 - (b) a conversion factor, established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, has been applied, and
 - (c) the water source in which the access licence is cancelled is one of the following:
 - (i) the New South Wales Murray Regulated River Water Source, or
 - (ii) the Lower Darling Regulated River Water Source.

55 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71B of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is prohibited except as provided for, under this clause.

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- (3) On application of the licence holder, the Minister may cancel a regulated river (general security) access licence, and issue a regulated river (high security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) the volume of water in the regulated river (general security) access licence water allocation account being equal to the maximum sum of available water determinations permitted under clause 39 (4).
- (4) On application of the licence holder, the Minister may cancel a regulated river (high security) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor equal to one divided by the conversion factor established in subclause (3), and
 - (b) such an application not resulting in an increase of total regulated river (general security) access licence share components above the total volume of regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.
- Note.** This would allow conversion of a regulated river (high security) access licence to a regulated river (general security) access licence only if there had been a corresponding or larger volume of regulated river (general security) access licence share component converted to regulated river (high security) access licence.
- (5) On application of the licence holder, the Minister may cancel a Murrumbidgee Irrigation (conveyance) access licence or a Coleambally Irrigation (conveyance) access licence, and issue a regulated river (general security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) such an application not resulting in an increase of total regulated river (general security) access licence share components above the total volume of regulated river (general security) access licence share components at the time of commencement of Part 2 of Chapter 3 of the Act.
- (6) On application of the licence holder, the Minister may cancel a Murrumbidgee Irrigation (conveyance) access licence or a Coleambally Irrigation (conveyance) access licence, and issue a regulated river (high security) access licence, subject to:
- (a) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act that protects environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source, and
 - (b) the volume of water allocation in the relevant Murrumbidgee Irrigation (conveyance) access licence or the Coleambally Irrigation (conveyance) access licence water allocation account being equal to the maximum sum of available water determinations permitted by this Plan.

56 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71H of the Act.
- (2) Access licence equivalents in other States may be transferred into this water source, subject to:
 - (a) the terms of any relevant interstate agreement, and
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source.
- (3) Access licences in this water source may be transferred into another State, subject to the following restrictions:
 - (a) the terms of any relevant interstate agreement, and
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source.

57 Rules for water allocation assignment between water sources

- (1) This clause relates to dealings under section 71G of the Act that result in water allocation assignments between water sources.
- (2) A dealing under this clause is prohibited if it results in a water allocation assignment from an access licence in this water source to an access licence in a water source other than:
 - (a) the New South Wales Murray Regulated River Water Source, or
 - (b) the Lower Darling Regulated River Water Source.
- (3) A dealing under this clause is prohibited if it results in a water allocation assignment to an access licence in this water source from an access licence in a water source other than from:
 - (a) the New South Wales Murray Regulated River Water Source, or
 - (b) the Lower Darling Regulated River Water Source.
- (4) A dealing under subclause (2) or (3) is prohibited if, in the opinion of the Minister:
 - (a) the supply of the volume of water arising from the assignment is not physically possible, and
 - (b) there is more than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in this water source will be affected.

Note. At the commencement of this Plan for operational reasons, allocations may only be assigned from this water source to the Murray system or Lower Darling system if the assignment will not result in the obligation on this water source to supply additional future flows to the Murray increasing to more than 100,000 megalitres.

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- (5) A dealing under subclause (2) or (3) is prohibited if the application for assignment of water allocation is received after 31 January in any water year.

58 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71I of the Act.
- (2) Water allocation equivalents from other States may be assigned to access licence water accounts in this water source, subject to the following restrictions:
- (a) the terms of any relevant interstate agreement, and
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source.
- (3) Water allocations from access licence water accounts in this water source may be assigned to water allocation equivalents in other States, subject to the following restrictions:
- (a) the terms of any relevant interstate agreement, and
 - (b) the application of a conversion factor established by the Minister and published in an Order made under section 71L of the Act and any other measures necessary to protect environmental water, domestic and stock rights, native title rights and the reliability of supply to all other access licences in this water source.
- (4) A dealing under subclause (2) or (3) is prohibited if, in the opinion of the Minister:
- (a) the supply of the volume of water arising from the assignment is not physically possible, and
 - (b) there is more than minimal likelihood that environmental water, domestic and stock rights, native title rights and the reliability of supply to all access licences in this water source will be affected.

Note. At the commencement of this Plan for operational reasons allocations may only be assigned from this water source to the Murray system and Lower Darling system if the assignment will not result in the obligation on this water source to supply additional future flows to the Murray increasing to more than 100,000 megalitres.

- (5) A dealing under subclause (2) or (3) is prohibited if the application for assignment of water allocation is received after 31 January in any water year.

Part 11 Mandatory conditions

59 Mandatory conditions on access licences

- (1) This Part is made in accordance with section 17 (c) and 20 (2) (e) of the Act.
Note. The Minister may impose discretionary conditions at any time on an access licence in accordance with section 66 (1) (b) of the Act.
- (2) All access licences shall have a mandatory condition that only allows the taking of water if the resulting debit to the access licence water allocation account will not exceed the volume of water allocation remaining in the account.
- (3) All accesses licences shall have a mandatory condition that facilitates the provisions of clause 50 of this Plan.
- (4) All domestic and stock access licences, local water utility access licences, regulated river (high security) access licences, Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with procedures established by the Minister.
- (5) All regulated river (general security) access licences shall have mandatory conditions that only allow the taking of water if it has been ordered in accordance with procedures established by the Minister, except as provided pursuant to an available water determination under clause 39 (6).
- (6) All supplementary water access licences shall have mandatory conditions that only allow the taking of water in accordance with announcements made under clause 51 and after satisfying any procedures established by the Minister.
- (7) All domestic and stock access licences shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.
- (8) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.
- (9) All regulated river (high security - indigenous cultural) access licences shall have mandatory conditions that only allow the taking of water for the development of Aboriginal domestic and communal purposes (including the purposes of drinking, food preparation, washing, manufacturing traditional and contemporary artefacts, watering domestic gardens, hunting, fishing, and gathering, and recreational, spiritual, cultural and ceremonial purposes).

60 Mandatory conditions on water supply works approvals

All approvals for water supply works in the water source shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:

- (a) flow measurement devices shall be installed and maintained on all works used for extraction of water under an access licence and shall be of a type and shall be maintained in a manner which is acceptable to the Minister,

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- (b) water extraction, property water management infrastructure and cropping details shall be provided on request, in the form and in accordance with procedures established by the Minister, and
- (c) the taking of water may only occur in accordance with the conditions applying to the access licence from whose water allocation account the taking of water will be debited.

Part 12 System operation rules

61 System operation rules

This Part is made in accordance with section 21 (e) of the Act.

62 Provisional storage volume

- (1) A first provisional storage volume (hereafter PSV1) shall be established for the purposes of increasing the size and frequency of spill events and to increase water availability in the following season.
- (2) Each water year, the PSV1 shall be credited with water as it becomes available according to:
 - (a) when the sum of available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 60% of regulated river (general security) access licence share components, and provision has been made for the volume determined under clause 15 (8) for the EWA1, the next 25,000 megalitres of water available shall be credited to the PSV1 prior to any further resources being made available to regulated river (general security) access licences, and
 - (b) when the sum of available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 80% of regulated river (general security) access licence share components, and provision has been made for the volume determined under clause 15 (10) to be credited to the EWA3, 8,750 megalitres shall be credited to the PSV1 for every additional 1% of regulated river (general security) access licence share component met,
 - (c) the PSV1 shall be forfeited at the end of each water year, and
 - (d) during any flow event where water is spilled from Burrinjuck Dam water storage or Blowering Dam water storage, the PSV1 will not be reduced.
- (3) A second provisional storage volume (hereafter PSV2) shall be established for the purposes of increasing the size and frequency of spill events and to increase water availability in the following season.
- (4) The PSV2 shall be operated according to the following:
 - (a) when the sum of available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 80% of regulated river (general security) access licence share components and provision has been made for the volumes of water determined in clause 15 (10) for the EWA3 and subclause (2) for the PSV1, any additional water shall be credited to the PSV2, up to the volume that was forfeited at the end of the

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previous water year, prior to any further resources being made available to regulated river (general security) access licences,

- (b) if, by the end of the water year, there remains PSV2 water from the previous water year that cannot be credited under subclause (4) (a), it will be forfeited permanently,
- (c) on 1 November, 50% of the EWA3 shall be transferred to the PSV2 as per clause 15 (10) (c) (vi),
- (d) from 1 November, when the sum of available water determinations for regulated river (general security) access licences plus water allocations carried over in the water allocation accounts of regulated river (general security) access licences from the previous water year are equivalent to or greater than 80% of regulated river (general security) access licence share components and provision has been made for the volumes of water determined in clause 15 (10) for the EWA3 and subclause (2) for the PSV1, any additional water shall be credited to the PSV2 prior to any further resources being made available to regulated river (general security) access licences,
- (e) the PSV2 shall be credited under subclause (d) to a maximum limit which is the sum of water calculated under clause 15 (11) (a) that has not been credited to the EWA3 in that water year and any water calculated under clause 15 (11) (a) that has not been credited to the EWA3 in the preceding water year,
- (f) on 1 January all remaining water in the EWA3 shall be transferred to the PSV2 as per clause 15 (10) (c) (vii),
- (g) the PSV2 shall be forfeited at the end of each water year,
- (h) during any flow event where water is spilled from Burrinjuck Dam water storage or Blowering Dam water storage, the PSV2 will not be reduced, regardless of whether the water was accrued in that water year or carried over from the previous water year, and
- (i) at the commencement of this Plan the maximum limit for PSV2 shall be equivalent to the PSV2 (or equivalent) balance that exists immediately prior to the commencement of this Plan.

Note. This PSV2 has been established to account for water that had been released under previous translucent release rules using Schedule 4, but is no longer released under this Plan using Schedule 5.

- (5) Pursuant to section 42 (2) of the Act and clause 72 of this Plan, the Minister may amend the provisional storage volume rules under this clause to the extent specified in clause 72.

63 Replenishment flows

- (1) At the commencement of this plan replenishment flows up to a volume of 36,500 megalitres shall be made available to Forest Creek below Warriston Weir in each water year.
- (2) Sufficient volumes of water must be set aside in Burrinjuck Dam water storage or Blowering Dam water storage or other water storage to provide for subclause (1).

- (3) Replenishment flows in accordance with subclause (1) shall be provided subject to any flow delivery restrictions within the Yanco Creek system that may occur from time to time.

Note. At the commencement of this Plan, flows are provided at a rate of 100 megalitres per day downstream of Warriston Weir throughout the water year.

64 Minimum flow levels

A minimum daily flow of 50 megalitres per day shall be maintained in Billabong Creek at Darlot throughout the water year.

65 Channel capacity constraints

Where necessary for determining extraction rights, managing water releases or providing water under access licences, the maximum operating channel capacity shall be determined and specified in accordance with procedures established by the Minister, taking into account:

- (a) inundation of private land or interference with access,
- (b) the effects of inundation on the floodplain and associated wetlands,
- (c) the transmission losses expected to occur, and
- (d) consideration of State Water Management Outcomes Plan targets.

Note. Operation of the system at the commencement of this Plan has the following constraints on maximum flows:

- (a) 9,000 ML/day in the Tumut River at Oddys Bridge
- (b) 9,300 ML/day in the Tumut River at Tumut
- (c) 32,000 ML/day in the Murrumbidgee River at Gundagai, and
- (d) 1,400 ML/day in Yanco Creek at the Offtake.

66 Rates of change to storage releases

Rules regarding rates of change in releases from storages should be specified in accordance with procedures established by the Minister, and shall take into account:

- (a) relevant environmental considerations,
- (b) damage to river banks, and
- (c) public safety.

67 Flood operation rules

The operation of Burrinjuck Dam water storage and Blowering Dam water storage during times of flood and spilling of water shall be undertaken to:

- (a) maintain the safety of dam infrastructure, and
- (b) should leave the storage full at the completion of the flood event subject to airspace requirements.

68 Airspace operation rules

- (1) Airspace operation of Burrinjuck Dam water storage shall be undertaken in accordance with the following principles:

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- (a) to assist in mitigating the impact of floods, a volume of airspace may be maintained which is no greater than that which will be refilled by storage inflows prior to a need to release from the storage to supply downstream requirements, and

Note. Subclause (a) means the storage can be reduced to a level that is sufficient for it to refill based on the minimum forecast recession inflows.

- (b) downstream impact must be considered before releases to obtain airspace are made.

Note. Channel capacity constraints will be one of the factors considered in relation to subclause (b).

- (2) Airspace operation of Blowering Dam water storage shall be undertaken in accordance with the provisions of the Blowering Airspace Deed, to which the Water Administration Ministerial Corporation and the Snowy Hydro Limited are party.

Note. The Blowering airspace deed requires an airspace volume of up to 190 gigalitres, as advised by Snowy Hydro Limited, for the purpose of emergency power generation. The volume of any releases made specifically to provide the advised airspace, up to the advised airspace limit, will be reserved in Snowy Hydro storages, and is subsequently available to the Department of Land and Water Conservation.

69 Flows in the Lowbidgee Flood Control and Irrigation District

- (1) Flows that are in excess of those required;
- (a) under the environmental water provisions specified in Part 3,
 - (b) to supply domestic and stock rights and native title rights requirements,
 - (c) to supply higher priority access licence requirements, and
 - (d) to provide relevant replenishment flows as specified in clause 63,
- may be made available for diversion to the Lowbidgee Flood Control and Irrigation District at the offtake regulators located within the Maude and Redbank Weir pools.
- (2) Access to flows by the Lowbidgee Flood Control and Irrigation District shall not be permitted where:
- (a) the sum of available water determinations to regulated river (general security) access licences in the New South Wales Murray Regulated River Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*) plus any water carried over in those water allocation accounts from the previous water year is below 60% of share components, and
 - (b) those flows that are in excess of those required under subclause (1) can be re-regulated in the New South Wales Murray Regulated River Water Source and be made available for extraction by regulated river (general water) access licences in that water source.
- (3) The process for determining access to flows by the Lowbidgee Flood Control and Irrigation District should be specified in accordance with procedures established by the Minister.
- (4) Pursuant to section 42 (2) of the Act and clause 73 of this Plan, the Minister may vary clause 69 to the extent specified in clause 73.

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Note. An assessment has been made of the water that would be diverted to the Lowbidgee District under the rules applying at the commencement of this Plan, using the Integrated Quantity Quality Model scenario '50 EWA1 plus TT'. This indicates that a long-term average annual controlled flow of 303,000 megalitres would result.

Note. An assessment has been made of the water that would be diverted to the Lowbidgee District under the rules applying at the commencement of this Plan but with the end of system flows rules that are to apply after the 5th year, included. This assessment was undertaken, using the Integrated Quantity Quality Model scenario 'K32'. This indicates that a long-term average annual controlled flow to the Lowbidgee District of 292,000 megalitres would result.

Note. An assessment has been made of the extent to which additional water could be diverted to the Lowbidgee District following variations to Lowbidgee access rules as per clause 73 of this Plan. This assessment was undertaken using Integrated Quantity Quality Model scenario '721capm4'. This indicates that a long-term average annual controlled flow to the Lowbidgee District of 309,000 would result.

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Part 13 Monitoring and reporting

70 Monitoring

The monitoring of the performance indicators identified in clause 12 shall be undertaken and reported on in accordance with the requirements specified in sections 43 and 44 of the Act.

Note. Review & Audit of this Plan

In accordance with section 43 (2) of the Act, this Plan is to be reviewed, within the fifth year of its term, for the purpose of ascertaining whether its provisions remain adequate and appropriate for ensuring the effective implementation of the water management principles of the Act.

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

Note. Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the implementation program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program will be included in the annual report for the Department of Land and Water Conservation.

Part 14 Amendment of this Plan

71 Changes to this water source

The Minister may, under section 42 (2) of the Act and by notice published in the Gazette, add a river or section of river to this water source or remove a river or section of river from this water source providing that:

- (a) any river or section of river that is added has been declared to be a regulated river by an Order published in the Gazette, and
- (b) the Minister is satisfied that there will be no impact on environmental water or on the available water to any access licences in this water source.

72 Review of environmental water and provisional storage volume rules

- (1) The Minister may, under section 42 (2) of the Act and by notice published in the Gazette amend the supplementary environmental water rules under clause 15 and the provisional storage volume rules under clause 62 following completion of a review of the provisions under clauses 15 and 62 against the objectives of this Plan and those identified in subclause (2).
- (2) The review under subclause (1) should consider and make recommendations on changes to clauses 15 and 62, which would:
 - (a) simplify their operation,
 - (b) maximise the accrual of water and early season access to environmental water allowances, and minimise forfeiture from environmental water allowances,
 - (c) improve environmental outcomes, in particular by:
 - (i) providing flow patterns which better match natural variability and seasonality in the upper river,
 - (ii) improving the extent and seasonal timing of mid and lower river wetland inundation, and
 - (iii) better matching natural flow variability and seasonality in the end of the system.
- (3) The review made under subclause (2) should also consider and make recommendations in relation to any changes that should be made if the Mundarlo bridge is replaced by a structure that permits the targeting of flows in excess of 30,000 megalitres per day past Gundagai.
- (4) Any amendment to clauses 15 or 62, under subclause (1) shall not result in a change to the long-term extraction limit of this Plan of greater than 0.5% of that limit.
- (5) Before making an Order under subclause (1) the Minister should obtain the concurrence of the Minister for the Environment to the making of the Order.
- (6) Any changes to clauses 15 or 62 under subclause (1) shall come in to effect for the water year immediately succeeding the Order under subclause (1), or upon gazettal if the Order is made before 1 September.

- (7) The review under subclause (1) shall be undertaken within the first 12 months of this Plan.

73 Review of access rules for supplementary water access licence holders and Lowbidgee Flood Control and Irrigation District

- (1) The Minister, under section 42 (2) of the Act and by notice published in the Gazette, may vary:
- (a) the rules for permitting access to flows by supplementary water access licences specified in clause 51, following a review of the environmental impact associated with the extraction of water by supplementary water access licences, and
 - (b) the rules for permitting access to flows by the Lowbidgee Flood Control and Irrigation District specified in clause 69, following gazettal of a water management plan including the Lowbidgee Flood Control and Irrigation District and associated areas.
- (2) The review under subclause (1) (a) shall:
- (a) consider the inclusion of additional environmental considerations in clause 51 before access to flows by supplementary water access licences is permitted, and
 - (b) be undertaken in conjunction with the development of a water management plan including the Lowbidgee Flood Control and Irrigation District and associated areas.
- (3) A water management plan, which includes the Lowbidgee Flood Control and Irrigation District and other related areas, as required under subclause (1) (b) shall:
- (a) be undertaken as soon as practicable, but in order to allow gazettal of that plan within 3 years of commencement of this Plan,
 - (b) amongst other things, analyse the environmental water needs for different parts of the floodplain, the sufficiency of water provided for the environment on the floodplain through this Plan, and the separation of environmental and consumptive components within the floodplain, and
 - (c) be undertaken in conjunction with the review required under subclause (1) (a).
- (4) As a result of the review under subclause (1) (a), the Minister may vary the provisions of clause 51 such that average annual long-term extractions by supplementary water access licence holders are not impacted.
- (5) As a result of the water management plan under subclause (1) (b), the Minister may vary the provisions of clause 69 such that the average annual long-term controlled diversion volume monitored through the regulators at Maude and Redbank to the Lowbidgee Flood Control and Irrigation District does not exceed that which would have occurred under 1993/94 levels of irrigation development and management rules.
- (6) Before making an Order under subclause (1), the Minister should obtain the concurrence of the Minister for the Environment to the making of the Order.

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- (7) The new provisions will come into effect for the water year immediately succeeding the Order under subclause (1).

74 Other amendment of this Plan

This Plan can be amended in accordance with the following clauses of this Plan:

- (a) clause 40 (2) in respect to available water determinations for Murrumbidgee Irrigation (conveyance) access licence,
- (b) clause 41 (2) in respect to available water determinations for Coleambally Irrigation (conveyance) access licence, and
- (c) clause 48 (4) in respect to regulated river (general security) access licence, Murrumbidgee Irrigation (conveyance) access licence and Coleambally Irrigation (conveyance) access licence water allocation account maximum carryover percentage.

Schedule 1 Definitions

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

airspace is the volume in a dam which is normally kept empty for the purpose of mitigating potential floods.

assured inflows are the volumes of water which hydrologic information indicates are the minimum which can be expected to flow into the water source.

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

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

Cap is as defined in Schedule F of the Murray Darling Basin Agreement.

conversion factor refers to the adjustment factor that may be applied to the size of share components when they are part of a dealing under 71B or 71E of the Act.

effluent replenishment flows are flows provided to effluent river systems downstream of the water source.

extraction component is the extraction component of an access licence as defined in 56(1) of the Act.

floodplain harvesting is the collection or capture of water flowing across floodplains.

long-term average annual extraction is the average of annual extractions from the water source over the period for which an assessment is carried out.

Minister is the Minister for Land and Water Conservation. The Minister may delegate his functions under section 389 of the Act.

Murray Darling Basin Agreement is the agreement between the Commonwealth of Australia and the states of New South Wales, Victoria and South Australia as referred to in the *Murray Darling Basin Act, 1992*, for the purpose of promoting and co-ordinating effective planning and management for the equitable efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin.

share component is the share component of an access licence defined in as defined in 56(1) of the Act.

supply capability is defined as the rate at which water that can be supplied to a section of a water source after satisfying the environmental water provisions and the requirements for water to satisfy basic landholder rights.

transparent releases are where all dam inflows are released coincidentally with their occurrence.

translucent releases are where some portion of dam inflows are released coincidentally with their occurrence.

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water storage means a State owned dam, weir or other structure which is used to regulate and manage river flows in this water source and the water bodies impounded by these structures.

water use development includes all privately owned water management structures, and all aspects of farm, industry, town or private household development which affect the volumes of water taken from the water source and the management practices that are applied to them.

water year is defined as 1 July to 30 June.

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Schedule 2 Contribution to targets in the State Water Management Outcomes Plan

Levels of assessed contribution:

FULL - meets target in full

HIGH - while not meeting target in full is a good level of achievement

PARTIAL - goes some way to met target

LOW - only small degree of contribution

Relevant target	Level of contribution	Comments
Target 1a Extractions in Murray-Darling Basin's regulated rivers limited to the level of the long-term average annual extraction below the Murray-Darling Basin Ministerial Council Cap which results from the long-term impact of the environmental water rules	FULL	➤ Part 8 of this Plan clearly sets out the basis for the long-term extraction limit
Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon	FULL	➤ Rules set out in Part 8 of this Plan
Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes	LOW	<ul style="list-style-type: none"> ➤ The environmental flow rules make some improvement on flows compared to Cap ➤ Given that the system is in the Lower Murray area which has been listed as endangered ecological community specifically identifying river regulation as a major cause this Plan will not eliminate this problem ➤ 8 aquatic species in Murrumbidgee have been listed as threatened ➤ There are identified environmental objectives for the use of environmental water allowances however the triggers for release are not specified ➤ The environmental flow rules focus on wetland inundation in

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Relevant target	Level of contribution	Comments
		<p>the middle reaches however the frequency of the highest flows in the Tumut junction to Carrathool reach will be marginally reduced compared to Cap</p> <ul style="list-style-type: none"> ➤ The supplementary water access rules do not take into account environmental considerations although there is provision for such considerations to be introduced during the life of this Plan
<p>Target 4a Where the frequency of “end of system” daily flows would be less than 60% of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60% of predevelopment levels or increased by at least 10% of the predevelopment frequency</p>	<p>LOW</p>	<ul style="list-style-type: none"> ➤ The rules applying after the fifth year of this Plan improve the frequency of flows that are less than the natural 80th percentile exceedance flow, in line with the target ➤ Target not met for flows greater than the natural 80th percentile ➤ The frequency of flows greater than the natural 20th percentile have been reduced
<p>Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95th percentile</p>	<p>LOW</p>	<ul style="list-style-type: none"> ➤ The rules at the commencement of this Plan only slightly improve low flows at the end of the system compared to Cap ➤ This Plan includes rules that improve low flows at the end of the system after year 5 so that flows only drop below the natural 95th %tile flow 20% of the time rather than 41% of the time with the rules applying at the commencement of this Plan
<p>Target 4c The channel capacity of all lower river and effluent creek systems used for the delivery of regulated water determined. Subject to reasonable socio-economic impacts, limits on daily supply volumes established for effluent systems such that they do not exceed 80% of the channel capacity for more than 10% of days</p>	<p>PARTIAL</p>	<ul style="list-style-type: none"> ➤ This Plan provides for the determination of maximum operating channel capacities, in accordance with SWMOP targets ➤ This Plan provides for the distribution of numerical extraction rights that could be used to facilitate management to desired capacity targets

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Relevant target	Level of contribution	Comments
in any month of each year. Where daily supply volumes are currently substantially less than channel capacity, alternative limits established to reduce the impact of unseasonal flows arising from future access licence dealings		➤ This Plan also notes a number of maximum channel capacity constraints for the Tumut, Murrumbidgee and Yanco that are to apply at the commencement of this Plan, but these are however only expressed as a note and are therefore not actually part of this Plan
Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components	FULL	➤ Access for existing regulated supply licences and supplementary water access licences are specified and tradeable
Target 6b A pathway for reducing the share components to 200 percent of the long-term average annual extraction limit to be established not later than the end of the term of the SWMOP	FULL	➤ Total entitlements do not exceed 200% of long-term extraction limit set by this Plan
Target 9a Flow thresholds for declaration of supplementary water access, which take into account environmental needs, clearly specified	LOW	<ul style="list-style-type: none"> ➤ There has been no consideration of environmental needs in relation to setting of supplementary water access extraction rules ➤ This Plan does however provide for opportunity for the Minister to include such rules during the term of this Plan
Target 9b Annual limits on supplementary water extractions, consistent with the long-term average annual extraction limits, established in all regulated river water sources	FULL	➤ This Plan sets the maximum annual extraction for supplementary access licences at the full entitlement of 220GL
Target 9c Rules for sharing between supplementary water access licence holders made explicit	PARTIAL	➤ This Plan does not clearly specify any sharing rules however it does provide for “evenly sharing” access between supplementary water access licences

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Relevant target	Level of contribution	Comments
Target 9d Supplementary access licence dealings made possible in regulated river water sources, subject to extraction limits and environmental assessment and Aboriginal spiritual and cultural constraints	PARTIAL	➤ This Plan imposes restrictions on the trading of supplementary access licence share components
Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use	FULL	➤ Obligations are set out in Part 5 of this Plan
Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them	PARTIAL	<ul style="list-style-type: none"> ➤ Billabongs and wetlands were identified as having particular cultural importance, however no specific sites identified ➤ Environmental water rules would be expected to provide benefits to some billabongs and wetlands in the middle reaches of the Murrumbidgee
Target 16a All share components of access licences tradeable	HIGH	➤ Some restrictions apply to trade of supplementary water
Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst also protecting existing access and environmental water	FULL	➤ Transfers between water sources are in line with government policy
Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery	FULL	➤ This Plan does not impose reduction factors
Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment	N/A	➤ No unallocated water

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Relevant target	Level of contribution	Comments
Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit	PARTIAL	<ul style="list-style-type: none"> ➤ There is no delineation of zones, except for supplementary water dealings, nor application of limits for reaches with physical/ecological constraints eg Yanco
Target 35 All management plans incorporating water quality objectives that considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of any relevant Healthy Rivers Commission Inquiries	PARTIAL	<ul style="list-style-type: none"> ➤ While this Plan does not include a specific water quality objective it does provide an Environmental Water Allowance for environmental and water quality purposes ➤ Other supplementary environmental water provisions would be expected to produce benefits in line with the Interim Environmental Objectives

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Schedule 3 Goodradigbee flow classification table

The following table indicates the average daily flows in the Goodradigbee River at Wee Jasper, which are to be used for the purpose of classifying the catchment condition for Burrinjuck Dam water storage.

COLUMN 1	COLUMN 2	COLUMN 3
DATE	UPPER LIMIT OF "DRY CONDITIONS" FLOWS - ML/DAY	UPPER LIMIT OF "NORMAL CONDITIONS" FLOWS - ML/DAY
22-Apr	131	486
23-Apr	127	399
24-Apr	129	368
25-Apr	131	349
26-Apr	137	354
27-Apr	137	339
28-Apr	143	321
29-Apr	147	339
30-Apr	159	382
01-May	152	348
02-May	156	365
03-May	154	613
04-May	158	458
05-May	154	407
06-May	151	364
07-May	171	398
08-May	157	340
09-May	152	304
10-May	165	343
11-May	184	437
12-May	183	376
13-May	178	671
14-May	175	787
15-May	166	507
16-May	177	483
17-May	182	521
18-May	201	636
19-May	208	774
20-May	204	572
21-May	194	473
22-May	200	452
23-May	222	531
24-May	228	870
25-May	243	743
26-May	244	670
27-May	306	737
28-May	301	834
29-May	252	683
30-May	246	1058

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COLUMN 1	COLUMN 2	COLUMN 3
DATE	UPPER LIMIT OF "DRY CONDITIONS" FLOWS - ML/DAY	UPPER LIMIT OF "NORMAL CONDITIONS" FLOWS - ML/DAY
31-May	314	1294
01-Jun	270	951
02-Jun	271	799
03-Jun	320	917
04-Jun	277	776
05-Jun	297	851
06-Jun	268	845
07-Jun	251	916
08-Jun	276	843
09-Jun	272	756
10-Jun	294	936
11-Jun	324	1376
12-Jun	426	1338
13-Jun	378	1070
14-Jun	338	831
15-Jun	318	772
16-Jun	311	745
17-Jun	317	804
18-Jun	315	1054
19-Jun	328	1230
20-Jun	381	987
21-Jun	358	977
22-Jun	354	1009
23-Jun	337	1036
24-Jun	361	917
25-Jun	398	1171
26-Jun	381	1354
27-Jun	375	1655
28-Jun	399	1217
29-Jun	441	1319
30-Jun	460	1593
01-Jul	422	1502
02-Jul	459	1603
03-Jul	478	1769
04-Jul	522	1982
05-Jul	502	2205
06-Jul	610	3464
07-Jul	622	2660
08-Jul	576	2453
09-Jul	554	1887
10-Jul	606	1703
11-Jul	568	1716
12-Jul	574	1699
13-Jul	521	1510
14-Jul	495	1667
15-Jul	505	1422

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COLUMN 1	COLUMN 2	COLUMN 3
DATE	UPPER LIMIT OF "DRY CONDITIONS" FLOWS - ML/DAY	UPPER LIMIT OF "NORMAL CONDITIONS" FLOWS - ML/DAY
16-Jul	547	1415
17-Jul	599	1770
18-Jul	528	2043
19-Jul	509	2001
20-Jul	480	1604
21-Jul	499	1822
22-Jul	483	2565
23-Jul	553	2470
24-Jul	493	2883
25-Jul	596	2955
26-Jul	646	3208
27-Jul	681	2280
28-Jul	866	2118
29-Jul	883	2418
30-Jul	961	2143
31-Jul	883	2074
01-Aug	804	1871
02-Aug	766	1611
03-Aug	769	1616
04-Aug	689	1642
05-Aug	695	1662
06-Aug	927	2527
07-Aug	899	2444
08-Aug	867	2200
09-Aug	803	2067
10-Aug	792	1900
11-Aug	824	1737
12-Aug	859	1747
13-Aug	855	1951
14-Aug	836	1958
15-Aug	854	2241
16-Aug	945	2427
17-Aug	896	2206
18-Aug	932	2127
19-Aug	881	2056
20-Aug	878	1997
21-Aug	869	2675
22-Aug	835	2656
23-Aug	828	2685
24-Aug	851	2361
25-Aug	865	2229
26-Aug	899	2432
27-Aug	862	2992
28-Aug	877	2421
29-Aug	849	2203
30-Aug	907	2151

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

COLUMN 1	COLUMN 2	COLUMN 3
DATE	UPPER LIMIT OF "DRY CONDITIONS" FLOWS - ML/DAY	UPPER LIMIT OF "NORMAL CONDITIONS" FLOWS - ML/DAY
31-Aug	909	2394
01-Sep	1006	2448
02-Sep	1057	2324
03-Sep	1134	2321
04-Sep	1188	2161
05-Sep	1154	2247
06-Sep	1061	2067
07-Sep	1050	1933
08-Sep	1027	2215
09-Sep	1024	2352
10-Sep	1078	2206
11-Sep	1134	2188
12-Sep	1161	2325
13-Sep	1167	2215
14-Sep	1145	2274
15-Sep	1059	2092
16-Sep	993	1971
17-Sep	1111	2126
18-Sep	1216	2670
19-Sep	1166	2551
20-Sep	1160	2186
21-Sep	1109	2101
22-Sep	983	2081
23-Sep	917	1995
24-Sep	857	1834
25-Sep	803	2110
26-Sep	791	1926
27-Sep	759	2128
28-Sep	806	1879
29-Sep	807	1896
30-Sep	806	1701
01-Oct	747	1483
02-Oct	741	1366
03-Oct	780	1713
04-Oct	714	3234
05-Oct	706	2499
06-Oct	687	1828
07-Oct	704	1614
08-Oct	689	1445
09-Oct	701	1592
10-Oct	655	1629
11-Oct	630	1502
12-Oct	626	1365
13-Oct	636	1262
14-Oct	627	1227
15-Oct	587	1273

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

COLUMN 1	COLUMN 2	COLUMN 3
DATE	UPPER LIMIT OF "DRY CONDITIONS" FLOWS - ML/DAY	UPPER LIMIT OF "NORMAL CONDITIONS" FLOWS - ML/DAY
16-Oct	584	1287
17-Oct	602	1241
18-Oct	601	1689
19-Oct	584	1714
20-Oct	573	1676
21-Oct	565	1501

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Schedule 4 Burrinjuck Dam translucency percentage table

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
22-APR	0	1	0	0	1	0	0	1	0
23-APR	0	2	0	0	2	0	0	2	0
24-APR	0	3	0	0	3	0	0	3	0
25-APR	0	4	0	0	4	0	0	4	0
26-APR	0	5	0	0	5	0	0	5	0
27-APR	0	6	0	0	6	0	0	6	0
28-APR	0	7	0	0	7	0	0	7	0
29-APR	0	8	0	0	8	0	0	8	0
30-APR	0	9	0	0	9	0	0	9	0
01-MAY	0	10	0	0	10	0	0	10	0
02-MAY	5	11	0	5	11	0	5	11	0
03-MAY	12	12	0	12	12	0	12	12	0
04-MAY	18	13	0	18	13	0	18	13	0
05-MAY	25	14	0	25	14	0	25	14	0
06-MAY	31	15	0	31	15	0	31	15	0
07-MAY	37	16	0	37	16	0	37	16	0
08-MAY	43	17	0	43	17	0	43	17	0
09-MAY	48	18	0	48	18	0	48	18	0
10-MAY	50	20	0	54	20	0	54	20	0
11-MAY	50	21	0	59	21	0	59	21	0
12-MAY	50	22	0	65	22	0	65	22	0
13-MAY	50	23	0	70	23	0	70	23	0
14-MAY	50	24	0	74	24	0	74	24	0
15-MAY	50	25	0	79	25	0	79	25	0
16-MAY	50	26	2	83	26	2	83	26	2
17-MAY	50	27	3	88	27	3	88	27	3
18-MAY	50	28	4	91	28	4	91	28	4
19-MAY	50	29	5	95	29	5	95	29	5
20-MAY	50	30	6	99	30	6	99	30	6
21-MAY	50	31	7	100	31	7	100	31	7
22-MAY	50	32	8	100	32	8	100	32	8
23-MAY	50	34	9	100	34	9	100	34	9
24-MAY	50	35	10	100	35	10	100	35	10
25-MAY	50	36	11	100	36	11	100	36	11
26-MAY	50	37	12	100	37	12	100	37	12
27-MAY	50	38	13	100	38	13	100	38	13
28-MAY	50	39	14	100	39	14	100	39	14
29-MAY	50	40	15	100	40	15	100	40	15
30-MAY	50	41	16	100	41	16	100	41	16
31-MAY	50	42	17	100	42	17	100	42	17
01-JUN	50	43	18	100	43	18	100	43	18
02-JUN	50	44	19	100	44	19	100	44	19
03-JUN	50	45	20	100	45	20	100	45	20
04-JUN	50	46	21	100	46	21	100	46	21
05-JUN	50	47	22	100	47	22	100	47	22
06-JUN	50	48	23	100	48	23	100	48	23
07-JUN	50	49	24	100	49	24	100	49	24
08-JUN	50	50	25	100	50	25	100	50	25
09-JUN	50	50	26	100	50	26	100	51	26
10-JUN	50	50	26	100	50	26	100	52	26
11-JUN	50	50	27	100	50	27	100	53	27
12-JUN	50	50	28	100	50	28	100	54	28
13-JUN	50	50	29	97	50	29	97	55	29
14-JUN	50	50	30	93	50	30	93	56	30

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
15-JUN	50	50	31	89	50	31	89	57	31
16-JUN	50	50	31	84	50	31	84	58	31
17-JUN	50	50	32	78	50	32	78	59	32
18-JUN	50	50	33	72	50	33	72	60	33
19-JUN	50	50	34	66	50	34	66	61	34
20-JUN	50	50	34	59	50	34	59	62	34
21-JUN	50	50	35	52	50	35	52	63	35
22-JUN	45	50	36	45	50	36	45	64	36
23-JUN	37	50	37	37	50	37	37	64	37
24-JUN	29	50	37	29	50	37	29	65	37
25-JUN	20	50	38	20	50	38	20	66	38
26-JUN	11	50	39	11	50	39	11	67	39
27-JUN	1	50	39	1	50	39	1	68	39
28-JUN	0	50	40	0	50	40	0	69	40
29-JUN	0	50	40	0	50	40	0	69	40
30-JUN	0	50	41	0	50	41	0	70	41
01-JUL	0	50	41	0	50	41	0	71	41
02-JUL	0	50	42	0	50	42	0	72	42
03-JUL	0	50	42	0	50	42	0	72	42
04-JUL	0	50	43	0	50	43	0	73	43
05-JUL	0	50	43	0	50	43	0	74	43
06-JUL	0	50	44	0	50	44	0	75	44
07-JUL	0	50	44	0	50	44	0	75	44
08-JUL	0	50	45	0	50	45	0	76	45
09-JUL	0	50	45	0	50	45	0	77	45
10-JUL	0	50	45	0	50	45	0	77	45
11-JUL	0	50	46	0	50	46	0	78	46
12-JUL	0	50	46	0	50	46	0	79	46
13-JUL	0	50	46	0	50	46	0	79	46
14-JUL	0	50	46	0	50	46	0	80	46
15-JUL	0	50	47	0	50	47	0	80	47
16-JUL	0	50	47	0	50	47	0	81	47
17-JUL	0	50	47	0	50	47	0	81	47
18-JUL	0	50	47	0	50	47	0	82	47
19-JUL	0	50	47	0	50	47	0	82	47
20-JUL	0	50	47	0	50	47	0	83	47
21-JUL	0	50	47	0	50	47	0	83	47
22-JUL	0	50	47	0	50	47	0	84	47
23-JUL	0	50	47	0	50	47	0	84	47
24-JUL	0	50	47	0	50	47	0	84	47
25-JUL	0	50	47	0	50	47	0	85	47
26-JUL	0	50	47	0	50	47	0	85	47
27-JUL	0	50	47	0	50	47	0	86	47
28-JUL	0	50	46	0	50	46	0	86	46
29-JUL	0	50	46	0	50	46	0	86	46
30-JUL	0	50	46	0	50	46	0	86	46
31-JUL	0	50	46	0	50	46	0	87	46
01-AUG	0	50	45	0	50	45	0	87	45
02-AUG	0	50	45	0	50	45	0	87	45
03-AUG	0	50	45	0	50	45	0	87	45
04-AUG	0	50	44	0	50	44	0	87	44
05-AUG	0	50	44	0	50	44	0	87	44
06-AUG	0	50	43	0	50	43	0	88	43
07-AUG	0	50	43	0	50	43	0	88	43
08-AUG	0	50	42	0	50	42	0	88	42
09-AUG	0	50	41	0	50	41	0	88	41
10-AUG	0	50	41	0	50	41	0	88	41
11-AUG	0	50	40	0	50	40	0	88	40
12-AUG	0	50	39	0	50	39	0	88	39

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
13-AUG	0	50	39	0	50	39	0	88	39
14-AUG	0	50	38	0	50	38	0	87	38
15-AUG	0	50	37	0	50	37	0	87	37
16-AUG	0	50	36	0	50	36	0	87	36
17-AUG	0	50	35	0	50	35	0	87	35
18-AUG	0	50	34	0	50	34	0	87	34
19-AUG	0	50	33	0	50	33	0	86	33
20-AUG	0	50	32	0	50	32	0	86	32
21-AUG	0	50	31	0	50	31	0	86	31
22-AUG	0	50	30	0	50	30	0	86	30
23-AUG	0	50	29	0	50	29	0	85	29
24-AUG	0	50	28	0	50	28	0	85	28
25-AUG	0	50	26	0	50	26	0	84	26
26-AUG	0	50	25	0	50	25	0	84	25
27-AUG	0	50	24	0	50	24	0	84	24
28-AUG	0	50	22	0	50	22	0	83	22
29-AUG	0	50	21	0	50	21	0	82	21
30-AUG	0	50	19	0	50	19	0	82	19
31-AUG	0	50	18	0	50	18	0	81	18
01-SEP	0	50	16	0	50	16	0	81	16
02-SEP	0	50	15	0	50	15	0	80	15
03-SEP	0	50	13	0	50	13	0	79	13
04-SEP	0	50	11	0	50	11	0	79	11
05-SEP	0	50	9	0	50	9	0	78	9
06-SEP	0	50	8	0	50	8	0	77	8
07-SEP	0	50	6	0	50	6	0	76	6
08-SEP	0	50	4	0	50	4	0	75	4
09-SEP	0	50	2	0	50	2	0	74	2
10-SEP	0	50	0	0	50	0	0	73	0
11-SEP	0	50	0	0	50	0	0	72	0
12-SEP	0	50	0	0	50	0	0	71	0
13-SEP	0	50	0	0	50	0	0	70	0
14-SEP	0	50	0	0	50	0	0	69	0
15-SEP	0	50	0	0	50	0	0	68	0
16-SEP	0	50	0	0	50	0	0	67	0
17-SEP	0	50	0	0	50	0	0	66	0
18-SEP	0	50	0	0	50	0	0	65	0
19-SEP	0	50	0	0	50	0	0	63	0
20-SEP	0	50	0	0	50	0	0	62	0
21-SEP	0	50	0	0	50	0	0	61	0
22-SEP	0	50	0	0	50	0	0	59	0
23-SEP	0	50	0	0	50	0	0	58	0
24-SEP	0	50	0	0	50	0	0	57	0
25-SEP	0	50	0	0	50	0	0	55	0
26-SEP	0	50	0	0	50	0	0	54	0
27-SEP	0	50	0	0	50	0	0	52	0
28-SEP	0	50	0	0	50	0	0	50	0
29-SEP	0	49	0	0	49	0	0	49	0
30-SEP	0	47	0	0	47	0	0	47	0
01-OCT	0	45	0	0	45	0	0	45	0
02-OCT	0	44	0	0	44	0	0	44	0
03-OCT	0	42	0	0	42	0	0	42	0
04-OCT	0	40	0	0	40	0	0	40	0
05-OCT	0	38	0	0	38	0	0	38	0
06-OCT	0	36	0	0	36	0	0	36	0
07-OCT	0	34	0	0	34	0	0	34	0
08-OCT	0	32	0	0	32	0	0	32	0
09-OCT	0	30	0	0	30	0	0	30	0

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
10-OCT	0	28	0	0	28	0	0	28	0
11-OCT	0	26	0	0	26	0	0	26	0
12-OCT	0	24	0	0	24	0	0	24	0
13-OCT	0	21	0	0	21	0	0	21	0
14-OCT	0	19	0	0	19	0	0	19	0
15-OCT	0	17	0	0	17	0	0	17	0
16-OCT	0	14	0	0	14	0	0	14	0
17-OCT	0	12	0	0	12	0	0	12	0
18-OCT	0	9	0	0	9	0	0	9	0
19-OCT	0	7	0	0	7	0	0	7	0
20-OCT	0	4	0	0	4	0	0	4	0
21-OCT	0	2	0	0	2	0	0	2	0

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Schedule 5 Initial “unclipped” translucency percentage table

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
22-APR	0	1	0	0	1	0	0	1	0
23-APR	0	2	0	0	2	0	0	2	0
24-APR	0	3	0	0	3	0	0	3	0
25-APR	0	4	0	0	4	0	0	4	0
26-APR	0	5	0	0	5	0	0	5	0
27-APR	0	6	0	0	6	0	0	6	0
28-APR	0	7	0	0	7	0	0	7	0
29-APR	0	8	0	0	8	0	0	8	0
30-APR	0	9	0	0	9	0	0	9	0
01-MAY	0	10	0	0	10	0	0	10	0
02-MAY	5	11	0	5	11	0	5	11	0
03-MAY	12	12	0	12	12	0	12	12	0
04-MAY	18	13	0	18	13	0	18	13	0
05-MAY	25	14	0	25	14	0	25	14	0
06-MAY	31	15	0	31	15	0	31	15	0
07-MAY	37	16	0	37	16	0	37	16	0
08-MAY	43	17	0	43	17	0	43	17	0
09-MAY	48	18	0	48	18	0	48	18	0
10-MAY	54	20	0	54	20	0	54	20	0
11-MAY	59	21	0	59	21	0	59	21	0
12-MAY	65	22	0	65	22	0	65	22	0
13-MAY	70	23	0	70	23	0	70	23	0
14-MAY	74	24	0	74	24	0	74	24	0
15-MAY	79	25	0	79	25	0	79	25	0
16-MAY	83	26	2	83	26	2	83	26	2
17-MAY	88	27	3	88	27	3	88	27	3
18-MAY	91	28	4	91	28	4	91	28	4
19-MAY	95	29	5	95	29	5	95	29	5
20-MAY	99	30	6	99	30	6	99	30	6
21-MAY	100	31	7	100	31	7	100	31	7
22-MAY	100	32	8	100	32	8	100	32	8
23-MAY	100	34	9	100	34	9	100	34	9
24-MAY	100	35	10	100	35	10	100	35	10
25-MAY	100	36	11	100	36	11	100	36	11
26-MAY	100	37	12	100	37	12	100	37	12
27-MAY	100	38	13	100	38	13	100	38	13
28-MAY	100	39	14	100	39	14	100	39	14
29-MAY	100	40	15	100	40	15	100	40	15
30-MAY	100	41	16	100	41	16	100	41	16
31-MAY	100	42	17	100	42	17	100	42	17
01-JUN	100	43	18	100	43	18	100	43	18
02-JUN	100	44	19	100	44	19	100	44	19
03-JUN	100	45	20	100	45	20	100	45	20
04-JUN	100	46	21	100	46	21	100	46	21
05-JUN	100	47	22	100	47	22	100	47	22
06-JUN	100	48	23	100	48	23	100	48	23
07-JUN	100	49	24	100	49	24	100	49	24
08-JUN	100	50	25	100	50	25	100	50	25
09-JUN	100	51	26	100	51	26	100	51	26
10-JUN	100	52	26	100	52	26	100	52	26
11-JUN	100	53	27	100	53	27	100	53	27
12-JUN	100	54	28	100	54	28	100	54	28
13-JUN	97	55	29	97	55	29	97	55	29
14-JUN	93	56	30	93	56	30	93	56	30

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
15-JUN	89	57	31	89	57	31	89	57	31
16-JUN	84	58	31	84	58	31	84	58	31
17-JUN	78	59	32	78	59	32	78	59	32
18-JUN	72	60	33	72	60	33	72	60	33
19-JUN	66	61	34	66	61	34	66	61	34
20-JUN	59	62	34	59	62	34	59	62	34
21-JUN	52	63	35	52	63	35	52	63	35
22-JUN	45	64	36	45	64	36	45	64	36
23-JUN	37	64	37	37	64	37	37	64	37
24-JUN	29	65	37	29	65	37	29	65	37
25-JUN	20	66	38	20	66	38	20	66	38
26-JUN	11	67	39	11	67	39	11	67	39
27-JUN	1	68	39	1	68	39	1	68	39
28-JUN	0	69	40	0	69	40	0	69	40
29-JUN	0	69	40	0	69	40	0	69	40
30-JUN	0	70	41	0	70	41	0	70	41
01-JUL	0	71	41	0	71	41	0	71	41
02-JUL	0	72	42	0	72	42	0	72	42
03-JUL	0	72	42	0	72	42	0	72	42
04-JUL	0	73	43	0	73	43	0	73	43
05-JUL	0	74	43	0	74	43	0	74	43
06-JUL	0	75	44	0	75	44	0	75	44
07-JUL	0	75	44	0	75	44	0	75	44
08-JUL	0	76	45	0	76	45	0	76	45
09-JUL	0	77	45	0	77	45	0	77	45
10-JUL	0	77	45	0	77	45	0	77	45
11-JUL	0	78	46	0	78	46	0	78	46
12-JUL	0	79	46	0	79	46	0	79	46
13-JUL	0	79	46	0	79	46	0	79	46
14-JUL	0	80	46	0	80	46	0	80	46
15-JUL	0	80	47	0	80	47	0	80	47
16-JUL	0	81	47	0	81	47	0	81	47
17-JUL	0	81	47	0	81	47	0	81	47
18-JUL	0	82	47	0	82	47	0	82	47
19-JUL	0	82	47	0	82	47	0	82	47
20-JUL	0	83	47	0	83	47	0	83	47
21-JUL	0	83	47	0	83	47	0	83	47
22-JUL	0	84	47	0	84	47	0	84	47
23-JUL	0	84	47	0	84	47	0	84	47
24-JUL	0	84	47	0	84	47	0	84	47
25-JUL	0	85	47	0	85	47	0	85	47
26-JUL	0	85	47	0	85	47	0	85	47
27-JUL	0	86	47	0	86	47	0	86	47
28-JUL	0	86	46	0	86	46	0	86	46
29-JUL	0	86	46	0	86	46	0	86	46
30-JUL	0	86	46	0	86	46	0	86	46
31-JUL	0	87	46	0	87	46	0	87	46
01-AUG	0	87	45	0	87	45	0	87	45
02-AUG	0	87	45	0	87	45	0	87	45
03-AUG	0	87	45	0	87	45	0	87	45
04-AUG	0	87	44	0	87	44	0	87	44
05-AUG	0	87	44	0	87	44	0	87	44
06-AUG	0	88	43	0	88	43	0	88	43
07-AUG	0	88	43	0	88	43	0	88	43
08-AUG	0	88	42	0	88	42	0	88	42
09-AUG	0	88	41	0	88	41	0	88	41
10-AUG	0	88	41	0	88	41	0	88	41
11-AUG	0	88	40	0	88	40	0	88	40
12-AUG	0	88	39	0	88	39	0	88	39

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DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
13-AUG	0	88	39	0	88	39	0	88	39
14-AUG	0	87	38	0	87	38	0	87	38
15-AUG	0	87	37	0	87	37	0	87	37
16-AUG	0	87	36	0	87	36	0	87	36
17-AUG	0	87	35	0	87	35	0	87	35
18-AUG	0	87	34	0	87	34	0	87	34
19-AUG	0	86	33	0	86	33	0	86	33
20-AUG	0	86	32	0	86	32	0	86	32
21-AUG	0	86	31	0	86	31	0	86	31
22-AUG	0	86	30	0	86	30	0	86	30
23-AUG	0	85	29	0	85	29	0	85	29
24-AUG	0	85	28	0	85	28	0	85	28
25-AUG	0	84	26	0	84	26	0	84	26
26-AUG	0	84	25	0	84	25	0	84	25
27-AUG	0	84	24	0	84	24	0	84	24
28-AUG	0	83	22	0	83	22	0	83	22
29-AUG	0	82	21	0	82	21	0	82	21
30-AUG	0	82	19	0	82	19	0	82	19
31-AUG	0	81	18	0	81	18	0	81	18
01-SEP	0	81	16	0	81	16	0	81	16
02-SEP	0	80	15	0	80	15	0	80	15
03-SEP	0	79	13	0	79	13	0	79	13
04-SEP	0	79	11	0	79	11	0	79	11
05-SEP	0	78	9	0	78	9	0	78	9
06-SEP	0	77	8	0	77	8	0	77	8
07-SEP	0	76	6	0	76	6	0	76	6
08-SEP	0	75	4	0	75	4	0	75	4
09-SEP	0	74	2	0	74	2	0	74	2
10-SEP	0	73	0	0	73	0	0	73	0
11-SEP	0	72	0	0	72	0	0	72	0
12-SEP	0	71	0	0	71	0	0	71	0
13-SEP	0	70	0	0	70	0	0	70	0
14-SEP	0	69	0	0	69	0	0	69	0
15-SEP	0	68	0	0	68	0	0	68	0
16-SEP	0	67	0	0	67	0	0	67	0
17-SEP	0	66	0	0	66	0	0	66	0
18-SEP	0	65	0	0	65	0	0	65	0
19-SEP	0	63	0	0	63	0	0	63	0
20-SEP	0	62	0	0	62	0	0	62	0
21-SEP	0	61	0	0	61	0	0	61	0
22-SEP	0	59	0	0	59	0	0	59	0
23-SEP	0	58	0	0	58	0	0	58	0
24-SEP	0	57	0	0	57	0	0	57	0
25-SEP	0	55	0	0	55	0	0	55	0
26-SEP	0	54	0	0	54	0	0	54	0
27-SEP	0	52	0	0	52	0	0	52	0
28-SEP	0	50	0	0	50	0	0	50	0
29-SEP	0	49	0	0	49	0	0	49	0
30-SEP	0	47	0	0	47	0	0	47	0
01-OCT	0	45	0	0	45	0	0	45	0
02-OCT	0	44	0	0	44	0	0	44	0
03-OCT	0	42	0	0	42	0	0	42	0
04-OCT	0	40	0	0	40	0	0	40	0
05-OCT	0	38	0	0	38	0	0	38	0
06-OCT	0	36	0	0	36	0	0	36	0
07-OCT	0	34	0	0	34	0	0	34	0
08-OCT	0	32	0	0	32	0	0	32	0
09-OCT	0	30	0	0	30	0	0	30	0

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DATE	BURRINJUCK EFFECTIVE VOLUME < 30% FULL SUPPLY VOLUME OF BURRINJUCK			30% FULL SUPPLY VOLUME OF BURRINJUCK < BURRINJUCK EFFECTIVE VOLUME < 50% FULL SUPPLY VOLUME OF BURRINJUCK			BURRINJUCK EFFECTIVE VOLUME > 50% FULL SUPPLY VOLUME OF BURRINJUCK		
	WET	NORMAL	DRY	WET	NORMAL	DRY	WET	NORMAL	DRY
10-OCT	0	28	0	0	28	0	0	28	0
11-OCT	0	26	0	0	26	0	0	26	0
12-OCT	0	24	0	0	24	0	0	24	0
13-OCT	0	21	0	0	21	0	0	21	0
14-OCT	0	19	0	0	19	0	0	19	0
15-OCT	0	17	0	0	17	0	0	17	0
16-OCT	0	14	0	0	14	0	0	14	0
17-OCT	0	12	0	0	12	0	0	12	0
18-OCT	0	9	0	0	9	0	0	9	0
19-OCT	0	7	0	0	7	0	0	7	0
20-OCT	0	4	0	0	4	0	0	4	0
21-OCT	0	2	0	0	2	0	0	2	0

Appendix 1 Rivers and lakes within this water source

At the commencement of this Plan the Murrumbidgee Regulated River Water Source includes the following rivers and lakes:

- (1) Adelong Creek, that part which adjoins the generally northwestern boundary of portion 113 REM., Parish of Willie Ploma, County of Wynyard.
- (2) Back Creek from its confluence with unnamed watercourse within portion 73, Parish of Uroly, County of Boyd, to its confluence with Pine Watercourse and Washpen Creek within portion 72, Parish of Uroly, County of Boyd.
- (3) Barren Box Swamp.
- (4) Beavers Creek.
- (5) Billabong Creek from its junction with Colombo Creek to its confluence with the Edward River.
- (6) Billabong Creek upstream from its confluence with Colombo Creek to the concrete dam situated between portion 63, Parish of Cocketgedong and portion 24, Parish of Nowranie both in the County of Urana.
- (7) Bombowlee Creek from its confluence with the Tumut River within Portion 199, parish of Killimicat, County of Buccleuch, to its intersection with the northern boundary of the road between the aforesaid portion and Portion 75, Parish of Mundongo, County of Buccleuch.
- (8) Brungle Creek.
- (9) Bullenbong Creek from its junction with Old Man Creek to a point 305 metres upstream.
- (10) Bundidgerry Creek from western boundary of portion 67, Parish of Berrembed, County of Bourke, downstream to western boundary of portion 253, Parish of Narrandera, County of Cooper.
- (11) Colombo Creek from its offtake from Yanco Creek to its confluence with Billabong Creek.
- (12) Coonooncoocabil Lagoon, County of Cooper.
- (13) Cowabbie Creek from the western boundary of portion 224, Parish of Berrembed, County of Bourke, downstream to its confluence with Bundidgerry Creek.
- (14) Cuddell Creek from the intersection point of creek bank and the common boundary between portions 4 and 5, Parish of Cuddell, County of Mitchell, to its confluence with Yanco Creek.
- (15) Cudgel Creek from the Cudgel Creek escape regulator within portion 72, Parish of Narrandera downstream to its confluence with the Murrumbidgee River within portion 12, Parish of Yarangery, both County of Cooper.
- (16) Eringowarra Creek from its effluence with the Murrumbidgee River within portion 20, Parish of Bilda, County of Clarendon, downstream to a point 100 metres south of portion 18, within portion 34, parish of Bilda, County of Clarendon.
- (17) Forest Creek from its offtake from Billabong Creek within T.S.R. 30139, Parish of Thulabin, County of Townsend downstream to Warriston Weir.

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- (18) Killimicat Creek from its junction with Nimbo Creek downstream to its junction with Brungle Creek.
- (19) Island Creek offtaking from the Murrumbidgee River between portions 138 and 139, Parish of Tenandra, County of Clarendon.
- (20) Island Lagoon in its entirety from its common effluence/confluence with the Murrumbidgee River, located within portion 209, Parish of Tooyal, County of Bourke.
- (21) Mirrool Creek from western corner of portion 105, Parish of Yenda, County of Cooper to Barren Box Swamp.
- (22) Murrumbidgee River from the upper limit of the storage of Burrinjuck Dam downstream to the Murray River.
- (23) Nimbo Creek.
- (24) Nowranie Creek upstream from its confluence with Billabong Creek to the concrete dam situated within portion 27, Parish of Nowranie, County of Urana.
- (25) Old Man Creek.
- (26) Sheepwash Creek from its confluence with Billabong Creek within portion 49, Parish of Wanganella, County of Townsend, upstream to its intersection with the eastern boundary of said portion, parish and county.
- (27) Tumut River from the upper limit of the storage of Blowering Dam downstream to the Murrumbidgee River.
- (28) Unnamed watercourse (known locally as "The Washaway") offtaking from the Tumut River within portion 40, Parish of Blowering, County of Buccleuch.
- (29) Unnamed watercourse offtaking from the Murrumbidgee River within portion 21, Parish of Borambula, County of Wynyard, to its confluence with the Murrumbidgee River within portion 102, Parish of Borambula, County of Wynyard.
- (30) Unnamed watercourse offtaking from the Murrumbidgee River in portion 39, Parish of Mundarlo, County of Wynyard, downstream to its confluence with the Murrumbidgee River.
- (31) Unnamed watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd.
- (32) Unnamed watercourse offtaking at two points from the Murrumbidgee River within portion 136, Parish of Tenandra, County of Clarendon.
- (33) Unnamed watercourse formerly offtaking from a bend in the Murrumbidgee River within portion 13, Parish of Burt, County of Boyd and now cut off from a supply by construction of Gogeldrie Weir. Alternative supply is now obtained from diversion works constructed by the Crown in the form of a cutting and regulator offtaking from the pool of this weir in portion 8 of the said parish.
- (34) Unnamed lagoon and unnamed watercourse located within portions 38, 15 and C.R. 482, Parish of Bundidgerry, County of Cooper.
- (35) Unnamed watercourse connection an unnamed lagoon with Bundidgerry Creek within C.R. 482, Parish of Bundidgerry, County of Cooper.

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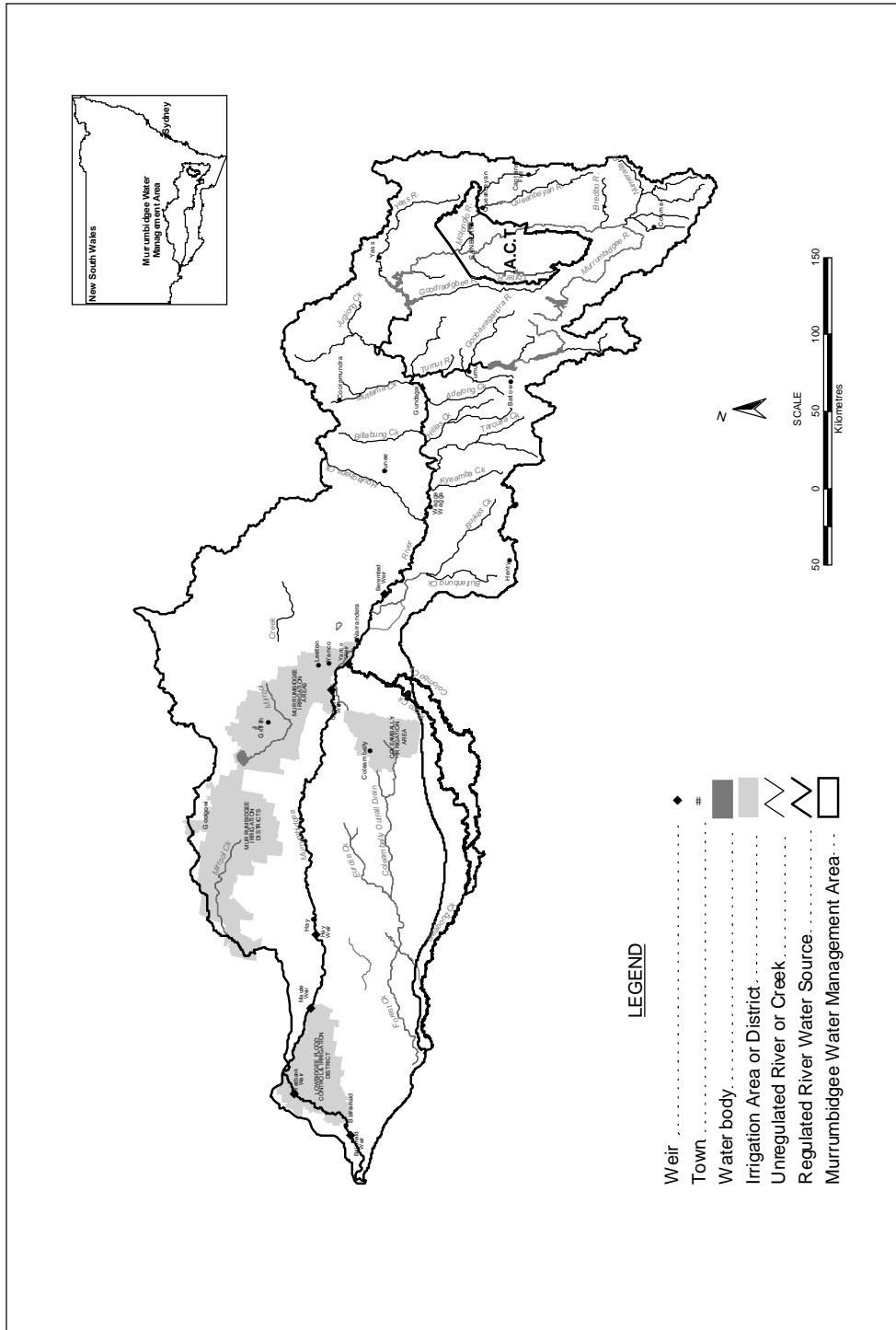
- (36) Unnamed lagoon, from its upstream effluence to its downstream confluence with Colombo Creek both located adjacent to Morundah Racecourse all within Reserve 67478, Parish of Waugh, County of Urana.
- (37) Unnamed watercourse, from its confluence with Yanco Creek within portion 22, Parish of Moonbria, County of Townsend, to the earth dam located 158 metres upstream within portion 3, Parish of Moonbria, County of Townsend.
- (38) Unnamed watercourse offtaking from Yanco Creek within portion 159, Parish of Bundure, County of Urana, to its upper limits within portion 58, Parish of Douglas, County of Urana.
- (39) Unnamed watercourse from its offtake from an unnamed watercourse within portion 57, Parish of Douglas, County of Urana, and traversing portions 58, 61 and 156, Parish of Douglas, County of Urana.
- (40) Unnamed watercourse (artificially improved), from its confluence with Yanco Creek within WR 1630 adjacent to portion 73, Parish of Uroly, County of Boyd, to its confluence with Back Creek within said portion.
- (41) Unnamed watercourse from its offtake from Colombo Creek within Reserve 1631, east of Portion 127, Parish of Bingagong, County of Urana, downstream to its confluence with Yanco Creek within Portion 114, Parish of Bingagong, County of Urana.
- (42) Unnamed watercourse from its junction with Yanco Creek, within Reserve 1630, fronting Portion 128, Parish of Uroly, County of Boyd, to its junction with another unnamed watercourse within Portion 132, Parish of Uroly, County of Boyd, at a point approximately 870 metres east from the western boundary and 50 metres south from the northern boundary of the said portion.
- (43) Uri Creek from its junction with the Unnamed Watercourse offtaking from the Murrumbidgee River within portion 94, Parish of Uri, County of Boyd, downstream to its confluence with the Murrumbidgee River.
- (44) Washpen Creek from its confluence with Pine Watercourse and Back Creek within portion 72, Parish of Uroly, County of Boyd to its confluence with Pine Watercourse and Woolshed Creek within the Road Reserve located between portions 163 and 176, Parish of Howell, County of Boyd.
- (45) Woolshed Creek from its confluence with Pine Watercourse and Washpen Creek within Road Reserve between portions 163 and 176, Parish of Howell, County of Boyd, to its confluence with Yanco Creek within WR 1684 adjacent to portion 142, Parish of Howell, County of Urana.
- (46) Yanco Creek from its offtake from the Murrumbidgee River to its confluence with Billabong Creek.

The Plan also applies to the off take structures at Maude Weir and Redbank Weir, which divert water to the Lowbidgee Flood Control and Irrigation District.

Lowbidgee Flood Control and Irrigation District receives flows from the regulated Murrumbidgee River system but does not form part of the water source. The internal sharing of water within the Lowbidgee FC&ID is not addressed in this Plan. The Forest Creek below Warriston Weir and its effluents receive flows from the regulated Murrumbidgee River system but also do not form part of the water source, and the water sharing arrangements in these rivers are not addressed in this Plan.

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Appendix 2 Murrumbidgee Water Management Area



Appendix 3 State floodplain harvesting principles

What is floodplain harvesting?

Floodplain harvesting is the collection, extraction or impoundment of water flowing across floodplains. The floodplain flows can originate from local runoff that has not yet entered the main channel of a river, or from water that has overflowed from the main channel of a stream during a flood. For the purposes of this policy the floodplain is defined as extending to the 1 in 100 year flood line.

Harvesting can generally be put into one of three categories:

1. Diversion or capture of floodplain flows using purpose built structures or extraction works to divert water into storages, supply channels or fields or to retain flows.
2. Capture of floodplain flows originating from outside of irrigated areas using works built for purposes other than floodplain harvesting. Examples are:
 - levees and supply works such as off river storages constructed in billabongs or depressions that fill from floodplain flows; and
 - below ground level water channels from which the water is pumped into on farm storages.
3. Opportunistic diversions from floodplains, depressions or wetlands using temporary pumps or other means.

Capture of rainfall or runoff from farm irrigation fields, via tailwater systems or other means, is not floodplain harvesting.

What are the issues?

The harvesting of water from floodplains reduces the amount of water reaching or returning to rivers. This decreases the amount of water available to meet downstream river health, wetland and floodplain needs and the water supply components of other users.

As well, floodplain harvesting can seriously affect the connectivity between the local floodplain, wetlands and the river, through the loss of flow volume and redirection of water flows.

The Water Act 1912 provided powers to license floodplain harvesting. However this was never applied as there was generally no requirement to restrict total overall water extractions or off-allocation diversions. Harvested floodplain water has been treated as a freely available bonus to a farmer's licensed component.

This situation has now changed. The Murray-Darling Basin Cap applies to all water diverted from inland New South Wales catchments and rivers. Licensed and off-allocation access has been subject to increasing restrictions. Embargoes on water licences are also in place on many areas on the coast.

Floodplain harvesting works and water extractions also clearly fall into those activities that the Water Management Act 2000 requires to be only undertaken by way of a licence. The Act also requires such licensing to consider the ecological functioning of floodplains.

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Floodplain harvesting can no longer be left outside of the State's water management and compliance system or as a source of increase in further water diversions. Given this, it is the Government's intention that floodplain harvesting works and taking of water from floodplains be licensed and managed. It will take a number of years to complete the process. However, the water sharing plans must signal the basic principles that will govern the process.

Approach to floodplain harvesting

Floodplain harvesting will not be a component of individual water sharing plans being produced for the regulated and unregulated rivers. During flood times water originating in one river system may flow across floodplains and along "flood runners" into adjacent river systems. It is therefore often not possible to assign an area of floodplain to a particular river.

Instead, management of floodplain harvesting will occur on a statewide basis, according to the six principles set out below.

There are many thousands of existing floodplain works which will require licensing and this will be done over the next couple of years. The licensing process will include proper environmental impact assessments.

A separate category of licence will be established.

Principle 1

All existing floodplain harvesting works and floodplain harvesting extractions will be licensed.

While all surface and groundwater licences now (or will shortly) specify volume components or annual limits to water, it is not possible to do this for floodplain harvesting licences at this stage. This is because the pattern of use is highly episodic and site and infrastructure specific, and current data on structures and use is minimal.

The Department of Land and Water Conservation will licence existing structures and specify monitoring of use – including metering of pumps - as a licence condition where possible. This may not be possible initially in cases where a tailwater system is also picking up floodplain water as they are difficult to separate, or where overland flow is being captured by a billabong for which we do not have any information on its capacity. Options for application of volumetric conditions will be developed and implemented where appropriate within the first five years of the initial water sharing plans.

Principle 2

Licensing will focus initially on controlling the structures, but with movement towards specifying volume limits and flow related access conditions, including metering of pumps.

All new floodplain harvesting works are required by law to be licensed. However, as any new works would result in a growth in diversion, which would threaten river health and/or the water

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components of others, such works would have to be offset by a reduction in other forms of water diversion.

Principle 3

No new works or expanded floodplain harvesting activities in the Murray-Darling Basin that will result in the diversion of additional water will be authorised.

Because Cap is based on the use of water with development as it was in 1994, New South Wales considers that the water use that would result from use of the floodplain infrastructure in place in 1994, is part of the Cap in each system. It is likely that there has been some growth in floodplain harvesting works and extractions since then.

However, it is expected that the licensing process will result in some modification of existing works. This may be adequate to offset any post 1994 development. If not, restrictions on the use of the licensed works will have to be applied to return diversions to Cap levels. Such restrictions could include restrictions on pumping times or a requirement to modify the work to allow a proportion of flows to be bypassed.

By preventing the construction or enlargement of new works, the opportunity for any further growth in floodplain harvesting diversions will be minimised.

Principle 4

Floodplain diversions associated with works in place in the Murray-Darling Basin prior to the end of the 1994 irrigation season will be considered as within the New South Wales Cap.

Principle 5

Once licensing is completed, an assessment of long-term use resulting from authorised structures against that from structures which existed in 1994 will be carried out and appropriate steps taken to keep harvesting to Cap levels.

Trading of floodplain harvesting rights will not be permitted because the frequency and volume of use is site and infrastructure specific, and volume management will take some time to implement.

Principle 6

Floodplain harvesting rights will not be tradeable.

Appendix 4 Performance indicators

Performance indicators for the Murrumbidgee Regulated River Water Sharing Plan			
Performance indicator	Related objective	Assessed by:	Commentary
Change in low flows.	10 (a) 10 (b) 10 (c) 10 (g)	<ul style="list-style-type: none"> Number of days per water year where flow is below natural 95th and 80th percentiles. Average and maximum number of days per water year of continuous periods of flow which is below natural 95th and 80th percentiles. Measurement at end of system and specified key sampling sites. 	<ul style="list-style-type: none"> River Flow Objectives (RFOs) 1 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. Note. Not every objective is relevant to every river in NSW. Analysis would need to incorporate reference to seasonal indicators. Long-term modelling will reflect the influence of climate on flows. Appropriate data relating to flow distribution, such as summer/winter cropping balance, agronomical practices, on farm storage development, management and operation of environmental releases etc. Baseline audit should be the modelled water sharing plan scenario (rather than natural flows).
Change in moderate to high flows.	10 (a) 10 (b) 10 (c)	<ul style="list-style-type: none"> Number of days per water year where flow is above natural 30th, 15th and 5th percentiles. Average and maximum number of days per water year of continuous periods of flow which is above natural 30th, 15th and 5th percentiles. Measurement at end of system and other key sampling sites in the water source. 	<ul style="list-style-type: none"> RFO 3.
Change in water	10 (a)	<ul style="list-style-type: none"> Assessment and 	<ul style="list-style-type: none"> Plan rules will contribute

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Performance indicators for the Murrumbidgee Regulated River Water Sharing Plan			
Performance indicator	Related objective	Assessed by:	Commentary
quality in this water source.	10 (c)	statistical analysis of key water quality parameters, and relationship to flow.	to a long-term change in water quality by affecting flow regimes and flow management to address issues such as algal management. <ul style="list-style-type: none"> Note that there are many non-water sharing plan related factors that affect water quality (eg land-based activities and thermal pollution).
Change in ecological condition of this water source and dependent ecosystems.	10 (a) 10 (b) 10 (c)	<ul style="list-style-type: none"> Monitoring of ecological response to changed flow regimes, by integrated monitoring of environmental flows (IMEF). Each water source will have specific hypotheses from the set developed under the IMEF model. Other relevant studies as may be undertaken in specific water sources. 	<ul style="list-style-type: none"> IMEF tests a number of hypotheses to indicate how elements of river ecology respond to different aspects of the flow regime (including environmental flow regimes, irrigation flows, and floods and wetland connectivity).
Change in economic benefits derived from water extraction and use.	10 (e) 10 (h)	<ul style="list-style-type: none"> Change in regional gross margins versus annual total extractions based on year 1 benchmarks (as represented in IQQM). Movement of water to higher value crops as measured by increases in area and/or water extracted by these enterprises versus lower value uses. Change in unit price of water transferred. Annual total volume of access licence transferred in each water year. 	<ul style="list-style-type: none"> Note that there are many factors affecting economic status of a region, such as commodity prices, other sources of water (eg groundwater). The performance indicator is intended to isolate as much as possible the effects of water availability and price on the gross margin returns at a regional level. Assessment undertaken as part of plan performance monitoring will make assumptions to attempt to identify the impact of the plan provisions.

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Performance indicators for the Murrumbidgee Regulated River Water Sharing Plan			
Performance indicator	Related objective	Assessed by:	Commentary
Extent to which basic landholder rights requirements have been met	10 (d)	<ul style="list-style-type: none"> Basic rights allowances made according to plan provisions/implementation program requirements. Flows adequate to meet basic rights requirements (taking into consideration allowances for delivery). 	<ul style="list-style-type: none"> Basic rights usage figures in water sharing plans are estimated volumes (not actual use). Basic rights represents a very small proportion of water extraction in regulated systems.
Extent to which local water utility requirements have been met.	10 (f)	<ul style="list-style-type: none"> Percentage of years that reserves were adequate to satisfy urban water requirements. 	
Extent to which native title rights have been met.	10 (j)	<ul style="list-style-type: none"> Native title rights allowances made according to plan provisions and implementation program requirements. 	
Extent of recognition of spiritual, social and customary values of water to Aboriginal people.	10 (j)	<ul style="list-style-type: none"> Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people. 	<ul style="list-style-type: none"> The collection of information on the values associated with water is considered the first step in addressing the objects of the Act. It would be expected that at the end of five years there should be relevant information collected for each water source, as a minimum requirement.

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Appendix 5 Minister's access licence dealing principles

The following is the text from the Access Licence Dealing Principles Order, published in the NSW Government Gazette on 27 December 2002.

Access Licence Dealing Principles Order 2002

Part 1 Introduction

1. Name of Order

This Order is the *Access Licence Dealing Principles Order 2002*.

2. Commencement

This Order commences on 20 December 2002.

3. Establishment of access licence dealing principles

The access licence dealing principles set out in this order are established.

4. Interpretation

- (1) References in this order to licences of category 'runoff harvesting' or 'regulated river (conveyance)' are subject to those categories being prescribed by regulation made under section 57 (k) of the Act.
- (2) Notes in this order do not form part of the order.

5. Effect

- (1) Consistent with section 71K (1) of the Act, all applications for access licence dealings under Division 4 of Part 2 of Chapter 3 of the Act are to be dealt with in accordance with:
 - (a) the water management principles, and
 - (b) the principles in this order, and
 - (c) access licence dealing rules established by any relevant management plan.
- (2) Consistent with section 71L of the Act, any access licence dealing rules established by management plans must be consistent with the principles in this order.

6. Definitions

In this order the following definitions apply:

dealing means a dealing under Chapter 3, Part 2 Division 4 of the *Water Management Act 2000*.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs.

groundwater source means a water source specified in a groundwater management plan.

hydrologically connected water sources are water sources where water from one flows into the other, or, in the case of river systems, where flow from both goes into a common river downstream.

management plan means a plan made under section 41 or 50 of the *Water Management Act 2000*.

regulated river water source means a water source specified in a regulated river management plan.

runoff harvesting dam is a farm dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are as defined in an order made under section 53 of the *Water Management Act 2000*.

unregulated river water source means a water source specified in an unregulated river management plan.

Part 2 General principles

7. Impacts on water sources

- (1) Dealings should not adversely affect environmental water and water dependent ecosystems as identified in any relevant management plan.
- (2) Dealings should be consistent with any strategies to maintain or enhance water quality identified in any relevant management plan.
- (3) In unregulated river water sources, dealings should not increase commitments to take water from water sources or parts of water sources identified in any relevant management plan as being of high conservation value.
- (4) In unregulated river water sources or a groundwater sources, dealings should not increase commitments to take water from water sources or parts of water sources above sustainable levels identified in any relevant management plan.
- (5) In regulated river water sources, dealings should not increase daily demand for water delivery at those locations and times where it is identified in any relevant management plan that demand exceeds delivery capacity.
- (6) In regulated river water sources, dealings should not increase commitments to take water in lower river or effluent systems where this will result in flow at greater than 80% of channel capacity for more than 10% of days used for water delivery.
- (7) In this clause, **commitments to take water** refers, in relation to all access licences with nominated works in that water source or part of a water source, to:
 - (a) the total volume of share components, or
 - (b) the total volume of water allocations in water allocation accounts, or
 - (c) where relevant, the sum of limits on rates of extraction in extraction components.

8. Impacts on indigenous, cultural, heritage or spiritual matters

- (1) Dealings should not adversely affect geographical and other features of indigenous significance.
- (2) Dealings should not adversely affect geographical and other features of major cultural, heritage or spiritual significance.

9. Impacts on water users

- (1) Dealings should not adversely affect the ability of a person to exercise their basic landholder rights.

- (2) Dealings should have no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences. This should be addressed by constraints on dealings established in access licence dealing rules in relevant management plans.

10. Maximising social and economic benefits

- (1) The objective of access licence dealings is to help to facilitate maximising social and economic benefits to the community of access licences as required under the objects of the Act. Dealings do this by:
 - (a) allowing water to move from lower to higher value uses, and
 - (b) allowing the establishment of water markets that value the access licences, thereby encouraging investment in water efficient infrastructure, and
 - (c) allowing greater flexibility to access licence holders.
- (2) Subject to other principles in this order, access licence dealing rules should allow maximum flexibility in dealings to promote the objectives set out in subclause (1).

Part 3 Principles for specific types of access licence dealings

11. Transfer of access licences

- (1) This clause applies to dealings under section 71A of the Act.
- (2) Dealings under section 71A are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Access licence dealing rules established by a management plan shall not regulate or prohibit dealings under section 71A of the Act.

Note. as indicated in section 71A (3), consent to the transfer of a local water utility access licence may only be granted if the transferee is a local water utility, and consent to the transfer of a major water utility access licence may only be granted if the transferee is a major water utility.

12. Conversion of access licence to new category

- (1) This clause applies to access licence dealings under section 71B of the Act.
- (2) Dealings under section 71B are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal, or
 - (b) if there is an outstanding debt under the Act in respect of the licence, or
 - (c) if the licence is suspended under section 78 of the Act, or
 - (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (e) if the licence share component is not numerically quantified.
- (3) Dealings under section 71B are prohibited unless provisions of the relevant management plan:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (4) The share and extraction components of a new licence issued under a dealing under section 71B must comply with any requirements that are specified in the relevant

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- management plan for a licence granted under section 63 of the Act for the new category.
- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan or where this dealing is accompanied by a dealing under section 71E, water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence, up to a maximum of the share component volume of the new licence.
 - (6) The share component on a new access licence issued under a dealing under section 71B is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
 - (7) Conversion factor rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
 - (8) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licence.
 - (9) For conversion of category from regulated river (high security), unregulated river or aquifer to major utility and vice versa:
 - (a) a major utility licence may only be converted to another category if it has components relating to only one water source, and
 - (b) subject to imposing such mandatory conditions as are required by the relevant management plan for the new category, the extraction component on the cancelled licence is to be carried over to the new licence.
 - (10) For conversion of category from regulated river (general security) to regulated river (high security) and vice versa, and for conversion of category from domestic and stock to regulated river (high security) and vice versa, the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
 - (11) For conversion of category from regulated river (conveyance) to regulated river (high security) or regulated river (general security), the extraction component on the cancelled licence is to be carried over to the new licence, subject to imposing such mandatory conditions as are required by the relevant management plan for the new category.
 - (12) For conversion of category from regulated river (general security) to unregulated river:
 - (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from regulated river (general security) to unregulated river must be accompanied by an application under section 71E to change the share component to an unregulated river water source, and is conditional on granting of that application, and
 - (d) water allocations remaining in the water allocation account on the cancelled licence may not be credited to the new licence.
 - (13) For conversion of category from unregulated river to runoff harvesting:

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- (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is not on a river (apart from a minor stream as defined in an order made under section 53 of the Act), and
 - (c) the application for conversion of category from unregulated river to runoff harvesting access licence must be accompanied by an application under section 71J to nominate the water supply work to a runoff harvesting dam, and is conditional on granting of that application.
- (14) For conversion of category from runoff harvesting to unregulated river:
- (a) no parts of the extraction component on the cancelled licence are to be carried over to the new licence, and
 - (b) the extraction component of the new licence is to specify a location or area which is on an unregulated river (apart from a minor stream as defined in an order made under section 53 of the Act).
- (15) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. Under section 71B applications to convert local water utility access licences and supplementary access licences are prohibited, and licences granted are subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs. Also licences may only be granted in relation to the same water source or water management area as the cancelled licence.

13. Subdivision of access licences

- (1) This clause applies to subdivision dealings under section 71C of the Act.
- (2) Dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licence may be carried forward to the new licences.
- (4) The category of the new licences is to be the same as the category of the cancelled licence.
- (5) The areas or locations specified in the cancelled licence are to be carried over to all the new licences.
- (6) Any indivisible parts of the times, rates or circumstances specified in the extraction component of the cancelled licence are to be carried forward to all the new licences.
- (7) Water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licences so that the combined water allocations in the accounts of the new licences are no greater than the water allocations which remained in the account of the cancelled licence.
- (8) Access licence dealing rules established by a management plan shall not regulate or prohibit subdivision dealings under section 71C of the Act.

Note. As indicated in section 71C (3), the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licence are to be carried over to the new licences.

14. Consolidation of access licences

- (1) This clause applies to consolidation dealings under section 71C of the Act.
- (2) Consolidation dealings under section 71C are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if the licences to be consolidated do not have share components in the same water source, or
 - (d) if the location or area specified in the extraction component of the licences is not the same.
- (3) Subject to the granting of an application under section 71J, any nominated water supply works on the cancelled licences may be carried forward to the new licence.
- (4) Water allocations remaining in the water allocation accounts on the cancelled licences are to be credited to the new licence so that the water allocations in the account of the new licence is no greater than the sum of the water allocations remaining in the accounts of the cancelled licences.
- (5) Access licence dealing rules established by a management plan shall not regulate or prohibit consolidation dealings under section 71C of the Act.

Note. as indicated in section 71C, the licences to be consolidated must be of the same category or subcategory, the combined share components and combined extraction components of the new licences are to be no greater than the share and extraction components of the cancelled licence, and conditions on the cancelled licences are to be carried over to the new licences.

15. Assignment of rights under access licences

- (1) This clause applies to assignment of rights dealings under section 71D of the Act.
- (2) Dealings under section 71D are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of any of the licences, or
 - (b) if any of the licences are suspended under section 78 of the Act, or
 - (c) if any of the licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act.
- (3) Only share or extraction components, or parts thereof, that are numerically quantified may be assigned from one licence to another.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71D, the licences which are involved in a dealing under section 71D must be of the same category and have share components in the same water source or water management area. This dealing does not apply to local water utility access licences.

16. Change of water source

- (1) This clause applies to amendment of share component dealings under section 71E of the Act.
- (2) Dealings under section 71E are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence does not have the share component expressed as a volume, or

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- (d) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
- (e) from an unregulated river water source to a regulated river water source, or
- (f) from a groundwater source to a regulated river or unregulated river water source, or vice versa, or
- (g) if the licence is of category major water utility or supplementary.
- (3) A dealing under section 71E is prohibited unless there is a hydrologic connection between the water sources of the cancelled and issued licences.
- (4) A dealing under section 71E is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) The share component on the new access licence is to be of a volume equal to the volume on the cancelled licence multiplied by a conversion factor determined by the Minister in accordance with any rules set out in relevant management plans.
- (7) Conversion factors rules in management plans:
 - (a) must be based on protecting environmental water and basic landholder rights as specified in the management plans, and maintaining the available water to other access licences, and
 - (b) are not to be set for the purpose of achieving a reduction in overall water extraction from water sources.
- (8) Nominated water supply works on the cancelled licence are not to be carried over to the new licence.
- (9) No water allocations remaining in the water allocation account of the cancelled licence may be credited to the new licence.
- (10) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71E, the new licence arising from a dealing under section 71E is subject to the mandatory conditions relevant to its category or subcategory and water source. This dealing does not apply to local water utility access licences.

17. Amendment of extraction component of access licence

- (1) This clause applies to amendment of extraction component dealings under section 71F of the Act.
- (2) Dealings under section 71F are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence,
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences.
- (3) Amendment of the times, rates and circumstances part of the extraction component may only occur where:
 - (a) access licence dealing rules in the relevant plan make provision for it consistent with the principles in Part 2 of this order, and

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- (b) those rules specifically indicate the nature of those amendments which are allowed.
- (4) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Note. As indicated in section 71F, the area or location arising from a variation of an access licence under this dealing must relate to the same water management area or water source as that to which the original area or location related.

18. Assignment of water allocations between access licences

- (1) This clause applies to assignment of water allocation dealings under section 71G of the Act.
- (2) Dealings under section 71G are prohibited:
 - (a) if either of the access licences is suspended under section 78 of the Act, or
 - (b) if either of the access licences are of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
 - (d) if any of the access licences is of category runoff harvesting, or
 - (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
 - (f) from a supplementary water access licence to a licence of any other category.
- (3) Assignment of water allocations between access licences relating to different water sources is prohibited if:
 - (a) either licence is of category supplementary, or
 - (b) there is no hydrologic connection between the water sources, or
 - (c) one water source is a regulated river and the other is an unregulated river, or
 - (d) one water source is a groundwater source and the other is a regulated river or unregulated river water source.
- (4) Assignment of water allocations between access licences relating to different water sources is prohibited unless provisions of the relevant management plans:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (5) Assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

19. Interstate transfer dealings

- (1) This clause applies to dealings under section 71H of the Act.
- (2) Any dealings under section 71H must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71H are prohibited unless the waters for which the interstate access licence equivalent has or will have rights to are hydrologically connected to the water source in which to which the access licence to be issued or revoked relates.
- (4) Dealings under section 71H which revoke an access licence are prohibited:
 - (a) if there is an outstanding debt under the Act in respect of the licence, or
 - (b) if the licence is suspended under section 78 of the Act, or
 - (c) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, or
 - (d) if the licence is of category local water utility or major water utility.
- (5) The share and extraction components of a new licence issued under this dealing must comply with any requirements that are specified in the relevant management plan for a licence granted under section 63 of the Act.
- (6) Dealings under section 71H are prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by such dealings, and
 - (b) protect basic landholder rights from being affected by such dealings, and
 - (c) protect the available water under other access licences from being affected by such dealings.
- (7) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

20. Interstate assignment of water allocations

- (1) This clause applies to interstate assignment of water allocation dealings under section 71I of the Act.
- (2) Any dealings under section 71I must be consistent with the relevant inter-state agreement.
- (3) Dealings under section 71I are prohibited:
 - (a) if the access licence is suspended under section 78 of the Act, or
 - (b) if the licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, or
 - (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on the access licence, or
 - (d) if the access licence is of category runoff harvesting or supplementary water, or
 - (e) if the access licence is of category major utility, unless specific provision is made in access licence dealing rules in the relevant management plan to allow this.
- (4) This dealing is prohibited unless arrangements are in place which:
 - (a) protect environmental water from being affected by the dealing, and
 - (b) protect basic landholder rights from being affected by the dealing, and
 - (c) protect the available water under other access licences from being affected by the dealing.

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- (5) Interstate assignment of water allocations from a local water utility access licence is prohibited unless:
 - (a) the Minister has approved a demand management plan for all NSW towns supplied under the local water utility access licence, and
 - (b) the Minister has approved a drought management plan for all NSW towns supplied under the local water utility access licence, and
 - (c) the Minister is satisfied the assignment will not put the water supply for NSW towns supplied by the local water utility at risk.
- (6) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

21. Nomination of water supply works

- (1) This clause applies to nomination of water supply works dealings under section 71J of the Act.
- (2) Dealings under section 71J are prohibited if the access licence is suspended under section 78 of the Act.
- (3) Dealings under section 71J are prohibited if the access licence is of a kind which is not subject to embargo in accordance with an order made under sections 80 or 81 of the Act, apart from local water utility access licences, with the following exceptions:
 - (a) if new or additional works are to be nominated, where those works supply the same property as the current nominated works, or a contiguous property to the property supplied by the current nominated works which is occupied by the same landholder, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (4) Dealings under section 71J are prohibited if the access licence is of category local water utility, with the following exceptions:
 - (a) if new or additional works are to be nominated, that those works supply the same town water supply scheme as the current nominated works, or
 - (b) if a nominated work is withdrawn, that there remains at least one nominated work.
- (5) Nomination of a water supply work is prohibited if the access licence does not have an extraction component allowing taking of water at the location of the nominated work.
- (6) With regard to runoff harvesting access licences:
 - (a) the nominated work must be a runoff harvesting dam of capacity consistent with the share component of the access licence, and
 - (b) withdrawal of nominated work may only be granted where arrangements are in place to ensure that the nominated work does not conserve any more water than is permitted pursuant to the exercise of basic landholder rights.
- (7) Withdrawal of nomination may not be prohibited by access licence dealing rules, except for as otherwise specified in this clause.
- (8) Subject to the other parts of this clause, access licence dealing rules may prohibit or regulate these dealings provided this is done consistent with the principles in Part 2 of this order.

Department of Mineral Resources

NOTICE is given that the following applications have been received:

ASSESSMENT LEASE APPLICATION

(T02-0471)

No. 28, PACIFIC MAGNESIUM PTY LTD (ACN 085 822 340), area of about 17.875 square kilometres, for serpentine, dated 18 December, 2002. (Armidale Mining Division).

EXPLORATION LICENCE APPLICATIONS

(T02-0786)

No. 2040, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 43 units, for Group 1, dated 19 December, 2002. (Cobar Mining Division).

(T02-0788)

No. 2042, HILL END GOLD LIMITED (ACN 072 692 365), area of 107 units, for Group 1, dated 20 December, 2002. (Orange Mining Division).

(T02-0789)

No. 2043, HILL END GOLD LIMITED (ACN 072 692 365), area of 88 units, for Group 1, dated 20 December, 2002. (Orange Mining Division).

(T02-0790)

No. 2044, JERVOIS MINING LIMITED (ACN 007 626 575), area of 30 units, for Group 1, dated 20 December, 2002. (Cobar Mining Division).

(T02-0791)

No. 2045, JERVOIS MINING LIMITED (ACN 007 626 575), area of 30 units, for Group 1, dated 20 December, 2002. (Cobar Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

ASSESSMENT LEASE APPLICATION

(T97-1280)

Armidale No. 11, now Assessment Lease No. 7, ZEOLITE AUSTRALIA LIMITED (ACN 010 550 357) and MOSAIC TILE AND POTTERY CO. PTY. LTD. (ACN 000 038 497), Parish of Grenfell, County of Buckland, area of about 129 hectares, for zeolites, dated 29 November, 2002, for a term until 28 November, 2007.

MINING LEASE APPLICATION

(C02-0296)

Singleton No. 213, now Mining Lease No. 1526 (Act 1992), CUMNOCK NO.1 COLLIERY PTY LIMITED (ACN 051 932 122), Parish of Ravensworth, County of Durham, Map Sheet (9033-2-S), area of 165.6 hectares, to mine for coal, dated 3 December, 2002, for a term until 2 December, 2023. As a result of the grant of this title, Authorisation No. 364 has partly ceased to have effect.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following application has been refused:

EXPLORATION LICENCE APPLICATION

(T02-0423)

No. 1994, CLUFF RESOURCES PACIFIC NL (ACN 002 261 565), County of Gloucester, Map Sheet (9233, 9234). Refusal took effect on 5 December, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(C97-2009)

Exploration Licence No. 5430, MT ARTHUR COAL PTY LIMITED (ACN 000 181 902), area of 78 hectares. Application for renewal received 18 December, 2002.

(T01-0692)

Mining Lease No. 554 (Act 1973), BORAL MONTORO PTY LIMITED (ACN 002 944 694), area of 57.2 hectares. Application for renewal received 18 December, 2002.

(T01-0693)

Mining Lease No. 1026 (Act 1973), NEW ENGLAND ANTIMONY MINES N.L. (RECEIVERS & MANAGERS APPOINTED) (ACN 005 482 940), area of 97.94 hectares. Application for renewal received 12 December, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T89-0238)

Exploration Licence No. 4038, TRITTON RESOURCES LIMITED (ACN 100 095 494), County of Canbelego, Map Sheet (8235), area of 4 units, for a further term until 26 August, 2004. Renewal effective on and from 18 December, 2002.

(T98-1222)

Exploration Licence No. 5583, TRI ORIGIN AUSTRALIA NL (ACN 062 002 475), Counties of Bathurst and Wellington, Map Sheet (8731), area of 57 units, for a further term until 24 June, 2004. Renewal effective on and from 4 December, 2002.

(C00-1104)

Coal Lease No. 224 (Act 1973), SAXONVALE COAL PTY LIMITED (ACN 003 526 467), Parishes of Wollombi and Vere, County of Northumberland, Map Sheet (9132), area of 2580 hectares, for a further term until 23 December, 2023. Renewal effective on and from 23 December, 2002.

(C00-1096)

Coal Lease No. 580 (Act 1973), THE NARDELL COLLIERY PTY LTD (ACN 001 205 312), Parish of Ravensworth, County of Durham; and Parish of Vane, County of Durham, Map Sheet (9133-3-S), area of 530 hectares, for a further term until 31 December, 2023. Renewal effective on and from 9 December, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

WITHDRAWAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been withdrawn:

(T91-0591)

Exploration Licence No. 4405, RUSSELL ROBERTS, County of Bathurst and County of Roxburgh, Map Sheet (8731), area of 1 unit. The authority ceased to have effect on 18 December, 2002.

EDWARD OBEID M.L.C.,
Minister for Mineral Resources

PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(T99-0043)

Exploration Licence No. 5580, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), County of Yancowinna, Map Sheet (7133).

Description of area cancelled:

Map Sheet	Block	Units
Adelaide	37	u z
Adelaide	38	g qr vw
Adelaide	39	fg n s vwx
Adelaide	109	e k
Adelaide	110	abc fg
Adelaide	111	

Part cancellation took effect on 18 December, 2002.

The authority now embraces an area of 26 units.

(C02-0601)

Mining Lease No. 1411 (Act 1992), VALE ENGINEERING PTY LIMITED (ACN 001 800 979), Parish of Bulgo, County of Cumberland; Parish of Heathcote, County of Cumberland; Parish of Southend, County of Cumberland; and Parish of Wedderburn, County of Cumberland, Map Sheet (9029-1-S, 9029-2-N, 9129-4-S).

Description of area cancelled:

Parish: Southend

County: Cumberland

Local Government Area: Wollongong

1:25,000 Maps: 9029-1-S, 9029-2-N

Area: Those parts of Mining Lease No. 1411 (Act 1992) embracing the surface and lands below to a depth of 30 metres of the parcels of land specified hereunder:

Lot 1 DP248386.

Lot 1A DP752054.

Lots 3, 4 and 6 DP1019453, and

Lot 118 being an unregistered parcel of land.

Part cancellation took effect on 24 December, 2002.

The authority now embraces an area of 3238 hectares.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

**COAL MINES REGULATION ACT 1982
NOTIFICATION OF APPROVED EXPLOSIVE**

File No.: C02/0741

Date.: 13 December 2002

In pursuance of clause 158 of the Coal Mines (Underground) Regulation 1999 I hereby notify that the detonator known as CARRICK R INSTANTANEOUS DETONATOR manufactured by Orica Germany GmbH, Troisdorf Germany, and supplied by Orica Australia Pty Limited is designated a permitted detonator and APPROVED for use in the coal mines of New South Wales.

The detonator must be identical in all respects to that which was approved by the Health and Safety Executive, United Kingdom on 28 June 1996 – HSE(M) Approval No EXPL.REG 5(DET)23 and HSE/RLSD test report EX 658 dated 13 June 1996.

DESCRIPTION: CARRICK R INSTANTANEOUS DETONATOR

An electrically initiated low incendive instantaneous detonator having a copper casing and insulated copper leading wires, conforming with the following specification:

A. FUSEHEAD

- | | | | |
|-----|------------------------------|----------|---|
| (1) | Bridge wire | Material | Nichrome 80/20 |
| | | Length | 1.4 mm |
| | | Diameter | 40 µm |
| (2) | Priming and Flash Components | Priming | Lead Picrate, Aluminium, Nitrocellulose |
| | | Flashing | As above |
| (3) | Sealing Plug | | PVC |
| (4) | Shroud for Fusehead | | PVC |

B. DELAY ELEMENT

Not Applicable (Instantaneous)

C. PRIMING AND BASE CHARGE

Base Charge	0.7 g “K” Pentolite (70:30 PETN:TNT)
Priming Charge	90 mg lead Azide

D. CASE

Material	Copper
Length	56.5 mm
External Diameter	7.1 mm

E. LEADING WIRES

Material	Copper
External Diameter	0.6mm
Insulation	PVC
Colour(s)	Orange/White

Attached to the white lead wire is a tag with the number 0 printed in black

F. DETONATOR BASE MARKING

The base of each detonator tube to be stamped with a large T (the manufacturer's identification mark).



The detonator shall be used in accordance with the Coal Mines Regulation Act, 1982 and any notices made pursuant thereto.

R.W. Regan
Chief Inspector of Coal Mines

**COAL MINES REGULATION ACT 1982
NOTIFICATION OF APPROVED EXPLOSIVE**

File No.: C02/0741

Date.: 13 December 2002

In pursuance of clause 158 of the Coal Mines (Underground) Regulation 1999 I hereby notify that the detonator known as CARRICK R DELAY DETONATOR manufactured by Orica Germany GmbH, Troisdorf Germany, and supplied by Orica Australia Pty Limited is designated a permitted detonator and APPROVED for use in the coal mines of New South Wales.

The detonator must be identical in all respects to that which was approved by the Health and Safety Executive, United Kingdom on 17 July 1996 – HSE(M) Approval No EXPL.REG 5(DET)24 and HSE/RLSD test report EX 660 dated 02 July 1996.

DESCRIPTION: CARRICK R DELAY DETONATOR

A series of electrically initiated low incensive short delay detonators having a copper casing and insulated copper leading wires, conforming to the following specifications:

A. FUSEHEAD

- | | | | |
|-----|------------------------------|----------|---|
| (1) | Bridge wire | Material | Nichrome 80/20 |
| | | Length | 1.4 mm |
| | | Diameter | 40 µm |
| (2) | Priming and Flash Components | Priming | Lead Picrate, Aluminium, Nitrocellulose |
| | | Flashing | As above |
| (3) | Sealing Plug | | PVC |
| (4) | Shroud for Fusehead | | PVC |

B. DELAY ELEMENT

Type	Zinc
Delay composition	Lead oxide, silicon
Nominal delay times	No 1 30 m.sec
	No 2 60 m.sec
	No 3 90 m.sec
	No 4 120 m.sec

No 5	150 m.sec
No 6	180 m.sec
No 7	210 m.sec
No 8	240 m.sec
No 9	270 m.sec
No 10	300 m.sec

C. PRIMING AND BASE CHARGE

Base Charge	0.7 g "K" Pentolite (70:30 PETN:TNT)
Priming Charge	90 mg lead Azide

D. CASE

Material	Copper
Length	53.6 to 88.75 mm
External Diameter	7.1 mm

E. LEADING WIRES

Material	Copper
External Diameter	0.6mm
Insulation	PVC
Colour(s)	One green and one orange with a tag to indicate the delay number

F. DETONATOR BASE MARKING

The base of each Carrick R Delay detonator tube to be stamped with a large T (the manufacturer's identification mark) and the delay number as illustrated in the following examples for delay numbers 4 and 10:



The detonators shall be used in accordance with the Coal Mines Regulation Act, 1982 and any notices made pursuant thereto.

R. W. Regan
Chief Inspector of Coal Mines

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Cross Roads, Prestons and Lurnea in the Liverpool City Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL those pieces or parcels of land situated in the Liverpool City Council area, Parishes of Minto and St Luke and County of Cumberland, shown as:

Lot 12 Deposited Plan 846449, being the whole of the land in Certificate of Title 12/846449;
Lot 103 Deposited Plan 864675, being the whole of the land in Certificate of Title 103/864675
Lot 106 Deposited Plan 864675, being the whole of the land in Certificate of Title 106/864675;
Lot 107 Deposited Plan 864675, being the whole of the land in Certificate of Title 107/864675;
Lot 110 Deposited Plan 864675, being the whole of the land in Certificate of Title 110/864675;
Lot 1000 Deposited Plan 1045127, being the whole of the land in Certificate of Title 1000/1045127 excluding from the acquisition of Lot 1000 any existing easements;
Lot 1001 Deposited Plan 1045129, being the whole of the land in Certificate of Title 1001/1045129 excluding from the acquisition of Lot 1001 the easement to drain water variable width affecting the part shown so burdened in the title diagram vide Dealing 3099435;
Lot 1002 Deposited Plan 1045129, being the whole of the land in Certificate of Title 1002/1045129; and
Lot 1003 Deposited Plan 1045132, being the whole of the land in Certificate of Title 1003/1045132.

The land is said to be in the possession of the Roads and Traffic Authority of New South Wales.

(RTA Papers FPP F5/259.1695)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition and Dedication as Public Road of Land at Ulmarra in the Pristine Waters Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and further dedicates the land as Public Road under Section 10 of the Roads Act 1993.

D J Lorsch
Manager Statutory Processes
Roads and Traffic Authority
of New South Wales

—————
SCHEDULE

ALL that piece or parcel of Crown land situated in the Pristine Waters Council area, Parish of Ulmarra and County of Clarence, shown as Lot 12 Deposited Plan 1033565, being the whole of the land in Certificate of Title 12/1033565.

(RTA Papers FPP 2M4641; RO 10/332.1533)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Rothbury in
the Cessnock City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

ALL that piece or parcel of land situated in the Cessnock City Council area, Parish of Rothbury and County of Northumberland, shown as Lot 27 Deposited Plan 1044459, being part of the land in Deed of Conveyance No 315 Book 3455.

The land is said to be in the possession of Margaret Rose Ollis.

(RTA Papers 2M5047; RO 85.1528)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Dunmore in
the Shellharbour City Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

—————
SCHEDULE

All those pieces or parcels of land situated in the Shellharbour City Council area, Parish of Terragong, County of Camden, shown as Lots 7 and 12 Deposited Plan 1030504, being parts of the land in Certificate of Title Auto Consol 15440-62.

The land is said to be in the possession of the State Rail Authority of New South Wales.

(RTA Papers 2M4614; RO 1/401.1484)

Roads Act 1993

General Class 3 Concrete Pipe Carrier Notice under Division 3 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance of Part 3 of Division 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, exempt vehicles carrying concrete pipes from the provisions of clause 75 of Schedule 4 to the Road Transport (Vehicle registration) Regulation 1998, subject to the conditions and requirements set out in this Notice.

Paul Forward
Chief Executive
Roads and Traffic Authority

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Part 1 – Preliminary

1.1 Citation

This Notice may be cited as the General Class 3 Concrete Pipe Carrier Notice 2003.

1.2 Commencement

This Notice takes effect on 1 January 2003.

1.3 Interpretations

1.3.1 Unless stated otherwise, words and expressions used in this Notice that are defined in Part 5 of this Notice or the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996 have the same meanings as those set out in that Part or that Dictionary.

1.3.2 Except where a contrary intention is indicated, the index, diagrams and notes in the text of this Notice do not form part of this Notice.

1.4 Effect

This Notice remains in force until 30 June 2004 unless it is amended or repealed earlier.

1.5 Application

1.5.1 This Notice applies provided that the motor vehicles, of the kind described in clause 1.5.2 are operated in accordance with the operation and travel requirements in Part 2 to this Notice.

1.5.2 This Notice applies to a Class 3 vehicle used to carry concrete pipes loaded transversely which does not, apart from its load of concrete pipes, exceed 2.5 metres in width.

<p>Note: The concessional arrangements allowed by this Notice do not apply to B-doubles or road trains</p>

Part 2 – Operating and travel requirements

2.1 Operating requirements

2.1.1 A copy of this Notice, or an information sheet issued by the Roads and Traffic Authority setting out the obligations imposed under this Notice, must be carried in the driving compartment whenever the vehicle is operating as a Class 3 vehicle carrying concrete pipes and must be produced to a police officer or an authorised officer when requested.

2.2 Travel requirements

2.2.1 A Class 3 vehicle carrying concrete pipes wider than 2.5 m must comply with the provisions of Part 4 – Requirements for Class 1 Vehicles (Other than Agricultural Machines or Agricultural Implements) of the General Class 1 Oversize Notice 2002.

2.2.2 For the purposes of this Notice, the following roads in Emu Plains are deemed to be included in the Sydney Metropolitan Travel Zone for Overdimension Notices in Part 6 of the General Overdimension Notice 1997:

M4 Motorway, Russell Street, Old Bathurst Road, Great Western Highway.

Part 3 – Dimension limits

3.1 The width of any load of concrete pipes carried on a Class 3 vehicle operating under this Notice must not exceed 2.65 metres.

3.2 A Class 3 vehicle and its load must comply with all other dimension limits provided in the Regulations, including those relating to overhangs.

Part 4 – Definitions

“authorised officer” means a person employed by the RTA as an enforcement officer.

“Class 3 vehicle” means a restricted access vehicle other than a Class 1 vehicle or a Class 2 vehicle.

“information sheet” means advice published or adopted by the Authority (and available on request from the Authority).

Roads Act 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Albury City Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Mr Mark Henderson
General Manager
Albury City Council
 (by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the Albury City Council B-Doubles Notice No 2, 2002.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until 1 February 2005 unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Albury City Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
19m	000	Kaylock Road, Albury	Wagga Road	Griffith Road	55 tonne mass

Roads Act 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Gundagai Shire Council, in pursuance of Division 2 of Part 3 of *the Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

G.A.J. Tickner
General Manager
Gundagai Shire Council
 (by delegation from the Minister for Roads)

Schedule

1. Citation

This Notice may be cited as the Gundagai Shire Council B-Doubles Notice No 01, 2002.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until further notice unless it is amended or repealed earlier.

4. Application

This Notice applies to B-Doubles which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

B-Double routes within the Gundagai Shire Council.

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	SR 26	Adjungbilly Rd	14.0 km south east of Gobarralong Rd	At Redhill Road	
25	SR 27	Redhill Rd	Adjungbilly Road	3.0 km south of Adjungbilly Rd	

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

ERRATUM

IN the notice regarding the VTO relating to the recognised traineeship vocation of Sport and Recreation in the *Government Gazette* of 13 December 2002, the Full-Time nominal Term of Training for Certificate IV is 48 months was incorrect. It should be 24 months.

BANKS AND BANK HOLIDAYS ACT 1912

NOTICE

I, JOHN DELLA BOSCA, Minister for Industrial Relations, in pursuance of section 19(3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 20th day of December, 2002.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

SCHEDULE

Column 1	Column 2
After noon, Friday, 14 February 2003	Walcha Council area
Friday, 14 February 2003	That part of the County of Camden, comprising the Parish of Cambewarra and those portions of the Parishes of Burrawong, Yarrawa and Wallawa, situated within the City of Shoalhaven
Friday, 7 March 2003	Lake Macquarie City Council and Newcastle City Council areas
After noon, Monday, 17 March 2003	Armidale Dumaresq Council area
After noon, Friday, 4 April 2003	Albury City Council area
After noon, Wednesday, 30 April 2003	Kempsey Shire Council area
After noon, Wednesday, 7 May 2003	Maclean Shire Council area
After noon, Wednesday, 7 May 2003	Kempsey Shire Council area
Tuesday, 13 May 2003	That portion of the township of Yeoval which is within the Cabonne Council area
After noon, Friday, 16 May 2003	Scone Shire Council area
After noon, Monday, 19 May 2003	Bogan Shire Council area
Wednesday, 21 May 2003	Gilgandra Shire Council area
Wednesday, 28 May 2003	Coonamble Shire Council area
After noon, Wednesday, 16 July 2003	Grafton City Council area
After noon, Thursday, 17 July 2003	

After noon, Thursday, 7 August 2003	Coffs Harbour City Council area
Wednesday, 13 August 2003	Town of Trundle within the Parkes Shire Council area
Wednesday, 20 August 2003	Town of Peak Hill within the Parkes Shire Council area
After noon, Tuesday, 26 August 2003	Town of Parkes within the Parkes Shire Council area
After noon, Wednesday, 3 September 2003	West Wyalong/Wyalong Town Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council area
After noon, Thursday, 11 September 2003	Ballina Shire Council area
After noon, Thursday, 25 September 2003	Lismore City Council area
After noon, Tuesday, 30 September 2003	Young Shire Council area
After noon, Thursday, 30 October 2003	Grafton City Council area
After noon, Tuesday, 4 November 2003	Muswellbrook Shire Council area

CHARITABLE TRUSTS ACT 1993

Order under Section 12
Cy-pres Scheme Relating to th
Asthma Foundation of NSW

BY Deed of Trust dated 20 November 1968, land situated at 31 Langson Avenue Figtree was held in trust by the Asthma Foundation 'for the benefit and rehabilitation of sufferers from asthma and related conditions'. In 1969 funds were used to build the Mont Sheppard Pool swimming pool. The Asthma Foundation has used this pool and facilities for the benefit and rehabilitation of asthma sufferers.

The Asthma Foundation has now formed the view that it is impracticable to carry out the terms of the trust because the cost of running the swimming pool complex is greater than the income generated by the complex through entry fees. The Wollongong Branch of the Asthma Foundation (which manages the land and swimming pool complex under the trust) no longer considers the pool complex to be a viable concern.

While the Trust Deed makes provision for a situation where the land in question ceases to be used for its designated purposes, the Asthma Foundation does not believe that this provision would be of any benefit as the new entity would likely encounter the same difficulties in managing the property. The Foundation has proposed a *cy pres* scheme whereby the land and pool complex at 31 Langson Avenue, Figtree is sold and, after deducting expenses, a trust fund established, to be known as the Pearl Sheppard Fund, whose objects will be:

- The provision of expert opinion and advice to school children with asthma and their carers in the City of Greater Wollongong;
- The provision of practical asthma information, training and community support to school children with asthmas and their carers in the City of Greater Wollongong; and

- The funding of research into asthma in school children the City of Greater Wollongong.

I have formed the view that the original charitable purpose of the trust, to benefit and rehabilitate sufferers from asthma, has ceased to be effective and I have approved a recommendation that the Attorney General establish a *cypres* scheme pursuant to section 12(1)(a) of the *Charitable Trusts Act* 1993, to enable the Asthma Foundation to sell the land at 31 Langson Ave, Figtree and apply the proceeds of sale as outlined above.

Therefore, pursuant to section 12 of the *Charitable Trusts Act*, I hereby order that the proceeds of sale of the land at 31 Langson Ave, Figtree be applied *cypres* for the purposes detailed above, such order to take effect 21 days after this Order's publication in the Government Gazette, in accordance with section 16(2) of the *Charitable Trusts Act*.

Date of Order: 20 December 2002.

MG SEXTON, SC,
Solicitor General

Under delegation from the Attorney General

COALSUPER RETIREMENT INCOME FUND TRUST DEED

Determination under Rule 3.1.1

I, Alan Edward Potts, General Manager, COALSUPER Retirement Income Fund, pursuant to Rule 3.1.1(5) of the COALSUPER Retirement Income Fund Trust Deed, hereby determine that the "Reference Rates" that have been determined under this Rule are:

- \$553.00 from June 10, 1998
- \$563.00 from July 4, 1999
- \$578.00 from July 10, 2000

These determinations took effect from the dates noted in (a), (b) and (c) above with \$578.00 being the current rate.

Dated: December 23, 2002.

A. E. POTTS,
General Manager

COAL AND OIL SHALE MINeworkERS (SUPERANNUATION) ACT 1941

Determination under Part 4 – Section 19 (7)(a)

I, Alan Edward Potts, General Manager, COALSUPER Retirement Income Fund, pursuant to Section 19 (7) (a) of the Coal and Oil Shale Mineworkers (Superannuation) Act 1941, hereby determine that the Special Rate means a rate equal to 1 percent of the Reference Rate.

The determination took effect from 1 July 2000.

Dated: December 23, 2002.

A. E. POTTS,
General Manager

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Revocation of Appointment as Acting Deputy
Chairperson

HER Excellency the Governor, on the advice of the Executive Council and pursuant to clause 6(1)(d) of Schedule 1 to the *Crimes (Administration of Sentences) Act 1999* has revoked the appointment of Ian Pike as Acting Deputy Chairperson of the Parole Board.

The revocation of Mr Pike's appointment under clause 2(3) of Schedule 1 to the *Crimes (Administration of Sentences) Act 1999* will take effect on and from 31 December 2002.

RICHARD AMERY, M.P.,
Minister for Corrective Services
Minister for Agriculture

DORMANT FUNDS ACT 1942

IN RE THE DORMANT FUNDS KNOWN AS

PUBLIC CONTRIBUTIONS ACCOUNT
(QUEEN VICTORIA NURSING HOME)
QUEEN VICTORIA NURSING HOME KIOSK
MUTUAL AID FUND
QUEEN VICTORIA NURSING HOME BED
ENDOWMENT FUND
TABLELANDS ROAD GRANT ACCOUNT
(QUEEN VICTORIA NURSING HOME)
MISCELLANEOUS TRUST FUNDS
(QUEEN VICTORIA NURSING HOME)
DIXSON WARD DONATIONS ACCOUNT
(QUEEN VICTORIA NURSING HOME)

NOTICE IS HEREBY GIVEN that proposals have been formulated under the Dormant Funds Act 1942, in relation to the above Funds and that copies of such proposals may be inspected at the office of the Commissioner, Public Trust Office, 19 O'Connell Street, Sydney. Any person interested in the administration, utilisation or application of one or more of the said Dormant Funds may on or before the 10th day of February 2003 deliver or send to the Commissioner at 19 O'Connell Street, Sydney, a request in writing that the proposals in respect of such Fund(s) be referred by the Commissioner to the Charity Referees. Such request must state an address for service of notices on the person by whom the request is made.

DATED at Sydney this 19th day of December 2002.

P. J. WHITEHEAD,
Commissioner of Dormant Funds

ELECTRICITY SUPPLY ACT 1995

Greenhouse Gas Benchmark Rule (Carbon Sequestration)
No. 5 of 2003

Notice of Approval of Greenhouse Gas Benchmark Rule
by the Minister for Energy under section 97K of the
Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 97K of the Electricity Supply Act 1995, hereby give notice of approval of Greenhouse Gas Benchmark Rule (Carbon Sequestration) No. 5 of 2003.

The Rule takes effect from 1 January 2003.

A copy of the Greenhouse Gas Benchmark Rule (Carbon Sequestration) No. 5 of 2003 may be obtained through the Ministry of Energy and Utility's website at, www.energy.nsw.gov.au.

Dated at Sydney, this 22nd day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

ELECTRICITY SUPPLY ACT 1995

Greenhouse Gas Benchmark Rule

(Large User Abatement Certificates) No. 4 of 2003

Notice of Approval of Greenhouse Gas Benchmark Rule by the Minister for Energy under section 97K of the Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 97K of the Electricity Supply Act 1995, hereby give notice of approval of Greenhouse Gas Benchmark Rule (Large User Abatement Certificates) No. 4 of 2003.

The Rule takes effect from 1 January 2003.

A copy of the Greenhouse Gas Benchmark Rule (Large User Abatement Certificates) No. 4 of 2003 may be obtained through the Ministry of Energy and Utility's website at, www.energy.nsw.gov.au.

Dated at Sydney, this 21st day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

ELECTRICITY SUPPLY ACT 1995

Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003

Notice of Approval of Greenhouse Gas Benchmark Rule by the Minister for Energy under section 97K of the Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 97K of the Electricity Supply Act 1995, hereby give notice of approval of Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003.

The Rule takes effect from 1 January 2003.

A copy of the Greenhouse Gas Benchmark Rule (Generation) No. 2 of 2003 may be obtained through the Ministry of Energy and Utility's website at, www.energy.nsw.gov.au.

Dated at Sydney, this 21st day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

ELECTRICITY SUPPLY ACT 1995

Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003

Notice of Approval of Greenhouse Gas Benchmark Rule by the Minister for Energy under section 97K of the Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 97K of the Electricity Supply Act 1995, hereby give notice of approval of Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003.

The Rule takes effect from 1 January 2003.

A copy of the Greenhouse Gas Benchmark Rule (Demand Side Abatement) No. 3 of 2003 may be obtained through the Ministry of Energy and Utility's website at, www.energy.nsw.gov.au.

Dated at Sydney, this 21st day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

ELECTRICITY SUPPLY ACT 1995

Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003

Notice of Approval of Greenhouse Gas Benchmark Rule by the Minister for Energy under section 97K of the Electricity Supply Act 1995

I, Kimberley Maxwell Yeadon, Minister for Energy, pursuant to section 97K of the Electricity Supply Act 1995, hereby give notice of approval of Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003.

The Rule takes effect from 1 January 2003.

A copy of the Greenhouse Gas Benchmark Rule (Compliance) No. 1 of 2003 may be obtained through the Ministry of Energy and Utility's website at, www.energy.nsw.gov.au.

Dated at Sydney, this 21st day of December 2002.

KIMBERLEY MAXWELL YEADON, M.P.,
Minister for Energy

FORESTRY ACT 1916

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Minister for Forestry declares, with the approval of Her Excellency the Governor, that the lands described in the Schedule below exclusive of all mines and deposits of minerals therein contained being parts of the land dedicated as Tumut State Forest No. 798 are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of giving effect to an Agreement entered into pursuant to Section 16A of the Forestry Act, 1916.

Dated at Sydney this fourth day of December, 2002.

KIM YEADON, M.P.,
Minister for Forestry

SCHEDULE

All those pieces or parcels of land having a total area of 23.47 hectares or thereabouts situate in the Tumut Shire Council Area, Parish of Tumut, County of Wynyard, being Lot 1 in Deposited Plan 734582 and Lot 100 in Deposited Plan 1040583 and being Tumut State Forest No. 798, Nos 3, 4 and 7 Extensions, dedicated 4 December 1953, 26 October 1956 and 17 December 1971 respectively. (52151).

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

Assigned Name:	George Stanton Lookout	Assigned Name:	Pat Slaven Reserve
Designation:	Lookout	Designation:	Reserve
L.G.A.:	Lake Macquarie City Council	L.G.A.:	Lake Macquarie City Council
Parish:	Kahibah	Parish:	Wallarrah
County:	Northumberland	County:	Northumberland
L.P.I. Map:	Swansea	L.P.I. Map:	Catherine Hill Bay
1:100,000 Map:	Lake Macquarie 9231	1:100,000 Map:	Lake Macquarie 9231
Reference:	GNB4914	Reference:	GNB4921
Assigned Name:	Sarah Jeffery Reserve	Assigned Name:	Owens Walkway
Designation:	Reserve	Designation:	Track
L.G.A.:	Tumut Shire Council	L.G.A.:	Lake Macquarie City Council
Parish:	Tumut	Parish:	Kahibah
County:	Wynyard	County:	Northumberland
L.P.I. Map:	Tumut	L.P.I. Map:	Swansea
1:100,000 Map:	Tumut 8527	1:100,000 Map:	Lake Macquarie 9231
Reference:	GNB4916	Reference:	GNB4922
Assigned Name:	Ginninderra Falls	Assigned Name:	Progress Park
Designation:	Falls	Designation:	Reserve
L.G.A.:	Yarrowlumla Shire Council	L.G.A.:	Shoalhaven City Council
Parish:	Weetangera	Parish:	Wollumboola
County:	Murray	County:	St Vincent
L.P.I. Map:	Umburra	L.P.I. Map:	Huskisson
1:100,000 Map:	Brindabella 8627	1:100,000 Map:	Jervis Bay 9027
Reference:	GNB4917	Reference:	GNB4923
Assigned Name:	Lower Ginninderra Falls	Assigned Name:	Clacks Creek
Designation:	Falls	Designation:	Gully
L.G.A.:	Yarrowlumla Shire Council	L.G.A.:	Lake Macquarie City Council
Parish:	Weetangera	Parish:	Morisset
County:	Murray	County:	Northumberland
L.P.I. Map:	Umburra	L.P.I. Map:	Morisset
1:100,000 Map:	Brindabella 8627	1:100,000 Map:	Gosford 9131
Reference:	GNB4917	Reference:	GNB4924
Assigned Name:	Charlie Bali Reserve	Assigned Name:	Hely Creek
Designation:	Reserve	Designation:	Gully
L.G.A.:	Blacktown City Council	L.G.A.:	Lake Macquarie City Council
Parish:	Prospect	Parish:	Awaba
County:	Cumberland	County:	Northumberland
L.P.I. Map:	Prospect	L.P.I. Map:	Swansea
1:100,000 Map:	Penrith 9030	1:100,000 Map:	Lake Macquarie 9231
Reference:	GNG4918	Reference:	GNB4924
Assigned Name:	Billy Goat Hill Reserve	Assigned Name:	Little Flaggy Creek
Designation:	Reserve	Designation:	Creek
L.G.A.:	Blacktown City Council	L.G.A.:	Lake Macquarie City Council
Parish:	Prospect	Parish:	Kahibah
County:	Cumberland	County:	Northumberland
L.P.I. Map:	Prospect	L.P.I. Map:	Wallsend
1:100,000 Map:	Penrith 9030	1:100,000 Map:	Newcastle 9232
Reference:	GNB4919	Reference:	GNB4924
Assigned Name:	William Harvey Reserve	Assigned Name:	Mullards Creek
Designation:	Reserve	Designation:	Creek
L.G.A.:	Baulkham Hills Shire Council	L.G.A.:	Lake Macquarie City Council
Parish:	Castle Hill	Parish:	Mandolong
County:	Cumberland	County:	Northumberland
L.P.I. Map:	Riverstone	L.P.I. Map:	Morisset
1:100,000 Map:	Penrith 9030	1:100,000 Map:	Gosford 9131
Reference:	GNB4920	Reference:	GNB4924
Assigned Name:	George Stanton Lookout	Assigned Name:	Postmistress Creek
Designation:	Lookout	Designation:	Gully
L.G.A.:	Lake Macquarie City Council	L.G.A.:	Lake Macquarie City Council
Parish:	Kahibah	Parish:	Morisset
County:	Northumberland	County:	Northumberland
L.P.I. Map:	Swansea	L.P.I. Map:	Swansea
1:100,000 Map:	Lake Macquarie 9231	1:100,000 Map:	Lake Macquarie 9231
Reference:	GNB4914	Reference:	GNB492

Assigned Name: Stobbart Creek
 Designation: Gully
 L.G.A.: Lake Macquarie City Council
 Parish: Kahibah
 County: Northumberland
 L.P.I. Map: Wallsend
 1:100,000 Map: Newcastle 9232
 Reference: GNB4924

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's web site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
 Chairperson

Geographical Names Board
 PO Box 143
 Bathurst NSW 2795

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ACT 1997

Order

I, Craig Knowles MP, Minister for Health:

- A. pursuant to section 5(1) and (2) of the Health Professional (Special Events Exemption) Act 1997 (the Act), do hereby declare the event listed in Column 1 of the Schedule below to be a special event for the purposes of the Act;
- B. pursuant to section 5(3) of the Act, specify the period or periods listed in Column 2 of the Schedule relating to the event listed in Column 1 as the period or periods during which the exemption under section 11(1) and (2) of the Act shall have effect;
- C. pursuant to section 5(5) of the Act, specify that, for the purposes of section 7(c) of the Act, the organisation listed in Column 3 of the Schedule is required to notify in writing the NSW Department of Health of the following information:
 - (i) the names of the visiting health professionals who will be providing health care services at the event listed in Column 1 of the Schedule; and
 - (ii) the name of the team, group or persons to whom the visiting health professional will be providing the health care services.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Australian Youth Festival	3 January 2003 to 13 January 2003	Australian Olympic Committee

Signed at Sydney this 18th day of December 2002.

CRAIG KNOWLES, M.P.,
 Minister for Health

HOUSING ACT 2001

Dedication of Land as Public Reserve

THE New South Wales Land and Housing Corporation by its delegate declares pursuant to the provisions of sections 34 (3) and 34 (4) of the Housing Act 2001 that the land described in the Schedule below is dedicated as Public Reserve and vested in the Council of the City of Albury.

Dated this 18th day of December 2002.

M. VERRENDER,
 Acting General Manager-Resitech

SCHEDULE

The Public Reserve shown as Lot 29 on the plan of land at West Albury, City of Albury, Parish of Albury, County of Goulburn, registered in the Land Titles Office as Deposited Plan No.:809752.

HEALTH INSURANCE LEVIES ACT 1982

Notice of Prescribed Rate

PURSUANT to the Health Insurance Levies Act 1982, the prescribed rate for the purposes of the Act for the period commencing 1 February 2003 will be 97 cents.

P. ACHTERSTRAAT,
 Chief Commissioner of State Revenue

LAND TAX MANAGEMENT ACT 1956

Land Tax Returns for 2003 Tax Year

1. This Order is made under section 12(1) of the Land Tax Management Act 1956. The purpose of this Order is to advise persons who own land in NSW if and when they are required to lodge an initial return or a variation return in relation to the 2003 land tax year or an earlier tax year. General background information about land tax and administrative matters is contained in Annexure "A".
2. In addition to the requirements to lodge a return in accordance with this Order, the Chief Commissioner may require any person to lodge a return or a further return under section 12(2) of the Land Tax Management Act 1956.

Requirement to Lodge an "Initial Return"

3. The requirement to lodge an initial land tax return in 2003, as specified in this Order, applies to certain "persons" who are "owners" of land in NSW at midnight on 31 December 2002. The reference to an "owner" includes a reference to a person who is an owner of land or is deemed to be an owner for land tax purposes by the Land Tax Management Act 1956. A "person" includes a company, a trustee, a beneficiary of a trust and a natural person.
4. Persons who own land in NSW at midnight on 31 December 2002 and who were not liable for land tax for the 2002 tax year but who are liable for land tax for the 2003 tax year, and do not receive written advice about their 2003 liability from the Chief Commissioner of State Revenue by 15 April 2003, must lodge an Initial Return by 30 April 2003.

5. Any person who is liable for land tax for both the 2003 land tax year and an earlier land tax year must lodge an Initial Return for the 2003 tax year by 30 April 2003, if the person failed to comply with a requirement to lodge an initial return in respect of the earlier tax year, and if the person does not receive written advice from the Chief Commissioner about those tax liabilities by 15 April 2003.
6. However, a person who, between 1 January and 15 April 2003, receives written advice from the Chief Commissioner that the person is or may be liable for land tax for the 2003 tax year, is not required to lodge a return for the 2003 tax year, except as specified in that written advice.
7. Where land is subject to a trust, and the trustee has not previously lodged a land tax return, the trustee must lodge an initial return on behalf of the trust even if the taxable land value for 2003 land tax purposes is less than the threshold value of \$261,000. If the trustee fails to lodge a return, or fails to provide the information specified on the form about the beneficiaries of the trust, the trust may be assessed as if it were a special trust.
8. Those persons who are required by this Order to lodge an Initial Return may instead provide the information specified on the Initial Return form by telephoning the Office of State Revenue's telephone inquiry service on 02 9685 2124 or 1300 858 300.
12. Those persons who must lodge a Variation Return form, may instead provide the relevant information by telephone to the Office of State Revenue's telephone inquiry service on (02) 9685 2155 or 1 800 061 163.
13. Penalty tax and interest for late lodgement of a return may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date. A summary of the current penalty tax and late lodgement interest rates for 2003 is contained in Appendix "A".

Due Date for Lodgement of Variation Returns

14. "Variation Returns" are required to be lodged by the first instalment date shown on the notice of assessment. If the notice of assessment incorrectly shows that no tax is payable, the due date for lodgment of a variation return is 40 days after the "Issue Date" shown on the notice.
15. Returns are to be lodged with the Chief Commissioner of State Revenue, Office of State Revenue, Lang Centre, Cnr Hunter and Marsden Streets, Parramatta, NSW 2150 or at any of the Office of State Revenue's Regional Offices.

P. ACHTERSTRAAT,
Chief Commissioner of State Revenue

Due date for lodgement of Initial Returns

8. Any person who is required by this Order to lodge a 2003 Initial Return, must do so by 30 April 2003. Penalty tax and interest for late lodgement may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by 30 April 2003. A summary of the current penalty tax and late lodgement interest rates for 2003 is contained in Appendix "A".

Requirement to Lodge a Variation Return

10. A Variation Return is required to be lodged by a person who receives an incorrect notice of assessment of land tax. Errors on the notice which may result in an incorrect notice of assessment of land tax may include:
 - (a) details of land owned by the person as shown on the notice are incorrect;
 - (b) exempt land has been incorrectly assessed as liable for land tax;
 - (c) liable land has been incorrectly classified as exempt;
 - (d) the calculation of tax contains errors;
 - (e) a special trust has not been assessed at the flat rate applying to special trust;
 - (f) A trust has been incorrectly assessed as if it were a special trust;
 - (g) The beneficial owners of land owned by the trust have changed since 31 December 2001.
11. A variation return must be lodged by a trustee of a trust, other than a special trust, if the trustee has not previously advised the Chief Commissioner of the beneficiaries of the trust or the beneficial owners of land owned by the trust. The return must disclose details of the beneficiaries as required by the return form. If a trustee fails to comply with this requirement, the Chief Commissioner may assess the trust as if it were a special trust.

ANNEXURE "A"

INFORMATION ABOUT LAND TAX FOR LANDOWNERS

Landowners who are liable for land tax

16. The following summary explaining liability for land tax is provided to assist owners in determining whether or not they are required to lodge a return for the 2003 tax year. A brochure explaining land tax liabilities in greater detail may be obtained from the Office of State Revenue's website at www.osr.nsw.gov.au.
17. A person who owned land or holds a legal or beneficial interest in land at midnight on 31 December 2002 is liable for land tax in respect of the 2003 tax year if that person is:
 - (i) an owner of taxable land which has a total land value, as determined by the Valuer-General for the 2003 land tax year, of \$261,000 or more; or
 - (ii) an owner of taxable land, being land which is the owner's principal place of residence, where the land value as determined by the Valuer-General for the purposes of the 2003 land tax year is \$1.680 million more; or
 - (iii) a company which owns taxable land, where the total value as determined by the Valuer-General, when aggregated with land owned by a related company or companies, is \$261,000 or more;
 - (iv) a trustee who owns land where the trust is a special or discretionary trust and the land value of taxable land is \$5,883 or more;
 - (v) A trustee other than a trustee of a special or discretionary trust, and the land value of taxable land is \$261,000 or more;
 - (vi) A beneficiary of a trust which owns taxable land, including an owner of a unit or units in a unit trust,

where the beneficiary owns other interests in taxable land, and the aggregate value of all of the beneficiary's interests in taxable land total \$261,000 or more.

- (vii) A beneficiary of a trust which owns taxable land, where the beneficiary is a special trust and the aggregate value of all of the beneficiary's interests in taxable land total \$5,883 or more.

Address for lodging returns

18. Returns may be mailed to the Office of State Revenue, Locked Bag 5815, Parramatta, NSW 2124, but must be mailed in time to reach the Office of State Revenue by the due date. That is, sufficient time should be allowed for delivery of the mail from the particular location from which the return is posted, having regard to the normal delivery times advised by Australia Post for that location.

How to obtain a blank return form

19. Copies of the blank Initial and Variation Return forms are available from the Office of State Revenue at Parramatta or its Regional Offices located in Sydney, Newcastle and Wollongong or by telephoning the Office of State Revenue on the numbers listed below. A blank Variation Return is attached to each notice of assessment.

Penalty tax and interest may be charged for failure to lodge a return

20. Failure to lodge an Initial Return or a Variation Return is classed as a tax default under the Taxation Administration Act. Therefore, penalty tax may be imposed for failing to lodge an Initial Return or a Variation Return. The rate of the penalty imposed depends on whether the failure was due to failure to take reasonable care, or intentional disregard of the land tax legislation. The penalty rate also depends on whether the default was discovered by OSR during an audit, and whether the landowner makes a voluntary disclosure. The rate of penalty tax may vary from a 90% of the primary tax for the most serious default to 5% for a voluntary disclosure before an audit commences.
21. In addition, late lodgement interest may be imposed at the rate applying from time to time under the Taxation Administration Act. The current rate is 12.84% per annum.

What to do if you do not know your taxable land value

22. Land is revalued for land tax purposes every year. However, notices of land values are only issued to owners by the Valuer-General when a general revaluation of a local government area is made for local council rating purposes. These general valuations are usually conducted at intervals of 3 years. Therefore land values used for land tax may be more recent than the values used for council rates.
23. Owners who do not receive a general valuation notice from the Valuer-General by 31 January 2003 showing their land value as at 1 July 2002, may contact OSR to obtain the land value applicable for land tax for the 2003 land tax year.

24. Alternatively, certificates showing the land value of a specified parcel of land may be obtained by lodging an application electronically through a Client Service Provider authorised by OSR. Details of how clients may obtain access to an authorised Client Service Provider are available from OSR's Website at www.osr.nsw.gov.au.

RACING ADMINISTRATION ACT 1998

Order

Sports Betting Events

I, JACK RICHARD FACE, Minister for Gaming and Racing, in pursuance of section 18 of the Racing Administration Act 1998, hereby declare the sporting events and classes of sporting events specified in the schedule hereto to be sports betting events for the purposes of this Act.

This Order supersedes the Sports Betting Events Order published in the Gazette on 26 February 1999.

Dated at Sydney this 16th day of December 2002.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

RACING ADMINISTRATION ACT 1998

Order

Sports Betting — Approved Forms Of Betting

I, JACK RICHARD FACE, Minister for Gaming and Racing, in pursuance of section 20(1) of the Racing Administration Act 1998, hereby impose generally as a condition on sports betting authorities that the taking of bets on sports betting events is limited to the approved forms of betting specified in the schedule hereto.

This Order supersedes the Sports Betting - Approved Forms of Betting Order published in the Gazette on 26 February 1999.

Dated at Sydney this 16th day of December 2002.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

RACING ADMINISTRATION ACT 1998

Order

Bookmaker Sports Betting

General Conditions On Authorities

I, JACK RICHARD FACE, Minister for Gaming and Racing, in pursuance of section 20(1)(b) of the Racing Administration Act 1998, hereby impose the General Conditions on bookmaker sports betting authorities as set out hereunder.

These conditions replace the General Sports Betting Conditions gazetted on 31 August 2001.

Dated at Sydney this 18th day of December 2002.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

WORKERS COMPENSATION (MEDICAL PRACTITIONER FEES) ORDER 2002 No 1

Under the Workers Compensation Act 1987

I, ROD McINNES, Acting General Manager of the WorkCover Authority of New South Wales, pursuant to section 61 of the Workers Compensation Act 1987, make the following Order.

ROD McINNES,
Acting General Manager
WorkCover Authority

Dated: 23 December 2002.

Workers Compensation (Medical Practitioner Fees) Order 2002 No 1

1. Name of Order

This Order is the *Workers Compensation (Medical Practitioner Fees) Order 2002 No 1*.

2. Commencement

This Order commences on 1 January 2003.

3. Application of Order

This order applies to treatment provided on or after commencement of the Order, whether it relates to an injury received before, on or after that date.

4. Maximum fees for medical practitioners

- (1) This clause applies to medical or related treatment provided by a medical practitioner in respect of which a fee is specified in the AMA List, but does not include:
 - (i) medical services identified in the AMA List by AMA number AC500, AC510, AC520 and AC530 (Professional Attendances by a Specialist) if these medical services are provided by a specialist surgeon;
 - (ii) medical services identified in the AMA List by AMA numbers EA010 to MZ500 (Surgical Operations) if these medical services are provided by a specialist surgeon;
 - (iii) medical services in the AMA List by AMA numbers OP200, OP210 and OP220 (magnetic resonance imaging – MRI).
- (2) The maximum amount for which an employer is liable under the act for any claim for medical or related treatment to which this clause applies is the fee listed, in respect of the medical or related treatment concerned, in the AMA List.

5. Goods and Services Tax

- (1) An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost as so increased is taken to be the amount fixed by this Order.
- (2) This clause does not permit a medical practitioner to charge or recover, in respect of GST payable in respect of a service, an amount that is greater than:
 - (i) 10% of the maximum amount payable under this Order to the medical practitioner in respect of the medical or related treatment apart from this clause, or

- (ii) the amount permitted under the New Tax System Price Exploitation law, whichever is the lesser.

6. Definitions

In this Order:

AMA List means the document called *List of Medical Services & Fees* published by the Australian Medical Association and dated 1 November 2002.

the Act means the *Workers Compensation Act 1987*.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

New Tax System Price Exploitation law means:

- (a) the New Tax System Price Exploitation Code as applied by a law of New South Wales by the *Price Exploitation Code (New South Wales) Act 1999*; or
- (b) Part VB of the *Trade Practices Act 1974* of the Commonwealth.

Specialist surgeon means a medical practitioner who holds a fellowship of the Royal Australasian College of Surgeons.

Explanatory Note

Treatment by a registered medical practitioner is one of the categories of medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees that certain registered medical practitioners can recover under the Act from an employer or the employer's workers compensation insurer for treatment of a worker's work-related injury. The effect of the Order is to prevent medical practitioners from recovering from the injured worker any extra charge for treatments covered by the Order.

The Order does not apply to services provided by specialist surgeons, or for magnetic resonance imaging.

The Order adopts the *List of Medical Services and Fees* published by the Australian Medical Association.

TENDERS

Department of Public Works and Services SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, NSW 2000, up til 9.30 am on the dates shown below:

7 January 2003

- 027/7308** SUPPLY, FITTING AND REFURBISHMENT OF ESCORT VEHICLES (MEDIUM AND LARGE).
DOCUMENTS: \$110.00 PER SET
- 0203083** SUPPLY OF MENINGOCOCCAL C VACCINE FOR NEW SOUTH WALES HEALTH FOR 2003.
DOCUMENTS: \$0.00 PER SET

8 January 2003

- 036/1078** LABOUR HIRE ADMINISTRATIVE, FINANCE AND SPECIALIST PERSONNEL.
DOCUMENTS: \$275.00 PER SET

9 January 2003

- IT2222RFP1** INTERNAT. COMPUTER DRIVING LICENCE LEARNING MATS. AND TESTING SERVICES.
DOCUMENTS: \$110.00 PER SET

14 January 2003

- S0234104** SECURITY SERVICE O B O S, 117 CLARENCE STREET, SYDNEY. DOCUMENTS: \$110.00 PER SET

15 January 2003

- 0202975** MAUFACTURE, SUPPLY EMBROIDERED AND OTHER INSIGNIA (EPAULETTES AND
PATCHES). DOCUMENTS: \$110.00 PER SET
- 0203042** CATERING SERVICES FOR NEW POLICE HEADQUATERS AT PARRAMATTA.
DOCUMENTS: \$55.00 PER SET

16 January 2003

- S02/00118 (50)** CLEANING GOODSSELL BUILDING 8-12 CHIFLEY SQUARE. CATEGORY A. INSPECTION DATE
AND TIME: 23 DECEMBER 2002 AT 10:00 AM SHARP. AREA: 17,733.00 SQUARE METRES.
DOCUMENTS: \$55.00 PER SET
- IT 02/2953** DRILLING OF PARTLY CORED DRILLHOLES. DOCUMENTS: \$110.00 PER SET

21 January 2003

- 0202697** SUPPLY, DELIVERY AND INSTALLATION OF TWO (2) AUTOCLAVES.
DOCUMENTS: \$110.00 PER SET
- S0253238** SECURITY SERVICES FOR DEPARTMENT OF HOUSING, CENTRAL SYDNEY REGION.
DOCUMENTS: \$110.00 PER SET

22 January 2003

- 0202973** SUPPLY OF JUMPERS. DOCUMENTS: \$110.00 PER SET
- 0202720** PROVISION OF COMMUNITY HOUSING INSURANCE SCHEME.
DOCUMENTS: \$110.00 PER SET
- 035/777** RETAIL SUPPLY OF ELECTRICITY. DOCUMENTS: \$110.00 PER SET
- 0202934** AUDIT SERVICES, INCLUDING REGIST. TRAINING ORG.S AUDITS, FOR NSW DET.
DOCUMENTS: \$110.00 PER SET

28 January 2003

- S02/00284(6045)** CLEANING FOR ENERGY AUSTRALIA, VARIOUS SITES 0205. CATEGORY A. INSPECTION
DATE AND TIME: 6 JANUARY 2003 AT 8:30 AM SHARP. AREA: SQUARE METRES.
DOCUMENTS: \$110.00 PER SET
- S0001924** PROVISION OF SECURITY SERVICE FOR MCKELL BUILDING, SYDNEY.
DOCUMENTS: \$110.00 PER SET

29 January 2003

- 0202513** SUPPLY OF SOCKS. DOCUMENTS: \$110.00 PER SET
- 0202514** PROVISION AND MANAGEMENT OF STORAGE FACILITIES FOR CONFISCATED VEHICLES. DOCUMENTS: \$110.00 PER SET
- 0202837** SIGNAGE. DOCUMENTS: \$110.00 PER SET

6 February 2003

- IT 01/2774** LEARNINGWARE PLATFORM. DOCUMENTS: \$220.00 PER SET

4 March 2003

- S0218928** SECONDARY RESOURCE USE OF PRE-TREATED MUNICIPAL SOLID WASTE. DOCUMENTS: \$220.00 PER SET

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>).

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLAND SHIRE COUNCIL

Roads Act 1993, Roads (General) Regulation 2000
Part 2 – Roads, Division 2

Naming of Public Road – Mary Gilmore Way

NOTICE is hereby given that Bland Shire Council at its meeting of 17th September, 2002 and in conjunction with Coolamon Shire, Temora Shire and Weddin Shire, resolved to name the following road:

<i>Description</i>	<i>New Name</i>
Road (now known as MR 398) from 13.2 km north of Coolamon on MR 240 (Ardlethan Road) that runs through Coolamon Shire, Temora Shire, Bland Shire and Weddin Shire via Aria Park, Barmedman, Morangarell, Bribbaree and Bimbi, to SH 6 (Mid Western Highway) at Grenfell.	Mary Gilmore Way.

FRANK ZAKNICH, General Manager, Bland Shire Council, Council Chambers, West Wyalong, NSW 2671.
[1054]

BLAND SHIRE COUNCIL

Roads Act 1993, Roads (General) Regulation 2000
Part 2 – Roads, Division 2

Naming of Public Road – Goldfields Way

NOTICE is hereby given that Bland Shire Council at its meeting of 17th September, 2002 and in conjunction with Junee Shire and Temora Shire, resolved to name the following road:

<i>Description</i>	<i>New Name</i>
Road (now known as MR 57) from Olympic Way (MR 78) near Junee that runs through Junee Shire, Temora Shire and Bland Shire, via Old Junee, Temora and Barmedman, to Newell Highway (SH 17) at Wyalong.	Goldfields Way.

FRANK ZAKNICH, General Manager, Bland Shire Council, Council Chambers, West Wyalong, NSW 2671.
[1054]

BLAND SHIRE COUNCIL

Roads Act 1993, Roads (General) Regulation 2000
Part 2 – Roads, Division 2 – Naming of Roads

Renaming of Public Roads – Humby Road, Kolkilbertoo Road, Weja Road, Monia Gap Road

NOTICE is hereby given that the Council at its meeting of 17th December, 2002 resolved to rename the roads hereunder.

<i>Description</i>	<i>New Name</i>
Kamarah – Tallimba Road from Bygoo Road (Tallimba-Ardlethan Road) to MR 387 at Kamarah.	Humby Road.
Weethalle – Barellean Road from Mid Western Highway at Weethalle to MR 387 at Barellean.	Kolkilbertoo Road.
Thulloo – Weja Road from Kikoira Road near Thulloo to MR 231 at Weja.	Weja Road.
Naradhan – Monia Gap Road from MR 371 near Naradhan to Warburtons Lane Bland/Carathool Boundary.	Monia Gap Road.

FRANK ZAKNICH, General Manager, Bland Shire Council, Council Chambers, West Wyalong, NSW 2671.
[1055]

CROOKWELL SHIRE COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that Council of the Shire of Crookwell has resolved in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates stated in each case, as at 11th December, 2002 is due:

Owner or persons with an interest in the land: Estate R. H. WEBSTER.

Description of Land: Lot 4, section 8, DP 758104.

<i>Assessment Number</i>	<i>Year Levied</i>	<i>Levy Date</i>	<i>Date of Rate Resolution</i>	<i>Levy</i>	<i>Prior Arrears</i>	<i>Payments</i>	<i>Interest</i>	<i>Legal Fees</i>	<i>Reb & Journals</i>	<i>Land Value</i>
170	1996/1997	30.07.96	30.05.1996	\$168.69	\$95.16	\$0.00	\$18.39			
	1997/1998	25.07.97	30.05.1997	\$175.04		\$0.00	\$31.13	\$67.90		\$2,390.00
	1998/1999	25.07.98	24.06.1998	\$178.64		\$0.00	\$54.65			
	1999/2000	21.07.99	14.07.1999	\$180.31		\$0.00	\$65.97			
	2000/2001	24.07.00	22.06.2000	\$184.98		\$0.00	\$87.55			
	2001/2002	30.07.01	28.06.2001	\$193.21		\$0.00	\$116.40		(\$0.02)	\$3,470.00
	2002/2003	23.07.01	27.06.2002	\$210.96		\$0.00	\$46.36			

Current Land Value obtained from Valuer General's Department as at 1st July, 2001 is \$3,470.00.

Rates and Charges for each Rating Year became payable one month after service of Rates Notice for the above property.

Total Rates and Charges outstanding of \$1,875.54 as at 11th December, 2002.

Unless payment is made to the Council of the amount stated as Total Amount Outstanding, together with any other rates (including extra charges) becoming due and payable after publication of this notice before the fixed time for sale, the said land will be offered for sale by public auction.

The auction will be held at the Council Chambers, Spring Street, Crookwell on Saturday, 5th April, 2003 at 11.00 a.m. for the above property.

Auctioneer: Duncombe & Co.

BRIAN WILKINSON, General Manager, Crookwell Shire Council, PO Box 10, Crookwell, NSW 2583.

[1065]

URALLA SHIRE COUNCIL

Sale of Land for Unpaid Rates

Local Government Act 1993, Section 713

NOTICE is hereby given to the persons named hereunder that Uralla Shire Council proposes to sell the land described hereunder for unpaid rates and charges:

Owner(s) or person(s) having interest in the land	Description of subject land	Amount of rates and charges (including extra charges) overdue for more than five (5) years (\$)	Amount of all other rates and charges (including extra charges) payable and unpaid (\$)	Total (\$)
(a)	(b)	(c)	(d)	(e)
Dianne Wilma WALL.	Rate Assessment No. 481 being Lots 8 and 9, section 18, DP 758181, 14 Souter Street, Bundarra. Area: 4,047 sq. metres (vacant land).	\$340.44	\$4,052.64 (rates and charges) \$888.82 (interest)	\$4,387.06 (rates and charges) \$894.84 (interest) <u>\$5,281.90</u>
James Danvers LEECE, David Turner PEARSON, William CRAPP, James NORTHY, Peter DEAN.	Rate Assessment No. 3142 being Lot 1, DP 910210, Thunderbolts Way, Rocky River. Area: 607 sq metres (vacant land).	N/A sold by virtue of S.713 (2) (b).	\$932.51 (rates and charges) \$120.06 (interest)	\$932.51 (rates and charges) <u>120.06</u> (interest) <u>\$1,052.57</u>

If all rates and charges payable (including overdue rates and charges) are not paid to the Council or an arrangement satisfactory to the Council is not entered into by the rateable person before the time fixed for the sale, the Council will proceed with the sale. The auctioneer is yet to be appointed. The auction will be held at the Council Chambers, 32 Salisbury Street, Uralla on Saturday, 17th April, 2003 at 10.00 a.m. For enquiries contact Council on tel.: (02) 6778 4606.

R. G. FULCHER, General Manager, Uralla Shire Council, 32 Salisbury Street, Uralla, NSW 2358.

[1056]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELLEN MAUD ROBILLIARD, late of 64 Lansdowne Street, Merrylands, in the State of New South Wales, widow, who died on 18th September, 2002 must send particulars of his claim to the executors, Peter Shaw and Robert James Vaughan Robilliard, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 16th December, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [1057]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DULCIE IRENE PEARCE, late of 60 O'Neill Street, Guildford, in the State of New South Wales, widow, who died on 21st October, 2002 must send particulars of his claim to the executors, Joy Lorraine Bartlett and Dulcie Lynette Slade and John

Robert Pearce, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 16th December, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [1058]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELSIE DORA JONES, late of 266-268 Pennant Hills Road, Carlingford, in the State of New South Wales, who died on 10th October, 2002 must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 12th December, 2002. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde, NSW 2114 (DX 27551, West Ryde), tel.: (02) 9858 1533. [1059]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ROBERT KENNETH GEORGE, late of Paddington, in the State of New South Wales, who died on 15th October, 2002 must send particulars of his claim to the executor, Dallas Henry Bayly, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th December, 2002. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington, NSW 2033 (PO Box 340, Kensington, NSW 1465), tel.: (02) 9662 4381. [1060]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KEITH ANTHONY KINLOCH, late of Lot 19 Church Road, Curlwaa, in the State of New South Wales, who died on 8th December, 2000 must send particulars of his claim to the executor, Robert William Hemphill, c.o. Hemphill & Co., Level 7, 60 Park Street, Sydney, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 28th August, 2001. HEMPHILL & CO., Solicitors, Level 7, 60 Park Street, Sydney, NSW 2000 (DX 753, Sydney), tel.: (02) 9264 2561. [1061]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of AH WING WONG, late of 51 Pelleas Street, Blacktown, in the State of New South Wales, market gardener, who died on 9th July, 2002 must send particulars of his claim to the executrix, Ho Bin Yee Wong, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 12th December, 2002. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [1063]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELLEN LYTHGOE, late of 1 Elm Street, Greystanes, in the State of New South Wales, home duties, who died on 13th September, 2002 must send particulars of his claim to the executrix, Joan Rengger, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 13th December, 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [1064]

COMPANY NOTICES

NOTICE of application relating to QUALITY ONE BUILDING PTY LIMITED, ACN 088 379 604. – In respect of proceedings commenced on 13th December, 2002. – Application will be made by Pasquale Gilio, Nancy Gilio, Marcel Gilio, Barbara Gilio, Anna Agostino, Pasquale Agostino, Enrico Volpato and Maria Volpato trading as Agile Kitchens to the Supreme Court of New South Wales, at Sydney on 24th February, 2003 at 9.00 a.m., at the Registrar's Court, Court 7A, Level 7, Supreme Court Building, Queens Square, Sydney for an Order that the company be wound up. Copies of documents filed may be obtained from the plaintiff's address for service. Any person intending to appear at the hearing must serve a Notice of Appearance in the prescribed form, together with any affidavit on which the person intends to rely, so as to reach the Plaintiff's address for service before the date fixed for the hearing. McGRATH DICEMBRE & CO., Solicitors, Suite 2, 51 Smart Street, Fairfield, NSW 2165 (DX 25111, Fairfield), tel.: (02) 9724 6525. [1062]

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