

Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019

[2019-314]



New South Wales

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Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019



Part 1 Introduction

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

1 Name of Plan

This Plan is the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019 (this Plan)*.

2 Nature and status of Plan

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

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

3 Commencement

This Plan commences on 1 July 2019.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2019.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

4 Application of Plan

- (1) This Plan applies to the following water sources known as the Hastings Unregulated and Alluvial Water Sources (*these water sources*) within the Mid North Coast Water Management Area—
 - (a) the Hastings Unregulated and Upriver Alluvial Water Sources (*the connected water sources*) including the—
 - (i) Camden Haven River Water Source,
 - (ii) Coastal Hastings Water Source,
 - (iii) Ellenborough River Water Source,
 - (iv) Forbes River Water Source,

- (v) Kindee Creek Water Source,
- (vi) Lake Innes Water Source,
- (vii) Limeburners Creek Water Source,
- (viii) Maria River Water Source,
- (ix) Middle Hastings River Water Source,
- (x) Mortons Creek Water Source,
- (xi) Pappinbarra River Water Source,
- (xii) Queens Lake Water Source,
- (xiii) Stewarts River Water Source,
- (xiv) Thone River Water Source,
- (xv) Upper Hastings River Water Source,
- (xvi) Watson Taylors Lake Water Source, and
- (xvii) Wilson River Water Source,

- (b) the Hastings River Coastal Floodplain Alluvial Groundwater Source.

Note. The Mid North Coast Water Management Area was constituted by Ministerial order made under section 11 of the Act and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These water sources are shown on the [Plan Map](#) called [Plan Map \(WSP038_Version 2\) Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019 \(the Plan Map\)](#).

Note. The [Plan Map](#) is part of this Plan. An overview of the [Plan Map](#) is shown in Appendix 1. Copies of the [Plan Map](#) may be inspected at the offices listed in Appendix 2 and are available on the NSW legislation website.

- (3) The connected water sources include—
 - (a) surface water upstream of the mangrove limit,
 - (b) groundwater contained in Cenozoic sediments, other than groundwater—
 - (i) contained in the Hastings River Coastal Floodplain Alluvial Groundwater Source, and
 - (ii) to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
- (4) The Hastings River Coastal Floodplain Alluvial Groundwater Source—
 - (a) includes groundwater contained in Cenozoic sediments, and
 - (b) does not include surface water.

5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones—
 - (a) Camden Haven River Water Source—
 - (i) Camden Haven River Water Source ACDL Management Zone,
 - (ii) Camden Haven River Water Source Non ACDL Management Zone,
 - (b) Coastal Hastings Water Source—
 - (i) Coastal Hastings Tidal Pool Management Zone,
 - (ii) Coastal Hastings Non Tidal Pool Management Zone,
 - (c) Forbes River Water Source—
 - (i) Forbes River Water Source ACDL Management Zone,
 - (ii) Forbes River Water Source Non ACDL Management Zone,
 - (d) Maria River Water Source—
 - (i) Maria River Water Source ACDL Management Zone,
 - (ii) Maria River Water Source Non ACDL Management Zone,
 - (e) Mortons Creek Water Source—
 - (i) Mortons Creek Water Source ACDL Management Zone,
 - (ii) Mortons Creek Water Source Non ACDL Management Zone,
 - (f) Pappinbarra River Water Source—
 - (i) Pappinbarra River Water Source ACDL Management Zone,
 - (ii) Pappinbarra River Water Source Non ACDL Management Zone,
 - (g) Thone River Water Source—
 - (i) Thone River Water Source ACDL Management Zone,

- (h) Upper Hastings River Water Source—
 - (i) Upper Hastings River Water Source ACDL Management Zone,
 - (ii) Upper Hastings River Water Source Non ACDL Management Zone,
- (i) Wilson River Water Source—
 - (i) Wilson River Water Source ACDL Management Zone,
 - (ii) Wilson River Water Source Non ACDL Management Zone.

Notes.

1 *Management zone* is defined in the Dictionary.

2 *ACDL* is an abbreviation for access licences (subcategory “Aboriginal community development”).

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

6 Extraction management units for these water sources

- (1) This Plan establishes the following extraction management units (*the EMUs*)—
 - (a) Hastings River Catchment Extraction Management Unit, which applies to the water sources specified in item (a) of Column 2 of Table A to this clause,
 - (b) Camden Haven River Catchment Extraction Management Unit, which applies to the water sources specified in item (b) of Column 2 of Table A to this clause,
 - (c) Lake Innes Catchment Extraction Management Unit, which applies to the water sources specified in item (c) of Column 2 of Table A to this clause.
- (2) The EMUs specified in subclause (1) are shown on the [Plan Map](#).

Note. A long-term average annual extraction limit is established in Part 6 of this Plan for each of the EMUs. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences and pursuant to domestic and stock rights and native title rights from all water sources within the EMU on a long-term average annual basis.

Table A — Extraction management units

Column 1 — Extraction management unit	Column 2 — Water sources
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(a)	Hastings River Catchment Extraction Management Unit	Coastal Hastings Water Source
		Ellenborough River Water Source
		Forbes River Water Source
		Kindee Creek Water Source
		Limeburners Creek Water Source
		Maria River Water Source
		Middle Hastings River Water Source
		Mortons Creek Water Source
		Pappinbarra River Water Source
		Thone River Water Source
		Upper Hastings River Water Source
		Wilson River Water Source
(b)	Camden Haven River Catchment Extraction Management Unit	Camden Haven River Water Source
		Stewarts River Water Source
		Queens Lake Water Source
		Watson Taylors Lake Water Source
(c)	Lake Innes Catchment Extraction Management Unit	Lake Innes Water Source

7 Understanding the rules in this Plan

Where appropriate, the provisions of this Plan are given effect by the mandatory conditions on access licences and water supply work approvals contained in Part 11 of this Plan.

8 Interpretation

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

Part 2 Vision, objectives, strategies and performance indicators

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

9 Vision statement

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

10 Acknowledgment

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within these water sources.

11 Objectives

The objectives of this Plan are to—

- (a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater-dependent ecosystems of these water sources,

Note. *Groundwater-dependent ecosystems* is defined in the Dictionary.

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

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

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

12 Strategies

The strategies of this Plan are to—

- (a) establish performance indicators,
- (b) establish environmental water rules,

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

13 Performance indicators

The following performance indicators are to be used to measure the success of the strategies of this Plan in reaching the objectives of this Plan—

- (a) the change in low flow regime,
- (b) the change in moderate to high flow regime,
- (c) the change in surface water and groundwater extraction relative to the long-term average annual extraction limits,
- (d) the change in water quality in these water sources,
- (e) the change in the ecological condition of these water sources and their dependent ecosystems,
- (f) the change in the extent to which domestic and stock rights and native title rights requirements have been met,
- (g) the change in economic benefits derived from water extraction and use,
- (h) the change in the extent to which water has been made available in recognition of the Aboriginal, cultural and heritage values of these water sources.

Part 3 Bulk access regime

14 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to—
 - (a) the environmental water rules established under Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified in Division 3 of

Part 5 of this Plan, and

- (d) the access licence dealing rules established under Part 10 of this Plan.
- (2) The bulk access regime for these water sources—
 - (a) recognises and is consistent with the limits on the availability of water set in relation to these water sources contained in Division 1 of Part 6 of this Plan,
 - (b) establishes rules, according to which access licences are to be granted and managed, contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Division 2 of Part 6 of this Plan,
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 15,
 - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit contained in Division 1 of Part 6 of this Plan,
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
 - (f) recognises and is consistent with the water management principles set out in section 5 of the Act.

15 Climatic variability

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

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

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

Part 4 Planned environmental water provisions

Notes.

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

16 General

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

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

17 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these water sources in the following ways—

- (a) by reference to the commitment of the physical presence of water in these water sources,
- (b) by reference to the long-term average annual commitment of water as planned environmental water,
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

18 Establishment and maintenance of planned environmental water

(1) Planned environmental water is established in these water sources as follows—

- (a) it is the physical presence of water—
 - (i) in the connected water sources that results from the access rules specified in Division 2 of Part 8 of this Plan, and

Note. The rules in Division 2 of Part 8 of this Plan for the connected water sources set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (ii) in the Hastings River Coastal Floodplain Alluvial Groundwater Source that is equal to 85% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

Notes.

1 At the commencement of this Plan the long-term average annual rainfall recharge for the Hastings River Coastal Floodplain Alluvial Groundwater Source is estimated to be 13,076 megalitres per year in those areas that are not high environmental value areas and 7,190 megalitres per year in high environmental value areas.

2 **High environmental value areas** and **recharge** are defined in the Dictionary.

3 Part 12 of this Plan allows for amendments to be made to increase the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of long-term average annual rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 100% of long-term average annual rainfall recharge being protected as planned environmental water over the long-term in high environmental value areas.

- (iii) in the Hastings River Coastal Floodplain Alluvial Groundwater Source that is within the groundwater storage of the Hastings River Coastal Floodplain Alluvial Groundwater Source over the long term,

Note. Groundwater sources generally store large volumes of water, often accumulated over thousands or even tens of thousands of years. The amount of annual recharge is often very small compared to this stored volume. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of the Hastings River Coastal Floodplain Alluvial Groundwater Source over the long term, ensuring that water within the groundwater storage of the Hastings River Coastal Floodplain Alluvial Groundwater Source is

protected from extraction.

- (b) it is the long-term average annual commitment of water as planned environmental water in—
 - (i) the connected water sources that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan, and
 - (ii) the Hastings River Coastal Floodplain Alluvial Groundwater Source that is equal to 85% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and
 - (iii) the Hastings River Coastal Floodplain Alluvial Groundwater Source that is within the groundwater storage of the Hastings River Coastal Floodplain Alluvial Groundwater Source over the long term,
- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 6 and 8 of this Plan.

Note. The water remaining in the Hastings River Coastal Floodplain Alluvial Groundwater Source over the long term after water has been taken pursuant to basic landholder rights and access licences is equal to the water within the groundwater storage plus all recharge in excess of the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source.

- (2) The planned environmental water established under subclause (1) (a) is maintained in—
 - (a) the connected water sources by the rules specified in Division 2 of Part 8 of this Plan, and
 - (b) the Hastings River Coastal Floodplain Alluvial Groundwater Source by the rules specified in Parts 6 and 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained in these water sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained in these water sources by the rules specified in Parts 6 and 8 of this Plan.

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

Part 5 Requirements for water

Division 1 General

19 Application

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

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

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

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

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

Division 2 Requirements for water for basic landholder rights

20 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 1,598 megalitres per year (**ML/year**), distributed as follows—

- (a) 102 ML/year in the Camden Haven River Water Source,
- (b) 84 ML/year in Coastal Hastings Water Source,
- (c) 178 ML/year in the Ellenborough River Water Source,
- (d) 64 ML/year in the Forbes River Water Source,
- (e) 26 ML/year in the Kindee Creek Water Source,
- (f) 18 ML/year in the Lake Innes Water Source,
- (g) 0 ML/year in Limeburners Creek Water Source,
- (h) 83 ML/year in the Maria River Water Source,
- (i) 173 ML/year in the Middle Hastings River Water Source,
- (j) 124 ML/year in the Mortons Creek Water Source,
- (k) 132 ML/year in the Pappinbarra River Water Source,
- (l) 39 ML/year in Queens Lake Water Source,

- (m) 74 ML/year in the Stewarts River Water Source,
- (n) 86 ML/year in the Thone River Water Source,
- (o) 156 ML/year in the Upper Hastings River Water Source,
- (p) 20 ML/year in the Watson Taylors Lake Water Source,
- (q) 218 ML/year in the Wilson River Water Source,
- (r) 21 ML/year in the Hastings River Coastal Floodplain Alluvial Groundwater Source.

Notes.

- 1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering. The volumes set out in this clause are separate from any volumes of water licensed for domestic and stock purposes in these water sources.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

21 Native title rights

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

Notes.

- 1 No determinations of native title in relation to the water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth.
- 2 This Plan provides for its amendment if there is an additional, or change to a, native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 Native title rights may be exercise in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

22 Harvestable rights

The requirement for water under harvestable rights in these water sources is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Division 2 of Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water for extraction under access licences

23 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these water sources total 53 ML/year, distributed as follows—

- (a) 4 ML/year in the Coastal Hastings Water Source,
- (b) 3 ML/year in the Ellenborough River Water Source,
- (c) 3 ML/year in the Lake Innes Water Source,
- (d) 7 ML/year in the Middle Hastings River Water Source,

- (e) 11 ML/year in the Pappinbarra River Water Source,
- (f) 8 ML/year in the Thone River Water Source,
- (g) 17 ML/year in the Wilson River Water Source,
- (h) 0 ML/year in all other water sources.

24 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these water sources total 23,496 ML/year, distributed as follows—

- (a) 3,000 ML/year in the Camden Haven River Water Source,
- (b) 20,375 ML/year in the Middle Hastings River Water Source,
- (c) 32 ML/year in the Thone River Water Source,
- (d) 70 ML/year in the Wilson River Water Source,
- (e) 19 ML/year in the Hastings River Coastal Floodplain Alluvial Groundwater Source,
- (f) 0 ML/year in all other water sources.

25 Share components of unregulated river access licences

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from these water sources total 13,876.5 unit shares, distributed as follows—

- (a) 1,400 unit shares in the Camden Haven River Water Source,
- (b) 375 unit shares in the Coastal Hastings Water Source,
- (c) 980 unit shares in the Ellenborough River Water Source,
- (d) 87 unit shares in the Forbes River Water Source,
- (e) 50 unit shares in the Kindee Creek Water Source,
- (f) 52 unit shares in the Lake Innes Water Source,
- (g) 0 unit shares in Limeburners Creek Water Source,
- (h) 201 unit shares in the Maria River Water Source,
- (i) 2,737 unit shares in the Middle Hastings River Water Source,
- (j) 691.5 unit shares in the Mortons Creek Water Source,
- (k) 1,187 unit shares in the Pappinbarra River Water Source,
- (l) 92 unit shares in Queens Lake Water Source,

- (m) 1,894 unit shares in the Stewarts River Water Source,
- (n) 1,786 unit shares in the Thone River Water Source,
- (o) 384 unit shares in the Upper Hastings River Water Source,
- (p) 141 unit shares in the Watson Taylors Lake Water Source,
- (q) 1,819 unit shares in the Wilson River Water Source.
- (r) (Repealed)

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

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

- (a) 0 unit shares in the Mortons Creek Water Source,
- (b) 0 unit shares in the Thone River Water Source,
- (c) 0 unit shares in the Wilson River Water Source.

Note. The water sources listed above are the only water sources within this Plan area which have been identified as suitable for unregulated river (high flow) access licences. Part 10 of this Plan allows for a specified amount of share components to be converted to unregulated river (high flow) access licences in these water sources. However, at the commencement of this Plan, there are no existing access licences of this category, hence the 0 unit shares indicated.

27 Share components of aquifer access licences

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from these water sources total 1,239 unit shares, distributed as follows—

- (a) 1,020 unit shares in the Hastings River Coastal Floodplain Alluvial Groundwater Source,
- (b) 34 unit shares in the Maria River Water Source,
- (c) 155 unit shares in the Mortons Creek Water Source,
- (d) 39 unit shares in the Stewarts River Water Source,
- (e) 25 unit shares in the Wilson River Water Source,
- (f) 0 unit shares in all other water sources.

Part 6 Limits to the availability of water

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

Division 1 Long-term average annual extraction limits

28 General

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

29 Volume of the long-term average annual extraction limits

- (1) This clause establishes the long-term average annual extraction limits for each of the EMUs and the Hastings River Coastal Floodplain Alluvial Groundwater Source.
- (2) Subject to any variation under subclause (5), the long-term average annual extraction limit for the Camden Haven River Catchment Extraction Management Unit is the sum of—
 - (a) the share components of all access licences in the Camden Haven River Catchment Extraction Management Unit, plus
 - (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the Camden Haven River Catchment Extraction Management Unit.
- (3) Subject to any variation under subclause (5), the long-term average annual extraction limit for the Hastings River Catchment Extraction Management Unit is the sum of—
 - (a) the share components of all access licences in the Hastings River Catchment Extraction Management Unit, plus
 - (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the Hastings River Catchment Extraction Management Unit.
- (4) The long-term average annual extraction limit for the Lake Innes Catchment Extraction Management Unit is the sum of—
 - (a) the share components of all access licences in the Lake Innes Catchment Extraction Management Unit, plus
 - (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the Lake Innes Catchment Extraction Management Unit.
- (5) The long-term average annual extraction limits for the Camden Haven River Catchment Extraction Management Unit and the Hastings River Catchment Extraction Management Unit may be varied upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (6) Any variation made under subclause (5) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.
- (7) The long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source is 1,727 ML/year.

Notes.

- 1 The long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial

Groundwater Source is equal to current entitlements plus estimated future water requirements for the term of this Plan.

2 Part 12 of this Plan allows for the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source to be increased up to 3,269 ML/year.

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

30 Calculation of current levels of annual extraction

After each water year, the total volume of water taken during that water year—

- (a) under all categories of access licences, and
- (b) pursuant to domestic and stock rights and native title rights,

must be calculated for each of the EMUs and the Hastings River Coastal Floodplain Alluvial Groundwater Source.

31 Assessment of average annual extractions against long-term average annual extraction limits

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for each of the EMUs and the Hastings River Coastal Floodplain Alluvial Groundwater Source as set out in this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established under clause 29 for each of the EMUs and for the Hastings River Coastal Floodplain Alluvial Groundwater Source against the average of the annual extractions in the preceding three water years as calculated under clause 30 for each of the EMUs and the for Hastings River Coastal Floodplain Alluvial Groundwater Source.

32 Compliance with the long-term average annual extraction limits for the EMUs

- (1) Compliance with the long-term average annual extraction limit established for each of the EMUs is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 31 demonstrates that the average of the annual extractions in any of the EMUs in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 29 for each of the EMUs by 5% or more, then available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences in that EMU are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extraction in the respective EMU to the long-term average annual extraction limit for that EMU established under this Part.

33 Compliance with the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source

- (1) Compliance with the long-term average annual extraction limit established for the Hastings River Coastal Floodplain Alluvial Groundwater Source is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 31 demonstrates that the average of the annual extractions in the Hastings River Coastal Floodplain Alluvial Groundwater Source in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 29 for the Hastings River Coastal Floodplain Alluvial Groundwater Source by 5% or more, then the available water determinations for aquifer access licences in that water source are to be reduced in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the average annual extractions in the Hastings River Coastal Floodplain Alluvial Groundwater Source to the long-term average annual extraction limit for that water source established under this Part.

Division 2 Available water determinations

34 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either—
 - (a) a percentage of the share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) Subject to subclause (3), the sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed—
 - (a) 100% of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre (*ML*) per unit share of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect, subclause (2) does not apply to access licences with a share component that specifies one of the connected water sources.

35 Available water determinations for the connected water sources made at the commencement of this Plan

- (1) In making available water determinations for the connected water sources at the commencement of this Plan, the Minister should consider the rules in this clause.

- (2) At the commencement of this Plan, the following available water determinations should be made for access licences with a share component that specifies one of the connected water sources—
 - (a) 200% of the access licence share component for domestic and stock access licences,
 - (b) 200% of the access licence share component for local water utility access licences,
 - (c) 2 ML per unit of share component for unregulated river access licences,
 - (d) 2 ML per unit of share component for unregulated river (high flow) access licences,
 - (e) 2 ML per unit of share component for aquifer access licences.

36 Available water determinations for the connected water sources made after the first water year of this Plan

- (1) In making available water determinations for the connected water sources after the first water year in which this Plan has effect, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year after the first water year in which this Plan has effect, unless a lower amount is determined under Division 1 of this Part, the following available water determinations should be made for access licences with a share component that specifies one of the connected water sources—
 - (a) 100% of the access licence share component for domestic and stock access licences,
 - (b) 100% of the access licence share component for local water utility access licences,
 - (c) 1 ML per unit of share component for unregulated river access licences,
 - (d) 1 ML per unit of share component for unregulated river (high flow) access licences,
 - (e) 1 ML per unit of share component for aquifer access licences.

Note. Division 1 of this Part provides for available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences to be reduced where the long-term average annual extraction limit for the respective EMU has been assessed to have been exceeded, as per clauses 31 and 32.

37 Available water determinations for the Hastings River Coastal Floodplain Alluvial Groundwater Source

- (1) In making available water determinations for the Hastings River Coastal Floodplain Alluvial Groundwater Source, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, unless a lower amount is determined under Division 1 of this Part, the following available water determinations should be made for access licences with a share component that specifies the Hastings River Coastal Floodplain Alluvial Groundwater Source—
 - (a) 100% of the access licence share component for domestic and stock access licences,
 - (b) 100% of the access licence share component for local water utility access licences,

- (c) 1 ML per unit of share component for aquifer access licences,

Note. Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source has been assessed to have been exceeded, as per clauses 31 and 33.

Part 7 Rules for granting access licences

Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these water sources will be subject to mandatory conditions and may be subject to discretionary conditions.
- 3 Part 12 of this Plan allows for amendments to be made to this Part.

38 Specific purpose access licences

Note. Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan. Only those specific purpose access licences listed in clause 10 of the [Water Management \(General\) Regulation 2011](#) can be granted under the regulations. The licences that may be applied for under subclauses (2) and (4) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the [Water Management \(General\) Regulation 2011](#).

- (1) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Subject to subclause (3), applications may be made for an aquifer (subcategory “Aboriginal community development”) access licence for the taking of water from the Hastings River Coastal Floodplain Alluvial Groundwater Source.
- (3) An aquifer (subcategory “Aboriginal community development”) access licence must not be granted in the Hastings River Coastal Floodplain Alluvial Groundwater Source if the granting of the access licence would cause the total of the share components of access licences of the subcategory “Aboriginal community development” in the Hastings River Coastal Floodplain Alluvial Groundwater Source to exceed 34 ML/year.
- (4) Subject to subclause (5), applications may be made for an unregulated river (subcategory “Aboriginal community development”) access licence for the taking of water from the following management zones—
 - (a) Camden Haven River ACDL Management Zone in the Camden Haven River Water Source,
 - (b) Forbes River Water Source ACDL Management Zone in the Forbes River Water Source,
 - (c) Maria River Water Source ACDL Management Zone in the Maria River Water Source,
 - (d) Mortons Creek Water Source ACDL Management Zone in the Mortons Creek Water Source,
 - (e) Pappinbarra River Water Source ACDL Management Zone in the Pappinbarra River Water Source,
 - (f) Thone River Water Source ACDL Management Zone in the Thone River Water Source,
 - (g) Upper Hastings River Water Source ACDL Management Zone in the Upper Hastings River Water Source,

- (h) Wilson River Water Source ACDL Management Zone in the Wilson River Water Source.
- (5) An unregulated river (subcategory “Aboriginal community development”) access licence must not be granted if the granting of the access licence would cause the total of the share components of access licences of the subcategory “Aboriginal community development” to exceed—
 - (a) 330 ML/year in the Camden Haven River ACDL Management Zone in the Camden Haven River Water Source, or
 - (b) 500 ML/year in the Forbes River Water Source ACDL Management Zone in the Forbes River Water Source, or
 - (c) 500 ML/year in the Maria River Water Source ACDL Management Zone in the Maria River Water Source, or
 - (d) 132 ML/year in the Mortons Creek Water Source ACDL Management Zone in the Mortons Creek Water Source, or
 - (e) 180 ML/year in the Pappinbarra River Water Source ACDL Management Zone in the Pappinbarra River Water Source, or
 - (f) 210 ML/year in the Thone River Water Source ACDL Management Zone in the Thone River Water Source, or
 - (g) 500 ML/year in the Upper Hastings River Water Source ACDL Management Zone in the Upper Hastings River Water Source, or
 - (h) 500 ML/year in the Wilson River Water Source ACDL Management Zone in the Wilson River Water Source.

Note. An access licence of the subcategory “Aboriginal community development” is a specific purpose access licence and as such can only be the subject of limited trade that is consistent with the purpose for which the licence was granted. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase other categories of access licence if they require fully tradeable licences.

- (6) Applications may not be made for an access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (7) An access licence of the subcategory “Aboriginal cultural” may only be granted if—
 - (a) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including the following—
 - (i) drinking, and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,

- (vii) traditional food production,
- (viii) purposes to achieve environmental outcomes,
- (ix) recreational, cultural and ceremonial purposes, and
- (b) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.

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

39 Granting of access licences as a result of controlled allocation

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

Part 8 Rules for managing access licences

Notes.

- 1 Part 12 of this Plan allows for amendments to be made to this Part.
- 2 The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

Division 1 Water allocation account management rules

40 Individual access licence account management rules for the connected water sources

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the connected water sources.
- (2) For the period of the first three water years in which this Plan has effect, water taken under an access licence must not exceed a volume equal to—
 - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, plus
 - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under an access licence must not exceed a volume equal to the lesser of—
 - (a) the sum of—
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (4),

- (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (iv) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
- (b) the sum of—
 - (i) the share component of the access licence at the beginning of the first of those three water years,
 - (ii) the share component of the access licence at the beginning of the second of those three water years,
 - (iii) the share component of the access licence at the beginning of the third of those three water years,
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an access licence is equal to—
 - (a) 100% of the access licence share component for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.

41 Individual access licence account management rules for the Hastings River Coastal Floodplain Alluvial Groundwater Source

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Hastings River Coastal Floodplain Alluvial Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an access licence must not exceed a volume equal to the sum of—
 - (a) water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, and
 - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

Division 2 Flow classes and daily access rules

42 General

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

43 Flow classes

- (1) The flow classes specified in Column 3 of Table B are established for the sharing of flows on a daily basis in the connected water sources.
- (2) The flow classes in Column 3 of Table B and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 of Table B and each management zone specified in Column 2 of Table B.
- (3) Subject to subclause (4), a flow class applies in a water source on the day specified in Column 7 of Table B when the flow (in ML/day) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If, in the Minister's opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- (5) For the purpose of determining the flow class that applies on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

Note. On days on which accurate flow data is not available, holders of access licences may contact the Department's office at the address listed in Appendix 4 or check the Department's website to find out what flow class applies on that day.

- (6) The flow classes commence in the year of this Plan specified in Column 4 of Table B.

Notes.

1 *Year 1 of this Plan* and *Year 6 of this Plan* are defined in the Dictionary.

2 Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.

Table B — Flow Classes

Column 1 Water source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day)	Column 6 Flow reference point	Column 7 Day on which flow class applies
Camden Haven River Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Camden Haven River at Kendall gauge (207009)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day and less than or equal to 55 ML/day		Next day
		C Class	Year 1 of this Plan	More than 55 ML/day		Next day
		Very Low Flow Class	Year 6 of this Plan	Less than or equal to 2 ML/day		Same day
		A Class	Year 6 of this Plan	More than 2 ML/day and less than or equal to 55 ML/day		Next day
Coastal Hastings Water Source	Coastal Hastings Tidal Pool Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 29 ML/day	Hastings River at Ellenborough gauge (207004)	Same day
		A Class	Year 1 of this Plan	More than 29 ML/day		Next day
		Very Low Flow Class	Year 6 of this Plan	Less than or equal to 34 ML/day		Same day
		A Class	Year 6 of this Plan	More than 34 ML/day		Next day

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Ellenborough River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Ellenborough River downstream of Bunnoo River Junction gauge (207013)	Same day
	A Class	Year 1 of this Plan	More than 10 ML/day		Next day
	Very Low Flow Class	Year 6 of this Plan	Less than or equal to 15 ML/day		Same day
	A Class	Year 6 of this Plan	More than 15 ML/day		Next day
Forbes River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 9 ML/day	Forbes River at Birdwood (Filly Flat) gauge (207006)	Same day
	A Class	Year 1 of this Plan	More than 9 ML/day and less than or equal to 96 ML/day		Next day
	C Class	Year 1 of this Plan	More than 96 ML/day		Next day
	Very Low Flow Class	Year 6 of this Plan	Less than or equal to 13 ML/day		Same day
	A Class	Year 6 of this Plan	More than 13 ML/day and less than or equal to 96 ML/day		Next day
Middle Hastings River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 29 ML/day	Hastings River at Ellenborough gauge (207004)	Same day
	A Class	Year 1 of this Plan	More than 29 ML/day		Next day
	Very Low Flow Class	Year 6 of this Plan	Less than or equal to 34 ML/day		Same day

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	A Class	Year 6 of this Plan	More than 34 ML/day		Next day
Mortons Creek Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Mortons Creek at Mortons Creek Road gauge (207017)	Same day
	A Class	Year 1 of this Plan	More than 1 ML/day and less than or equal to 22 ML/day.		Next day
	C Class	Year 1 of this Plan	More than 22 ML/day		Same day
Pappinbarra River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Pappinbarra River at Beechwood gauge (207010)	Same day
	A Class	Year 1 of this Plan	More than 1 ML/day and less than or equal to 30 ML/day		Next day
	C Class	Year 1 of this Plan	More than 30 ML/day		Next day
Stewarts River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Stewarts River at Stewarts River gauge (207008)	Same day
	A Class	Year 1 of this Plan	More than 1 ML/day		Next day
Thone River Water Source	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 2 ML/day	Thone River at Deep Creek Road gauge (207018)	Same day
	A Class	Year 1 of this Plan	More than 2 ML/day and less than or equal to 30 ML/day		Next day

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Upper Hastings River Water Source	B Class	Year 1 of this Plan	More than 30 ML/day and less than or equal to 35 ML/day		Next day
	C Class	Year 1 of this Plan	More than 35 ML/day		Next day
	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 29 ML/day	Hastings River at Ellenborough gauge (207004)	Same day
	A Class	Year 1 of this Plan	More than 29 ML/day and less than or equal to 343 ML/day		Next day
	C Class	Year 1 of this Plan	More than 343 ML/day		Next day
	Very Low Flow Class	Year 6 of this Plan	Less than or equal to 34 ML/day		Same day
	A Class	Year 6 of this Plan	More than 34 ML/day and less than or equal to 343 ML/day		Next day
	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Wilson River at Avenel gauge (207014)	Same day
	A Class	Year 1 of this Plan	More than 4 ML/day and less than or equal to 104 ML/day		Next day
	C Class	Year 1 of this Plan	More than 104 ML/day		Next day

Notes.

1 The flow percentiles below refer to critical month flows (November) at the gauge and include all days of record—

- (a) For the Ellenborough River downstream of Bunnoo River Junction gauge (207013)—
 - (i) 10 ML/day corresponds to the estimated 98th percentile flow, and
 - (ii) 15 ML/day corresponds to the estimated 95th percentile flow.
- (b) For the Forbes River at Birdwood (Filly Flat) gauge (207006)—
 - (i) 9 ML/day corresponds to the estimated 98th percentile flow, and
 - (ii) 13 ML/day corresponds to the estimated 95th percentile flow, and
 - (iii) 96 ML/day corresponds to the estimated 50th percentile flow.
- (c) For the Hastings River at Ellenborough gauge (207004)—
 - (i) 29 ML/day corresponds to the estimated 98th percentile flow, and
 - (ii) 34 ML/day corresponds to the estimated 97th percentile flow, and
 - (iii) 343 ML/day corresponds to the estimated 50th percentile flow.
- (d) For the Thone River at Deep Creek Road gauge (207018)—
 - (i) 2 ML/day corresponds to the estimated 96th percentile flow at the discontinued Thone River gauge at Bagnoo (207011),
 - (ii) 30 ML/day corresponds to the estimated 55th percentile flow at the discontinued Thone River gauge at Bagnoo (207011), and
 - (iii) 35 ML/day corresponds to the estimated 50th percentile flow. at the discontinued Thone River gauge at Bagnoo (207011).

2 The flow percentiles below refer to critical month flows (December) at the gauge and include all days of record—

- (a) For the Pappinbarra River at Beechwood gauge (207010)—
 - (i) 1 ML/day corresponds to the estimated 95th percentile flow, and
 - (ii) 30 ML/day corresponds to the estimated 50th percentile flow.
- (b) For the Stewarts River at Stewarts River gauge (207008) 1 ML/day corresponds to the estimated 87th percentile flow.
- (c) For the Wilson River at Avenel gauge (207014)—
 - (i) 4 ML/day corresponds to the estimated 92nd percentile flow, and
 - (ii) 104 ML/day corresponds to the estimated 50th percentile flow.

3 The flow percentiles below refer to critical month flows (January) at the gauge and include all days of record—

- (a) For the Camden Haven River at Kendall gauge (207009)—
 - (i) 1 ML/day corresponds to the estimated 95th percentile flow, and
 - (ii) 2 ML/day corresponds to the estimated 93rd percentile flow, and
 - (iii) 55 ML/day corresponds to the estimated 50th percentile flow.
- (b) For the Mortons Creek at Mortons Creek Road gauge (207017)—

- (i) 1 ML/day corresponds to the estimated 95th percentile flow, and
- (ii) 22 ML/day corresponds to the estimated 50th percentile flow.

44 Access rules for the taking of surface water

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

Note. *Approved EP&A Act development* is defined in the Dictionary.

- (2) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies a water source with a Very Low Flow Class that has commenced, when flows in that water source are in the Very Low Flow Class. This subclause does not apply to the taking of water from an off-river pool.

Note. *Off-river pool* is defined in the Dictionary.

- (3) Subject to subclause (27), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from an in-river pool or an off-river pool.

Note. *In-river pool* and *visible flow* are defined in the Dictionary.

- (4) Water must not be taken under an access licence specified in Column 1 of the table in Schedule 1, with a share component that specifies the water source in Column 2 of the table in Schedule 1, in contradiction of the access rule specified in Column 3 of the table in Schedule 1.

Note. Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the upper limit of the relevant Very Low Flow Class or the access rules specified in subclauses (2), (3), (7) - (11) and (14) - (20) are listed in Schedule 1.

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

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

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

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

- (7) Subject to subclause (27), water must not be taken under an access licence from an off-river pool when the volume of water in that pool is less than the full capacity of the pool. This rule does not apply to an access licence listed in Schedule 2.

Note. *Full capacity* is defined in the Dictionary.

- (8) Subject to subclause (27), water must not be taken under an access licence specified in Column 1 of the table in Schedule 2, with a share component that specifies the water source in Column 2 of the table in Schedule 2, in contradiction of the access rule specified in Column 3 of the table in Schedule 2.

- (9) Subject to subclause (27), in water sources where flow classes have not commenced, water must not be taken under an access licence from an in-river pool when the volume of water in that pool is less than the full capacity of the pool.

- (10) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Camden Haven River Water Source—

- (a) for more than eight hours/day when flows in that water source are less than or equal to 3 ML/day at the Camden Haven River at Kendall gauge (207009), and
- (b) from Year 1 of this Plan, for a period of 24 hours after the flows at the Camden Haven River at Kendall gauge (207009) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class, and
- (c) from Year 6 of this Plan, for a period of 24 hours after the flows at the Camden Haven River at Kendall gauge (207009) first exceed 2 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

Note. *Year 6 of this Plan* is defined in the Dictionary.

- (11) Subject to subclauses (12) and (27), water must not be taken under an access licence with a share component that specifies the Ellenborough River Water Source—

- (a) for more than eight hours/day when flows in that water source are less than or equal to 26 ML/day at the Ellenborough River downstream of Bunnoo River Junction gauge (207013), and
- (b) from Year 1 of this Plan, for a period of 24 hours after the flows at the Ellenborough River downstream of Bunnoo River Junction gauge (207013) first exceed 10 ML/day following any period during which flows in that water source were in the Very Low Flow Class,

and

- (c) from Year 6 of this Plan, for a period of 24 hours after the flows at the Ellenborough River downstream of Bunnoo River Junction gauge (207013) first exceed 15 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (12) Subclause (11) (c) does not apply to the taking of water under an access licence with a share component that specifies the Ellenborough River Water Source if, in the Minister's opinion, an efficient water irrigation system associated with the access licence has been implemented and maintained.

Note. Licence holders in the Ellenborough River Water Source are encouraged to implement and maintain water efficient irrigation systems, as deemed appropriate by the Minister.

- (13) For the purposes of subclause (12), the licence holder must have received confirmation in writing from the Department that subclause (11) (c) does not apply.

- (14) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Forbes River Water Source—

- (a) for more than eight hours/day when flows in that water source are less than or equal to 21 ML/day at the Forbes River at Birdwood (Filly Flat) gauge (207006), and
- (b) from Year 1 of this Plan, for a period of 24 hours after the flows at the Forbes River at Birdwood (Filly Flat) gauge (207006) first exceed 9 ML/day following any period during which flows in that water source were in the Very Low Flow Class, and
- (c) from Year 6 of this Plan, for a period of 24 hours after the flows at the Forbes River at Birdwood (Filly Flat) gauge (207006) first exceed 13 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (15) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Middle Hastings River Water Source or Upper Hastings River Water Source—

- (a) for more than eight hours/day when flows in that water source are less than or equal to 47 ML/day at the Hastings River at Ellenborough gauge (207004), and
- (b) for more than twelve hours/day when flows in that water source are greater than 47 ML/day and less than or equal to 73 ML/day at the Hastings River at Ellenborough gauge (207004), and
- (c) from Year 1 of this Plan, for a period of 24 hours after the flows at the Hastings River at Ellenborough gauge (207004) first exceed 29 ML/day following any period during which flows in that water source were in the Very Low Flow Class, and
- (d) from Year 6 of this Plan, for a period of 24 hours after the flows at the Hastings River at Ellenborough gauge (207004) first exceed 34 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (16) Subject to subclause (27), water must not be taken under an access licence with a share

component that specifies the Mortons Creek Water Source for a period of 24 hours after the flows at the Mortons Creek at Mortons Creek Road gauge (207017) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class. This subclause does not apply to the taking of water from an off-river pool.

- (17) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Pappinbarra River Water Source—

- (a) for more than twelve hours/day when flows in that water source are less than or equal to 5 ML/day at the Pappinbarra River at Beechwood gauge (207010), and
- (b) for a period of 24 hours after the flows at the Pappinbarra River at Beechwood gauge (207010) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (18) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Stewarts River Water Source—

- (a) for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Stewarts River at Stewarts River gauge (207008), and
- (b) for a period of 24 hours after the flows at the Stewarts River at Stewarts River gauge (207008) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (19) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Thone River Water Source—

- (a) for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Thone River at Deep Creek Road gauge (207018), and
- (b) for a period of 24 hours after the flows at the Thone River at Deep Creek Road gauge (207018) first exceed 2 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (20) Subject to subclause (27), water must not be taken under an access licence with a share component that specifies the Wilson River Water Source—

- (a) for more than twelve hours/day when flows in that water source are less than or equal to 12 ML/day at the Wilson River at Avenel gauge (207014), and
- (b) for a period of 24 hours after the flows at the Wilson River at Avenel gauge (207014) first exceed 4 ML/day following any period during which flows in that water source were in the Very Low Flow Class.

This subclause does not apply to the taking of water from an off-river pool.

- (21) Water must not be taken under an unregulated river (subcategory “Aboriginal community development”) access licence with a share component that specifies one of the following water sources when flows in that water source are in the Very Low Flow Class or A Class—

- (a) Camden Haven River Water Source,
- (b) Forbes River Water Source,
- (c) Mortons Creek Water Source,
- (d) Pappinbarra River Water Source,
- (e) Upper Hastings River Water Source,
- (f) Wilson River Water Source.

- (22) Water must not be taken under an unregulated river (subcategory “Aboriginal community development”) access licence with a share component that specifies the Maria River Water Source when flows in that water source are less than or equal to 104 ML/day at the Wilson River at Avenel gauge (207014).

Note. For the Wilson River at Avenel gauge (207014), 104 ML/day corresponds to the estimated 50th percentile flow.

- (23) Water must not be taken under an unregulated river (subcategory “Aboriginal community development”) access licence with a share component that specifies the Thone River Water Source when flows in that water source are in the Very Low Flow Class, A Class or B Class.

- (24) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies one of the following water sources when flows in that water source are in the Very Low Flow Class or A Class—

- (a) Mortons Creek Water Source,
- (b) Thone River Water Source,
- (c) Wilson River Water Source.

- (25) Water must not be taken under an access licence from—

- (a) an in-river dam pool, or
- (b) a runoff harvesting dam pool,

created by a structure authorised by a water supply work approval, when flows or storage levels in that pool are at or less than a cease to take condition that was specified on the [Water Act 1912](#) entitlement that the access licence replaces.

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

- (26) Water must not be taken from an in-river dam pool unless the in-river dam is—

- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
- (b) passing such flows in such circumstances as are specified on the water supply work approval for the in-river dam.

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

- (27) Subclauses (2), (3), (7) - (11) and (14) - (20) do not apply to the following—

- (a) the taking of water under an access licence or an access licence which replaces a *Water Act 1912* entitlement to which clause 1 of Schedule 3 applies, for any of the following purposes, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (28)—
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, until the commencement of Year 4 of this Plan, provided that the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,
Note. *Grazeable area* and *Year 4 of this Plan* are defined in the Dictionary.
 - (d) the taking of water using a runoff harvesting dam or from an in-river dam pool,
Note. *Runoff harvesting dam* is defined in the Dictionary.
 - (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 3 applies,
 - (f) the taking of water under an access licence to which Schedule 1 applies.
- (28) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (27) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

Note. The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

45 Access rules for the taking of groundwater

- (1) The rules in this clause apply to the taking of groundwater. This clause does not apply to the taking of water—
 - (a) using a water supply work that is located more than 40 metres from the top of the high bank of a river, or
 - (b) under an access licence used only to account for the taking of water in association with an aquifer interference activity for an approved EP&A Act development when—
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and

- (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (c) under an access licence used only to account for the taking of water in association with an aquifer interference activity when—
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (d) under an access licence with a share component that specifies the Hastings River Coastal Floodplain Alluvial Groundwater Source.
- (2) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies a water source with a Very Low Flow Class that has commenced, when flows in that water source are in the Very Low Flow Class—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (3) Subject to subclause (26), water must not be taken under the following access licences when there is no visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (4) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Camden Haven River Water Source for more than eight hours/day when flows in that water source are less than or equal to 3 ML/day at the Camden Haven River at Kendall gauge (207009)—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

- (5) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Ellenborough River Water Source for more than eight hours/day when flows in that water source are less than or equal to 26 ML/day at the Ellenborough River downstream of Bunnoo River Junction gauge (207013)—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (6) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Forbes River Water Source for more than eight hours/day when flows in that water source are less than or equal to 21 ML/day at the Forbes River at Birdwood (Filly Flat) gauge (207006)—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (7) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Middle Hastings River Water Source or Upper Hastings River Water Source for more than eight hours/day when flows in that water source are less than or equal to 47 ML/day at the Hastings River at Ellenborough gauge (207004)—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (8) Subject to subclauses (7) and (26), water must not be taken under the following access licences with a share component that specifies the Middle Hastings River Water Source or Upper Hastings River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 73 ML/day at the Hastings River at Ellenborough gauge (207004)—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (9) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Mortons Creek Water Source for a period of 24 hours after the flows at the Mortons Creek at Mortons Creek Road gauge (207017) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (10) Subject to subclause (26), water must not be taken under the following access licences with a

- share component that specifies the Pappinbarra River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 5 ML/day at the Pappinbarra River at Beechwood gauge (207010)—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (11) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Stewarts River Water Source for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Stewarts River at Stewarts River gauge (207008)—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (12) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Thone River Water Source for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Thone River at Deep Creek Road gauge (207018)—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (13) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Wilson River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 12 ML/day at the Wilson River at Avenel gauge (207014)—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (14) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies a water source with a Very Low Flow Class that has commenced, when flows in that water source are in the Very Low Flow Class. This subclause does not apply to—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (15) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence when there is no visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken. This subclause does not apply to—
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- (a) an aquifer access licence that has arisen from a conversion from an unregulated access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (16) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Camden Haven River Water Source for more than eight hours/day when flows in that water source are less than or equal to 3 ML/day at the Camden Haven River at Kendall gauge (207009). This subclause does not apply to—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (17) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Ellenborough River Water Source for more than eight hours/day when flows in that water source are less than or equal to 26 ML/day at the Ellenborough River downstream of Bunnoo River Junction gauge (207013). This subclause does not apply to—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (18) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Forbes River Water Source for more than eight hours/day when flows in that water source are less than or equal to 21 ML/day at the Forbes River at Birdwood (Filly Flat) gauge (207006). This subclause does not apply to—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (19) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Middle Hastings River Water Source or Upper Hastings River Water Source for more than eight hours/day when flows in that water source are less than or equal to 47 ML/day at the Hastings River at Ellenborough gauge (207004). This subclause does not apply to—
 - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (20) Subject to subclauses (19) and (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Middle Hastings River Water Source or Upper Hastings River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 73 ML/day at the Hastings River at Ellenborough gauge

(207004). This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

(21) Subject to subclause (26), from Year 6 of this Plan, water must not be taken under an access licence with a share component that specifies the Mortons Creek Water Source for a period of 24 hours after the flows at the Mortons Creek at Mortons Creek Road gauge (207017) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class. This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

(22) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Pappinbarra River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 5 ML/day at the Pappinbarra River at Beechwood gauge (207010). This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

(23) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Stewarts River Water Source for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Stewarts River at Stewarts River gauge (207008). This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

(24) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Thone River Water Source for more than ten hours/day when flows in that water source are less than or equal to 5 ML/day at the Thone River at Deep Creek Road gauge (207018). This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.

(25) Subject to subclause (26), from Year 6 of this Plan water must not be taken under an access licence with a share component that specifies the Wilson River Water Source for more than twelve hours/day when flows in that water source are less than or equal to 12 ML/day at the Wilson River at Avenel gauge (207014). This subclause does not apply to—

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take groundwater.
- (26) Subclauses (2) - (25) do not apply to the following—
- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the following purposes, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (27)—
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (27) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (26) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

46 Total daily extraction limits

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

Notes.

1 TDELs are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. Where TDELs have been established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 47.

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

47 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (*IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 46 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

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

Part 9 Rules for water supply work approvals

Notes.

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

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

48 General

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

49 Granting or amending water supply work approvals

- (1) A water supply work approval must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources—
 - (a) the Camden Haven River Water Source,
 - (b) the Ellenborough River Water Source,
 - (c) the Forbes River Water Source,
 - (d) the Lake Innes Water Source,
 - (e) the Limeburners Creek Water Source,
 - (f) the Pappinbarra River Water Source,
 - (g) the Upper Hastings River Water Source,
 - (h) the Wilson River Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1), consistent with the NSW Weirs Policy, the principles of the Act, the [Fisheries Management Act 1994](#) and any other relevant legislation.

- (2) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via—
 - (a) a dealing, or
 - (b) the surrender under section 77 of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act, or
 - (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
 - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

Note. The Minister can require the modification of the dam by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

- (3) A water supply work approval must not be granted or amended to authorise the construction and/or use of a water supply work which is being used or is proposed to be used to take water from one of the following water sources and will have, in the Minister's opinion, more than minimal impact on any wetland to which *State Environmental Planning Policy (Coastal Management) 2018* applies—
- (a) the Coastal Hastings Water Source,
 - (b) the Lake Innes Water Source,
 - (c) the Maria River Water Source,
 - (d) the Queens Lake Water Source,
 - (e) the Watson Taylors Lake Water Source,
 - (f) the Wilson River Water Source.

Note. At the commencement of this Plan, the *State Environmental Planning Policy (Coastal Management) 2018* (the Coastal SEPP) can be found on the NSW legislation website. The Coastal SEPP applies to wetlands that are identified on the *Coastal Wetlands and Littoral Rainforests Area Map* which can be viewed at http://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement.

- (4) Subclause (3) does not apply to a replacement surface water supply work.
- (5) For the purposes of this Plan, **replacement surface water supply work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of these water sources where—
- (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement surface water work is to be constructed to extract water from the same water source and the same location as the existing water supply work.

Division 2 Rules applying to the granting or amending of water supply work approvals for water supply works that take groundwater

50 General

- (1) The rules in this Division apply to water supply work approvals for water supply works that are authorised to take groundwater.
- (2) In this Division, a reference to a water supply work is limited to a water supply work that is authorised to take groundwater.

51 Rules to minimise interference between water supply works

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within—
 - (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the same water source and is nominated by another access licence, or
 - (b) 200 metres of a water supply work located on another landholding that is authorised to take

water from the same water source pursuant to basic landholder rights only, or

- (c) 100 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing, or
 - (d) 500 metres of a water supply work that is authorised to take water from the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or
 - (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that—
- (a) the water supply work is solely for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

52 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located—
- (a) within 250 metres of the plume associated with a contamination source listed in Schedule 5, or
 - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 5, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

Note. *Drawdown* is defined in the Dictionary.

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 5 that is likely to be insufficient to protect the water source or public health and safety.

- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a

water supply work approval if the Minister is satisfied that—

- (a) the proposed distance is adequate to protect the water source, the environment and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

53 Rules for water supply works located near groundwater-dependent ecosystems

- (1) High priority groundwater-dependent ecosystems within these water sources are shown on the map called [High Priority Groundwater-Dependent Ecosystem Map \(GDE011_Version 1\) Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019 \(the GDE Map\)](#) held by the Department.

Note. The [GDE Map](#) is part of this Plan. An overview of the [GDE Map](#) is shown in Appendix 3. Copies of the [GDE Map](#) may be inspected at the offices listed in Appendix 2 and are available on the NSW legislation website.

- (2) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within the following distances—
- (a) 100 metres of a high priority groundwater-dependent ecosystem - if the water supply work that is or will be used solely for basic landholder rights or if the water supply work approval that includes a condition providing that the water supply work must not be used to take more than 20 ML in any water year,
 - (b) 400 metres of a high priority groundwater-dependent ecosystem - if the water supply work approval includes a condition providing that the water supply work must not be used to take more than 100 ML in any water year,
 - (c) 800 metres of a high priority groundwater-dependent ecosystem - for all other water supply work approvals.
 - (d) 40 metres of the top of the high bank of a river.
- (3) In addition to subclause (2), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater-dependent ecosystem shown on the [GDE Map](#) if the construction or use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater-dependent ecosystem. This subclause does not apply to water supply works that is or will be used solely for basic landholder rights.
- (4) The distance restrictions specified in subclause (2) (a) to (c) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater-dependent ecosystem shown on the GDE Map.
- (5) The distance restrictions specified in subclause (2) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that—

- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater-dependent ecosystems.
- (6) The Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that—
- (a) for the purpose of subclause (4), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater-dependent ecosystem shown on the [GDE Map](#), or
 - (b) for the purpose of subclause (5) (d), the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater-dependent ecosystems.

54 Rules for water supply works located near potential acid sulfate soils

- (1) A water supply work approval must not be granted or amended within an area classed as having a high probability of occurrence of acid sulfate soils on an Acid Sulfate Soil Risk Map maintained by the NSW Office of Environment and Heritage.
- (2) Subclause (1) does not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that the location of the water supply work would not result in a significant risk of acidification of these water sources.
- (3) For the purposes of subclause (2), the Minister may require the applicant to submit a hydrogeological study to demonstrate that construction of a water supply work within an area classed as having a high probability of occurrence of acid sulfate soils would not, in the Minister's opinion, result in acidification of these water sources.

Notes.

1 *Acid sulfate soils* is defined in the dictionary.

2 At the commencement of this Plan, information on Acid Sulfate Soil Risk Maps could be found at the following address on the website of the NSW Office of Environment and Heritage: <http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm>.

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

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within the following distances of a groundwater-dependent culturally significant site—
 - (a) 100 metres - in the case of a water supply work that will be authorised to take water solely for basic landholder rights, or
 - (b) 200 metres - in the case of a water supply work that will be nominated by an access licence.

Note. Groundwater-dependent culturally significant areas may be identified during the term of this Plan. Aboriginal people may also identify culturally significant areas when applications for new or amended water supply works are advertised. Potential groundwater-dependent culturally significant areas will be considered in the assessment of any application for a water supply work approval within the area of this Plan.

- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that—
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and their groundwater-dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater-dependent culturally significant sites.

56 Replacement groundwater works

- (1) For the purposes of this Plan, ***replacement groundwater work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking groundwater where—
 - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work, and
 - (c) the replacement groundwater work is to be constructed to extract water from—
 - (i) the same depth as the existing water supply work, or
 - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (d) the replacement groundwater work is to be located—
 - (i) within 20 metres of the existing water supply work, or
 - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located—
 - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
 - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and

- (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is—
 - (i) no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 120% of the internal diameter of the existing water supply work it replaces, or
 - (ii) less than 100 millimetres, in which case the internal diameter of the replacement water supply work may be increased to 100 millimetres.

Note. *Internal diameter* and *excavation footprint* are defined in the Dictionary.

- (2) For the purpose of subclause (1) (c) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (3) For the purpose of subclauses (1) (d) (ii) or (e) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

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

Division 3 Rules for the use of water supply works used to take groundwater

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

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take groundwater.
- (2) Subject to subclauses (3) and (5), a water supply work that is located within a restricted distance specified in clauses 51, 52, 53 (2) (a) and (d), 54 and 55 must not, in any water year, be used to take more water than the volume of water that is equal to—
 - (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with clause 40 (4).
- (3) Subject to subclause (5), a water supply work that becomes located within a restricted distance specified in clauses 51, 52, 53 (2) (a) and (d), 54 and 55 as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to—
 - (a) the sum of the share components of the access licences nominating that water supply work at the date of the amendment, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the date of the amendment in accordance with clause 40 (4).
- (4) Subject to subclause (5), a water supply work that is located within a restricted distance specified

in clause 53 (2) (b) and (c) at the commencement of this Plan must not, in any water year, be used to take more than the volume of water that is equal to the greater of—

- (a) the sum of the share components of access licences nominating that water supply work at the commencement of this Plan, plus the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with clause 40 (4), or
- (b) 20 ML/year if the water supply work is located within 400 metres of a high priority groundwater-dependent ecosystem shown on the [GDE Map](#), or
- (c) 100 ML/year if the water supply work is located within 800 metres of a high priority groundwater-dependent ecosystem shown on the [GDE Map](#).

(5) Subclauses (2)–(4) do not apply—

- (a) where a restricted distance does not apply in accordance with clauses 51 (2) (a), (c) and (d), 52 (3), 53 (4) and (5) (a), (b) and (d), 54 (2) and 55 (2) (a) (b) and (d), or
- (b) to the taking of water pursuant to basic landholder rights.

(6) The Minister may specify a daily rate or an annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 51–55 pursuant to clauses 51 (2) (d), 52 (3) (a), 53 (4) or (5) (d), 54 (2) or 55 (2) (d).

(7) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 51 (2) (d), 52 (3) (a), 53 (4) or (5) (d), 54 (2) or 55 (2) (d).

Part 10 Access licence dealing rules

58 General

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

Notes.

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

59 Conversion of access licence to new category

(1) Dealings under section 71O of the Act are prohibited unless the conversion is from—

- (a) an unregulated river access licence with a share component that specifies one of the connected water sources to an aquifer access licence, or
- (b) an unregulated river access licence with a share component that specifies one of the following water sources to an unregulated river (high flow) access licence—
 - (i) Mortons Creek Water Source,
 - (ii) Thone River Water Source,
 - (iii) Wilson River Water Source.

(2) A dealing under subclause (1) (a) is subject to the share component of the aquifer access licence

being equal to the share component of the unregulated river access licence.

- (3) A dealing under subclause (1) (b) is subject to—
- (a) the share component of the unregulated river (high flow) access licence being equal to 5 times the share component of the unregulated river access licence, and
 - (b) the total amount of unregulated river (high flow) access licences not exceeding—
 - (i) 156 unit shares in the Mortons Creek Water Source, and
 - (ii) 500 unit shares in the Thone River Water Source, and
 - (iii) 500 unit shares in the Wilson River Water Source.

60 Assignment of rights dealings

Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights—

- (a) to an access licence with a share component that specifies a water source located in a different extraction management unit, or
- (b) to an access licence with a share component that specifies one of the following water sources—
 - (i) the Ellenborough River Water Source,
 - (ii) the Forbes River Water Source,
 - (iii) the Limeburners Creek Water Source,
 - (iv) the Pappinbarra River Water Source,
 - (v) the Wilson River Water Source,
 - (vi) the Hastings River Coastal Floodplain Alluvial Groundwater Source, or
- (c) to an access licence with a share component that specifies the Camden Haven River Water Source, if it would cause the sum of the share components of all access licences in the Camden Haven River Water Source to exceed 4,400, or
- (d) to an access licence with a share component that specifies the Coastal Hastings Water Source, if it would cause the sum of the share components of all access licences in the Coastal Hastings Water Source to exceed 569, or
- (e) to an access licence with a share component that specifies the Kindee Creek Water Source, if it would cause the sum of the share components of all access licences in the Kindee Creek Water Source to exceed 50, or
- (f) to an access licence with a share component that specifies the Lake Innes Water Source, if it would cause the sum of the share components of all access licences in the Lake Innes Water Source to exceed 55, or
- (g) to an access licence with a share component that specifies the Maria River Water Source, if it would cause the sum of the share components of all access licences in the Maria River Water Source to exceed 201, or
- (h) to an access licence with a share component that specifies the Middle Hastings River Water

Source, if it would cause the sum of the share components of all access licences in the Middle Hastings River Water Source to exceed 23,119, or

- (i) to an access licence with a share component that specifies the Mortons Creek Water Source, if it would cause the sum of the share components of all access licences in the Mortons Creek Water Source to exceed 846.5, or
- (j) to an access licence with a share component that specifies the the Queens Lake Water Source, if—
 - (i) the dealing is from an access licence with a share component that specifies a water source other than the Camden Haven River Water Source, the Stewarts River Water Source, or the Watson Taylors Lake Water Source, or
 - (ii) in any case, the dealing would cause the sum of the share components of all access licences in the Queens Lake Water Source to exceed 138.
- (k) to an access licence with a share component that specifies the Stewarts River Water Source, if it would cause the sum of the share components of all access licences in the Stewarts River Water Source to exceed 1,933, or
- (l) to an access licence with a share component that specifies the Thone River Water Source, if it would cause the sum of the share components of all access licences in the Thone River Water Source to exceed 1,794, or
- (m) to an access licence with a share component that specifies the the Upper Hastings River Water Source, if—
 - (i) the dealing is from an access licence with a share component that specifies a water source other than the Ellenborough River Water Source, the Forbes River Water Source, or the Kindee Creek Water Source, or
 - (ii) in any case, the dealing would cause the sum of the share components of all access licences in the Upper Hastings River Water Source to exceed 416.
- (n) to an access licence with a share component that specifies the Watson Taylors Lake Water Source, if the dealing would cause the sum of the share components of all access licences in the Watson Taylors Lake Water Source to exceed 282, and from an access licence with a share component that specified a water source other than the Camden Haven River Water Source or the Stewarts River Water Source.

61 Amendment of share components dealings (change of water source)

- (1) Dealings under section 71R of the Act are subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (2) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following—
 - (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,
 - (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit,

- (c) the granting of a new access licence with a share component that specifies one of the following water sources—
 - (i) the Ellenborough River Water Source,
 - (ii) the Forbes River Water Source,
 - (iii) the Limeburners Creek Water Source,
 - (iv) the Pappinbarra River Water Source,
 - (v) the Wilson River Water Source,
 - (vi) the Hastings River Coastal Floodplain Alluvial Groundwater Source,
- (d) the granting of a new access licence with a share component that specifies the Camden Haven River Water Source, if it would cause the sum of the share components of all access licences in the Camden Haven River Water Source to exceed 4400,
- (e) the granting of a new access licence with a share component that specifies the Coastal Hastings Water Source, if it would cause the sum of the share components of all access licences in the Coastal Hastings Water Source to exceed 569,
- (f) the granting of a new access licence with a share component that specifies the Kindee Creek Water Source, if it would cause the sum of the share components of all access licences in the Kindee Creek Water Source to exceed 50,
- (g) the granting of a new access licence with a share component that specifies the Lake Innes Water Source, if it would cause the sum of the share components of all access licences in the Lake Innes Water Source to exceed 55,
- (h) the granting of a new access licence with a share component that specifies the Maria River Water Source, if it would cause the sum of the share components of all access licences in the Maria River Water Source to exceed 201,
- (i) the granting of a new access licence with a share component that specifies the Middle Hastings River Water Source, if it would cause the sum of the share components of all access licences in the Middle Hastings River Water Source to exceed 23,119,
- (j) the granting of a new access licence with a share component that specifies the Mortons Creek Water Source, if it would cause the sum of the share components of all access licences in the Mortons Creek Water Source to exceed 846.5,
- (k) the granting of a new access licence with a share component that specifies the Stewarts River Water Source, if it would cause the sum of the share components of all access licences in the Stewarts River Water Source to exceed 1,933, or
- (l) the granting of a new access licence with a share component that specifies the Thone River Water Source, if it would cause the sum of the share components of all access licences in the Thone River Water Source to exceed 1,794,
- (m) the granting of a new access licence with a share component that specifies the Queens Lake Water Source, if—
 - (i) the share component of the cancelled access licence specifies a water source other than the Camden Haven River Water Source, the Stewarts River Water Source, or the Watson Taylors Lake Water Source, or

- (ii) in any case, it would cause the sum of the share components of all access licences in the Queens Lake Water Source to exceed 138.
 - (n) the granting of a new access licence with a share component that specifies the Upper Hastings River Water Source, if—
 - (i) the share component of the cancelled access licence specifies a water source other than the the Ellenborough River Water Source, the Forbes River Water Source, or the Kindee Creek Water Source, or
 - (ii) in any case, it would cause the sum of the share components of all access licences in the Upper Hastings River Water Source to exceed 416,
 - (o) the granting of a new access licence with a share component that specifies the Watson Taylors Lake Water Source, if the share component of the cancelled access licence specified a water source other than the Camden Haven River Water Source or the Stewarts River Water Source, and it would cause the sum of the share components of all access licences in the Watson Taylors Lake Water Source to exceed 282.
- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

62 Assignment of water allocations dealings

Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation—

- (a) from an access licence in one extraction management unit to an access licence in another extraction management unit, or
- (b) to an access licence in one of the following water sources—
 - (i) the Ellenborough River Water Source,
 - (ii) the Forbes River Water Source,
 - (iii) the Limeburners Creek Water Source,
 - (iv) the Pappinbarra River Water Source,
 - (v) the Wilson River Water Source,
 - (vi) the Hastings River Coastal Floodplain Alluvial Groundwater Source, or
- (c) to an access licence in the Camden Haven River Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Camden Haven River Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 4400, or
- (d) to an access licence in the Coastal Hastings Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Coastal Hastings Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 569, or
- (e) to an access licence in the Kindee Creek Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Kindee Creek Water Source from available water determinations or dealings under section 71T of the Act in

- that water year, to exceed 50, or
- (f) to an access licence in the Lake Innes Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Lake Innes Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 55, or
 - (g) to an access licence in the Maria River Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Maria River Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 201, or
 - (h) to an access licence in the Middle Hastings River Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Middle Hastings River Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 23,119, or
 - (i) to an access licence with in the Mortons Creek Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Mortons Creek Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 846.5, or
 - (j) to an access licence in the Stewarts River Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Stewarts River Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 1,933, or
 - (k) to an access licence in the Thone River Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Thone River Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 1,794, or
 - (l) to an access licence in the Queens Lake Water Source—
 - (i) if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Queens Lake Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 138, or
 - (ii) the dealing is from an access licence in a water source other than the Camden Haven River Water Source, the Stewarts River Water Source, or the Watson Taylors Lake Water Source, or
 - (m) to an access licence in the Upper Hastings River Water Source—
 - (i) if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Queens Lake Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 416, or
 - (ii) the dealing is from an access licence in a water source other than the Ellenborough River Water Source, the Forbes River Water Source, or the Kindee Creek Water Source, or
 - (n) to an access licence with a share component that specifies the Watson Taylors Lake Water Source, from a water source other than the Camden Haven River Water Source or the Stewarts River Water Source, and the dealing would cause the sum of the share components of all access licences in the Watson Taylors Lake Water Source to exceed 282.

63 Interstate access licence transfer and assignment of water allocation

- (1) Dealings under section 71U of the Act involving the interstate transfer of access licences to or from these water sources are prohibited.
- (2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these water sources are prohibited.

64 Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than New South Wales, by an access licence in these water sources, are prohibited.
- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work in these water sources, by an access licence from a State other than New South Wales, are prohibited.

Part 11 Mandatory conditions

Notes.

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

2 Mandatory conditions relating to metering equipment and recording of information are imposed by the [Water Management \(General\) Regulation 2018](#). Clauses in this Plan that provide for mandatory conditions to be imposed in relation to metering and logbooks will be removed from this Plan consistent with the timeframes for the roll out of the metering and reporting mandatory conditions that are prescribed in Part 10 and Part 11 of the [Water Management \(General\) Regulation 2018](#).

Division 1 General

65 General

- (1) For the purposes of this Part—
 - (a) a requirement to notify the Minister in writing is only satisfied by sending a written notice to one of the addresses listed in Appendix 4 of this Plan or to the email address for enquiries on the Department's website, and
 - (b) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, it is not necessary to maintain two separate logbooks and all the required information can be kept in one logbook.

Note. *Logbook* is defined in the Dictionary.

- (2) In this Part a *metered water supply work with a data logger* means a water supply work with—
 - (a) an operational meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as updated or replaced from time to time, and
 - (b) an operational data logger.

Division 2 Access licences

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

66 Mandatory conditions on access licences

- (1) Each access licence must have mandatory conditions to give effect to the following—
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,

- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
 - (b) the licence holder must retain the information required to be recorded in the logbook for five years from the date to which that information relates.
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Each access licence, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions to give effect to the following—
- (a) the licence holder must record the following information in a logbook each time that water is taken using a water supply work that does not have both an operational meter (as referred to in clause 65 (2) (a)) and an operational data logger—
 - (i) the date and the start and end time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purposes for which the water was taken on that date,
 - (v) for access licences with share components that specify one of the connected water sources, the volume of water taken in the first three water years of this Plan by comparison to the volume of water permitted to be taken in those years under clause 40 (2),
 - (vi) for access licences with share components that specify one of the connected water sources, the volume of water taken in any three consecutive water years after the first water year of this Plan by comparison to the volume of water permitted to be taken in those years under clause 40 (3),
 - (vii) for access licences with share components that specify the Hastings River Coastal Floodplain Alluvial Groundwater Source, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 41 (2),
 - (b) the licence holder must retain the information required to be recorded in the logbook for five years from the date to which that information relates.
- (3) Subclause (2) ceases to have effect on commencement of clause 250 of the *Water Management (General) Regulation 2018*.
- Note.** Clause 250 of the *Water Management (General) Regulation 2018* commences on 1 December 2019 and imposes a mandatory condition requiring record keeping on access licences and approvals.
- (4) An access licence for an approved EP&A Act development must have mandatory conditions where required to give effect to the rules for the use of water supply works located within the restricted distances specified in clause 57.

Division 3 Water supply work approvals

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

67 General conditions

- (1) Water supply work approvals must have mandatory conditions to give effect to the following—
- (a) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements—
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment,
 - (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,
- Note.** The Minister may also direct a landholder or person to install, replace or properly maintain metering equipment under section 326 of the Act.
- (b) upon becoming aware of a breach of any condition of the approval, the approval holder must—
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
 - (c) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger or is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions to give effect to the following—
- (a) the holder of a water supply work approval must keep a logbook,
 - (b) the holder of a water supply work approval must record the following in the logbook—
 - (i) each date and start and end time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that date or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water

supply work, the meter reading before water is taken,

- (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time,
 - (viii) any other information required to be recorded in the logbook under the rules of this Plan,
 - (c) the holder of the water supply work approval must produce the logbook to the Minister for inspection when requested,
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the logbook for five years from the date to which that information relates.
- (3) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply.
- (4) Where the holder is required to keep a logbook, the holder must record the confirmation and the means of confirmation (such as visual inspection or internet search) under subclause (3), in the logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 49 (2).
- (6) A water supply work approval for a surface water supply work must have mandatory conditions where required to give effect to the requirements for a replacement surface water supply work specified in or specified by the Minister in accordance with clause 49 (5).
- (7) Subclause (1) (a) ceases to have effect on the day on which exemptions from the mandatory metering equipment condition under clause 230 (1) of the *Water Management Act (General) Regulation 2018* cease to apply in relation to these water sources.
- (8) Subclauses (2) and (4) cease to have effect on commencement of clause 250 of the *Water Management (General) Regulation 2018*.

Notes.

1 *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to existing and new works required to have a meter from 1 April 2019, and to other approvals in these water sources from 1 December 2023.

3 Clause 250 of the *Water Management (General) Regulation 2018* commences on 1 December 2019 and imposes a mandatory condition requiring record keeping on access licences and approvals.

68 Water supply works authorised to take groundwater

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take groundwater.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions to give effect to the following—
 - (a) the rules for limiting the taking of water within the restricted distances specified in clause 57,

- (b) the approval holder must ensure the water supply work is constructed so as to be—
 - (i) water is able to be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work, and
 - (ii) sealed off from all other water sources, and
 - (iii) situated in the location specified in the application for the water supply work,
- (c) the construction of a new water supply work must—
 - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 51–55, and
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, and
 - (iii) be constructed to prevent contamination of the aquifer and between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers,
- (d) (Repealed)
- (e) (Repealed)
- (f) (Repealed)
- (g) (Repealed)
- (h) (Repealed)
- (i) the approval holder must, within 60 days of completion of the construction of the water supply work, or within 60 days after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
- (j) if contaminated water is encountered during the construction of the water supply work, the approval holder must—
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water, and
 - (ii) take all reasonable steps to minimise contamination and environmental harm, and
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
 - (iv) place an impermeable seal in the borehole annulus when and as directed by the Minister, and
 - (v) comply with any other written requirements specified by the Minister, which may include a requirement to provide a report in a specified form detailing the quality of any water obtained using the water supply work,
- (k) the authority to construct a water supply work under a water supply work approval will expire if the construction of that water supply work is not completed within three years of

the issue of the water supply work approval.

- (m) (Repealed)
- (3) A water supply work approval granted in circumstances where clause 51 (2) (d) applies must have a mandatory condition where required to give effect to clause 51 (4).
- (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 56.

68A Water bore decommissioning condition

- (1) An approval holder must, at least 60 days before decommissioning a water bore, give written notice to the Minister of the intention to decommission the water bore.
- (2) The written notice must include a work plan for the decommission.
- (3) The work plan must be prepared in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.
- (4) The Minister may, within 60 days of receiving notice under this section, give a direction that the water bore—
 - (a) must not be decommissioned, or
 - (b) must be decommissioned in accordance with the requirements specified in the direction.
- (5) The approval holder must not decommission the water bore if the Minister has given a direction that the water bore must not be decommissioned.
- (6) In decommissioning the water bore, the approval holder must comply with—
 - (a) the work plan, and
 - (b) if the Minister has given a direction—the requirements specified in the direction.
- (7) The approval holder must, no later than 60 days after decommissioning the water bore, give the Minister written notice of—
 - (a) the decommissioning of the water bore, and
 - (b) the name of the driller who decommissioned the water bore.

Part 12 Amendment of this Plan

69 General

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

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

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

70 Part 1

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

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

71 Part 4

- (1) Subject to subclause (2), Part 4 may be amended to vary the amount of recharge reserved as planned environmental water in the Hastings River Coastal Floodplain Alluvial Groundwater Source as a result of—
 - (a) recharge studies undertaken or assessed as adequate by the Minister, or
 - (b) increases made to the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source.
- (2) Part 4 may be amended to decrease the amount of long-term average annual rainfall recharge reserved as planned environmental water in the Hastings River Coastal Floodplain Alluvial Groundwater Source to no less than 75% of the long-term average annual rainfall recharge in areas that are not high environmental value areas.

72 Part 6

- (1) Subject to subclauses (2) and (3), Part 6 may be amended to modify the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source as a result of—
 - (a) recharge studies undertaken or assessed as adequate by the Minister, or
 - (b) socio-economic information assessed as adequate by the Minister.
- (2) Subject to subclause (3), the long-term average annual extraction limit for the Hastings River Coastal Floodplain Alluvial Groundwater Source may be increased up to 3,269 ML/year.

Note. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 100% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (3) Any amendment to a long-term average annual extraction limit made under subclause (2) should maintain the protection of the Hastings River Coastal Floodplain Alluvial Groundwater Source

and its dependent ecosystems and should ensure consistency with the objectives outlined in this Plan.

- (4) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may amend clause 29 to vary the long-term average annual extraction limit that applies to the EMU or that water source.

73 Part 7

Part 7 may be amended to allow for applications to be made for unregulated river (subcategory “Aboriginal community development”) access licences in the following water sources, subject to the installation of a river flow gauge and determination of associated limits on total share components that may be applied for—

- (a) Coastal Hastings Water Source,
- (b) Kindee Creek Water Source,
- (c) Lake Innes Water Source,
- (d) Queens Lake Water Source,
- (e) Watson Taylors Lake Water Source.

74 Part 8

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

- (a) amend the existing flow classes, establish new or additional flow classes and amend the flow reference point to specify a newly installed gauge after Year 5 of this Plan in these water sources,

Note. *Year 5 of this Plan* is defined in the Dictionary.

- (b) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended during the term of this Plan as specified in clause 70, provided that the Minister is satisfied that the amendments will not have significant adverse impact on the access to water of licence holders in the affected water source or management zone,
- (c) establish new or additional flow classes to allow for the granting of unregulated river (subcategory “Aboriginal community development”) access licences in the following water sources, subject to the installation of a river flow gauge—
 - (i) Coastal Hastings Water Source,
 - (ii) Kindee Creek Water Source,
 - (iii) Lake Innes Water Source,
 - (iv) Queens Lake Water Source,
 - (v) Watson Taylors Lake Water Source,
- (d) amend clause 44 to extend the exemption to the cease to take conditions for stock watering purposes specified in clause 44 (27) (c) beyond Year 3 of this Plan and/or modify the volume of

water permitted to be taken for stock watering purposes after Year 3 of this Plan,

Note. *Year 3 of this Plan* is defined in the Dictionary.

- (e) establish or assign TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (f) establish or assign TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (g) amend or remove TDELs if TDELs have been established or assigned,
- (h) include rules for the establishment, assignment and removal of IDELs,
- (i) remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (f) or (h) to protect a proportion of flow within each flow class for the environment,
- (j) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (g) and (h),
- (k) amend existing flow classes, establish new or additional flow classes or amend the flow reference point in order to establish TDELs and IDELs.

75 Part 9

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

- (a) amend clause 49 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third or higher order streams,
- (b) add, remove or modify a restricted distance specified in—
 - (i) clause 51 after Year 5 of this Plan, or
 - (ii) clause 53 based on the outcomes of further studies of groundwater-dependent ecosystems that are to the Minister's satisfaction,
- (c) amend the definition of a replacement groundwater work in clause 56,
- (d) amend clause 57 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts,
- (e) amend the [GDE map](#).

76 Part 11

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

- (a) amend the rules in relation to record keeping including in relation to requirements for logbooks,
- (b) amend clause 67 or 68 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

77 Dictionary

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

78 Schedules

(1) Schedule 1 may be amended to—

- (a) remove an access licence or *Water Act 1912* entitlement specified in Column 1 of the table to the Schedule and the corresponding water source and access rule in Columns 2 and 3,
- (b) add a new access licence to Column 1 of the table to the Schedule and specify a water source and access rule in Columns 2 and 3, if, in the Minister’s opinion—
 - (i) the cease to take conditions that were specified on the *Water Act 1912* entitlement were more restrictive than the access rules specified in clause 44, and
 - (ii) the access rule to be specified in Column 3 of the table to the Schedule for that access licence is no more restrictive than the cease to take conditions that were specified on the *Water Act 1912* entitlement.

(2) Schedule 2 may be amended to do any of the following—

- (a) remove an access licence or a *Water Act 1912* entitlement specified in Column 1 and the corresponding water source and access rule in Column 2 and Column 3 of the Schedule,
- (b) amend the access rules specified in Column 2 of the Schedule,
- (c) add an access licence to Column 1 and specify an access rule and water source in Column 2 and Column 3 of the Schedule, based on the following requirements—
 - (i) the holder of an access licence has applied in writing to the Department within 12 months from the commencement of this Plan to have his or her access licence listed in the Schedule,
 - (ii) the applicant has held a *Water Act 1912* entitlement that has been converted to an access licence on commencement of this Plan,
 - (iii) the applicant must demonstrate a history of extraction regarding the taking of water from off-river pools or in-river pools and provide any other information as required by the Minister.

(3) Schedule 2 or part thereof may be deleted if the Minister is satisfied that it is no longer required.

(4) Schedule 3 may be amended to do any of the following—

- (a) add a new access licence to clause 1 of Schedule 3, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 44 (27) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
- (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 3, provided that the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
- (c) remove an access licence or a *Water Act 1912* entitlement from clause 1 of Schedule 3 if—
 - (i) an access licence dealing results in water being taken under the licence from a different

- location, or
- (ii) an alternative water supply is obtained, or
- (iii) the access licence is surrendered or cancelled,
- (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 3 if—
 - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled or the purpose ceases to exist.
- (5) Schedule 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (6) Schedule 4 may be amended to do any of the following—
 - (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 45 (26) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
 - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 4, provided that the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
 - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 4 if—
 - (i) an access licence dealing results in water being taken under the licence from a different location, or
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled,
 - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 4 if—
 - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled or the purpose ceases to exist.
- (7) Schedule 4 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (8) Schedule 5 may be amended to add or remove a contamination source.

79 Other

- (1) This Plan may be amended to include rules for the following—
 - (a) managed aquifer recharge,

Note. Managed aquifer recharge schemes involve taking water such as recycled water or urban

stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.

(b) the management of floodplain harvesting within these water sources,

(c) the shepherding of water,

Note. *Shepherding* is defined in the Dictionary.

(d) any new category of access licence established for the purpose of urban stormwater harvesting,

(e) the interception of water before it reaches a stream or aquifer by plantations or other means,

(f) the management of salt interception schemes,

(g) the management of aquifer interference activities, including the granting of aquifer interference approvals.

(2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

(3) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* of the Commonwealth to give effect to an entitlement granted under that claim.

(4) This Plan may be amended after Year 5 of this Plan to provide rules for the protection of water-dependent Aboriginal cultural assets to do any of the following—

(a) identify water-dependent Aboriginal cultural assets,

(b) amend the access rules to protect water-dependent Aboriginal cultural assets,

(c) restrict the granting and amending of water supply work approvals to protect water-dependent Aboriginal cultural assets,

(d) amend the dealing rules to protect water-dependent Aboriginal cultural assets.

(5) Any amendment under subclause (4) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.

(6) Before making an amendment pursuant to subclause (4) the Minister should consult with relevant Government agencies and stakeholders.

Dictionary

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

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

acid sulphate soils means naturally occurring sediments and soils containing iron sulphides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulphuric acid (for example by drainage or excavation).

approved EP&A Act development means—

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

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

drawdown means a lowering of the level to which water will rise in cased bores.

Note. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

excavation footprint means the authorised dimensions of an unlined excavation constructed for the purposes of water supply only.

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

grazeable area means, for an individual landholding, the area of pasture in hectares for a pasture type that is accessible for stock grazing and able to grow appropriate vegetation for stock grazing, but does not include impervious surfaces (such as rocks or rocky terrain, man-made structures, mines or quarries) or other such surfaces that do not support grazing vegetation, such as water bodies and forested floors with no undergrowth.

groundwater means water occurring beneath the ground surface in the saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

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

high environmental value areas means national parks, nature reserves, historic sites, Aboriginal areas, state conservation areas and karst conservation areas.

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.

internal diameter means the diameter of the inside of the casing of a water bore.

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

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

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

excludes—

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

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

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

mangrove limit is defined in the document prepared by the Manly Hydraulics Laboratory entitled *Survey of Tidal Limits and Mangrove Limits in NSW Estuaries 1996 to 2005*, ISBN 0-7347-4302-5 (NSW Department of Natural Resources, Manly Hydraulics Laboratory).

Minimum Construction Requirements for Water Bores in Australia means the document titled *Minimum Construction Requirements for Water Bores in Australia*, ISBN 978-0-646-81881-8, published by the National Uniform Drillers Licensing Committee, 2020.

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

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

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

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

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

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

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

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

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

Year 1 of this Plan means from the date of 1 July 2019 to 30 June 2020.

Year 3 of this Plan means from the date of 1 July 2021 to 30 June 2022.

Year 4 of this Plan means from the date of 1 July 2022 to 30 June 2023.

Year 5 of this Plan means from the date of 1 July 2023 to 30 June 2024.

Year 6 of this Plan means from the date of 1 July 2024 to 30 June 2025.

Schedule 1 Access licences subject to the cease to take condition specified in clause 44 (4)

The access licences which replace *Water Act 1912* entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the access rule specified in Column 3 imposed as mandatory conditions to give effect to clause 44 (4).

Column 1 <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water source	Column 3 Access rules
30SL041096	Stewarts River	Water must not be taken when flows at the Stewarts River at Stewarts River gauge (207008) are less than 3.54 ML/day.
30SL044891	Stewarts River	Water must not be taken when flows at the Stewarts River at Stewarts River gauge (207008) are less than 3.54 ML/day.
30SL046438	Stewarts River	Water must not be taken when flows at the Stewarts River at Stewarts River gauge (207008) are less than 3.54 ML/day.
30SL048091	Stewarts River	Water must not be taken when flows at the Stewarts River at Stewarts River gauge (207008) are less than 3.54 ML/day.
30SL048931	Stewarts River	Water must not be taken when flows at the Stewarts River at Stewarts River gauge (207008) are less than 3.54 ML/day.

30SL065359

Middle Hastings River

Water must not be taken from the Hastings River when—
 (a) the volume of water stored in Cowarra Dam is less than or equal to 6,000 ML (less than or equal to 60%), and the flows in the Hastings River at Korie Island gauge (207600) are less than or equal to the flow identified in Column B of the table below during corresponding month in Column A below, or

Column A	Column B
Month	ML/day
January	125
February	125
March	250
April	250
May	250
June	250
July	250
August	180
September	125
October	125
November	125
December	125

(b) the volume of water stored in Cowarra Dam is greater than 6000 megalitres (greater than 60%), and the flows in the Hastings River at Korie Island gauge (206700) are less than or equal to the flow identified in Column B of the table below during the corresponding month in Column A below.

Column A	Column B
Month	ML/day
January	250
February	350
March	450
April	450
May	450
June	400
July	350
August	290

		September	290
		October	290
		November	250
		December	250
30SL065822	Queens Lake	Water must not be taken from Cedar Creek when flows in that creek are less than 3.91 litres per second (which is equal to a height of 0.832 metres on the gauge installed on the downstream side of the road bridge), located at the north west corner of Portion 17, Parish of Ralfe, County of Macquarie.	
30SL066011	Maria River	Water must not be taken from Smiths Creek when the flow in that creek is less than or equal to 15 litres per second at the road bridge at the Pacific Highway on Portion 13, Parish of Lincoln, County of Macquarie.	
30SL066279	Queens Lake	Water must not be taken from Cedar Creek when the flow in that creek is less than or equal to 3.91 litres per second in Cedar Creek (which is equal to a height of 0.832 metres on the gauge installed on the downstream side of the road bridge), located at the north west corner of Portion 17, Parish of Ralfe, County of Macquarie.	
30SL066280	Queens Lake	Water must not be taken from Cedar Creek when the flow in that creek is less than or equal to 3.91 litres per second in Cedar Creek (which is equal to a height of 0.832 metres on the gauge installed on the downstream side of the road bridge), located at the north west corner of Portion 17, Parish of Ralfe, County of Macquarie.	
30SL066544	Mortons Creek	Water must not be taken from Mortons Creek unless there is a flow of 100mm over the rock bar 20 metres downstream of the boundary of Lot 117 DP 754442 and Lot 145 DP 754446.	
30SL066611	Ellenborough River	Water must not be taken when flows at the Ellenborough River downstream of the Bunnoo River junction gauge (207013) are less than or equal to 15 ML/day.	
30SL066612	Ellenborough River	Water must not be taken when flows at the Ellenborough River downstream of the Bunnoo River junction gauge (207013) are less than or equal to 15 ML/day.	
30SL066613	Ellenborough River	Water must not be taken when flows at the Ellenborough River downstream of the Bunnoo River junction gauge (207013) are less than or equal to 15 ML/day.	

Schedule 2 Access rules for off-river pools

The access licences which replace [Water Act 1912](#) entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the access rule specified in Column 3 imposed as mandatory conditions to give effect to clause 44 (8).

Column 1 Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water source	Column 3 Access rules
30SL025682	Coastal Hastings Water Source	From Year 1 of this Plan, water must not be taken when flows are less than or equal to 29 ML/day at the Hastings River at Ellenborough gauge (207004). From Year 6 of this Plan, water must not be taken when flows are less than or equal to 34 ML/day at the Hastings River at Ellenborough gauge (207004).
30SL065105	Mortons Creek Water Source	Water must not be taken when flows are less than or equal to 1 ML/day at the Mortons Creek at Mortons Creek Road gauge (207017).

Schedule 3 Access licences used to take surface water exempt from cease to take conditions

1 General

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

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

30SL018552
30SL024482
30SL033739
30SL033892
30SL037395
30SL037438
30SL037938
30SL038959
30SL041096
30SL045165
30SL047609
30SL048083
30SL048910

30SL048945

30SL049740

30SL050100

30SL050263

30SL050788

30SL050963

30SL065134

30SL065262

30SL065341

30SL065745

30SL065990

30SL066077

30SL066196

30SL066198

30SL066208

30SL066209

30SL066223

30SL066231

30SL066235

30SL066238

30SL066239

30SL066242

30SL066252

30SL066262

30SL066268

30SL066281

30SL066296

30SL066306

30SL066401

30SL066467

30SL066470

30SL066472

30SL066478

30SL066542

30SL066636

30SL066648

30SL066725

30SL066782

30SL066842

30SL066999

30SL067030

30SL067068

30SL067069

30SL067143

30SL067150

30SL067151

30SL067303

30SL067305

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

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

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

30SL024203

30SL024302

30SL024645

30SL024724

30SL039634

30SL045729

30SL050115

30SL065359

Schedule 4 Access licences used to take groundwater exempt from the cease to take conditions

1 General

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

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

30BL181672

30BL153482

30BL177907

30BL178580

30BL179538

30BL179924

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

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

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

30BL177160

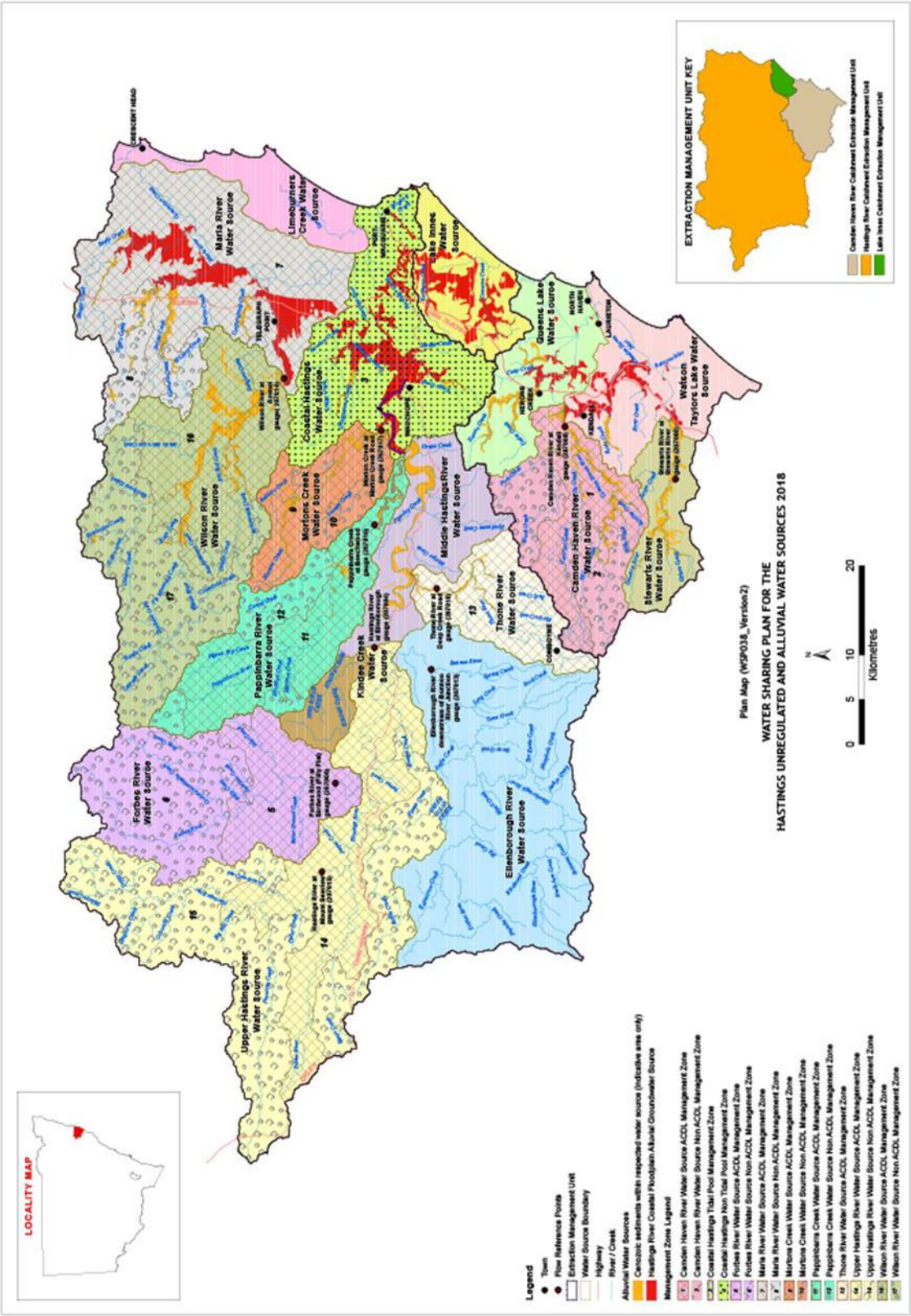
Schedule 5 Contamination sources in these water sources

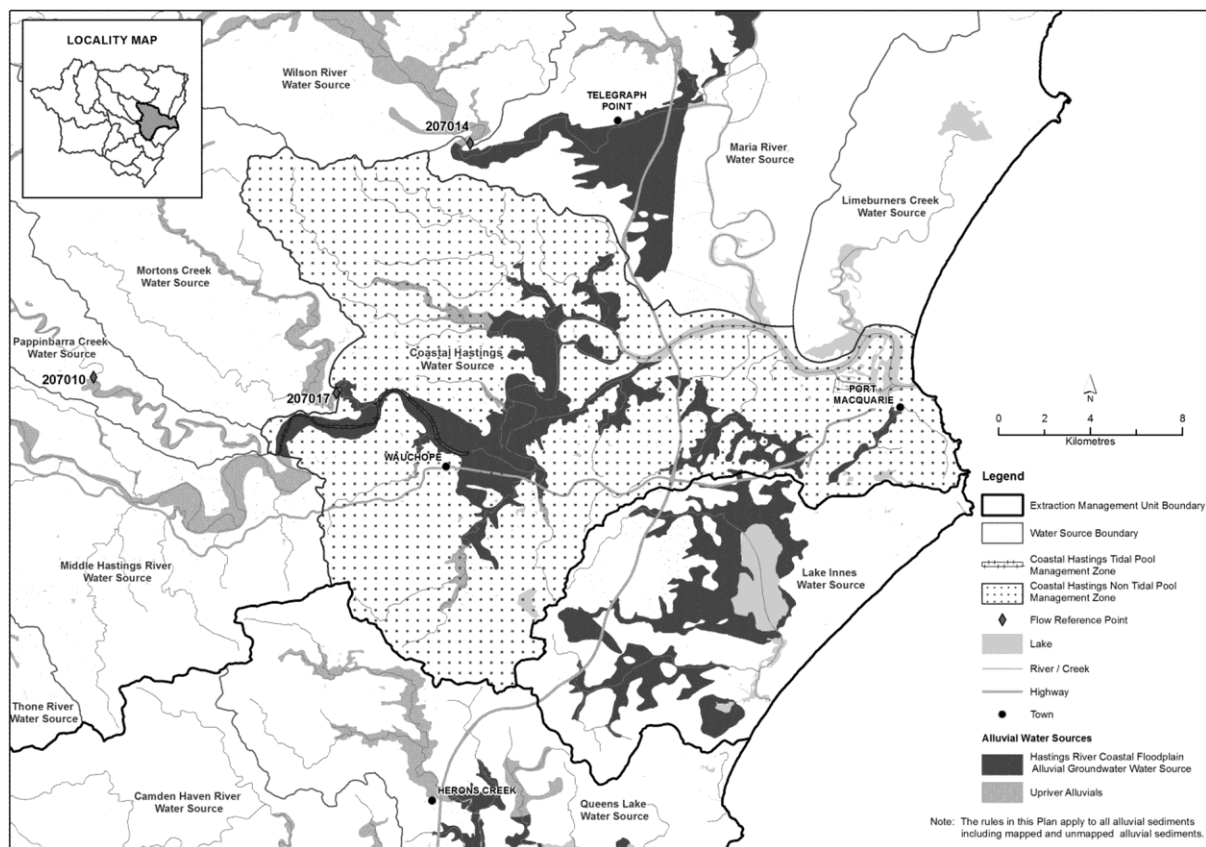
Contamination sources in these water sources comprise the following—

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

Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP038_Version 2) Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019





Appendix 2 Inspection of the Plan Map

Copies of the [Plan Map](#) may be inspected at the following offices— Department of

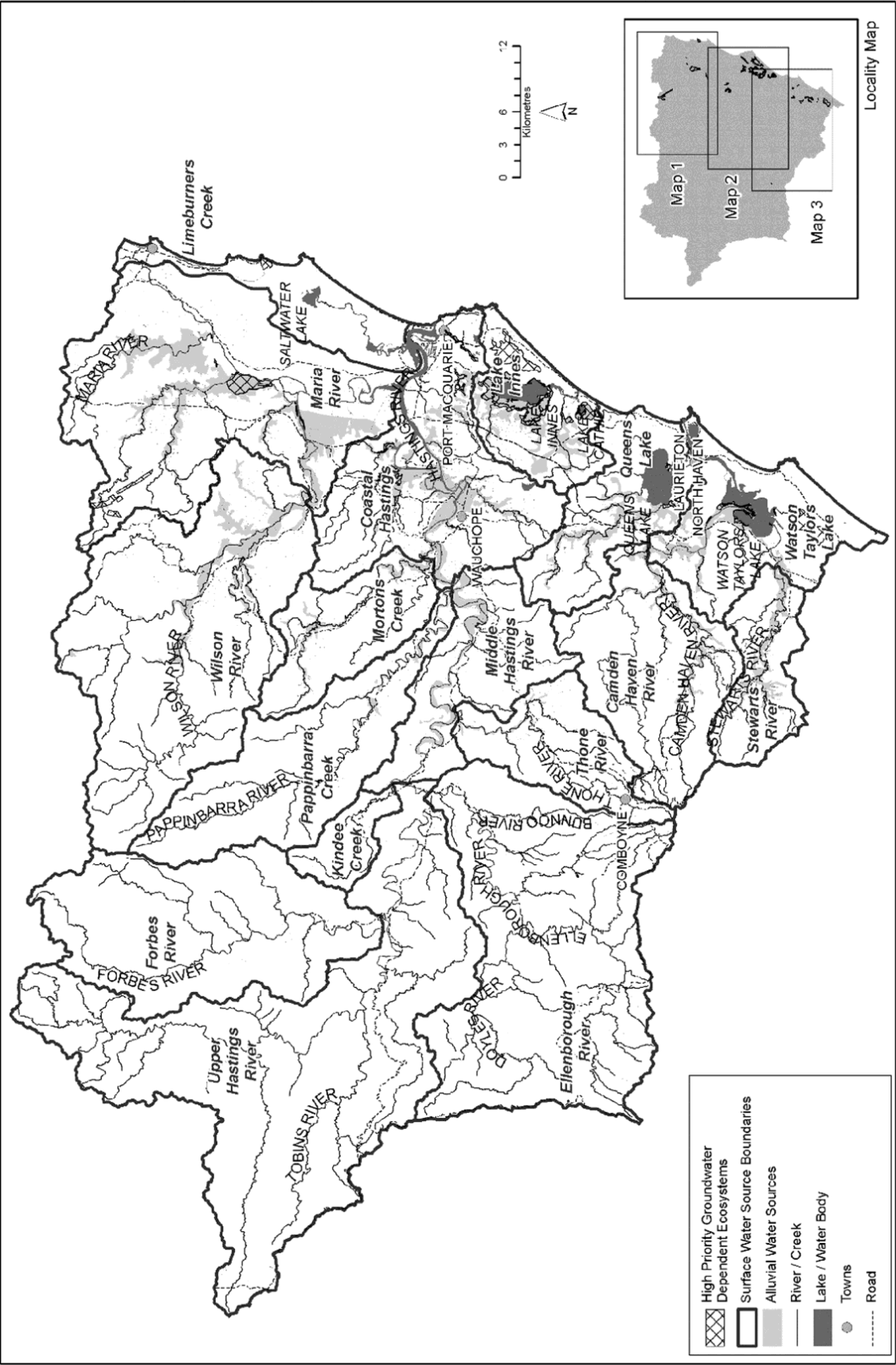
Planning, Industry and Environment
10 Valentine Ave
PARRAMATTA NSW 2150

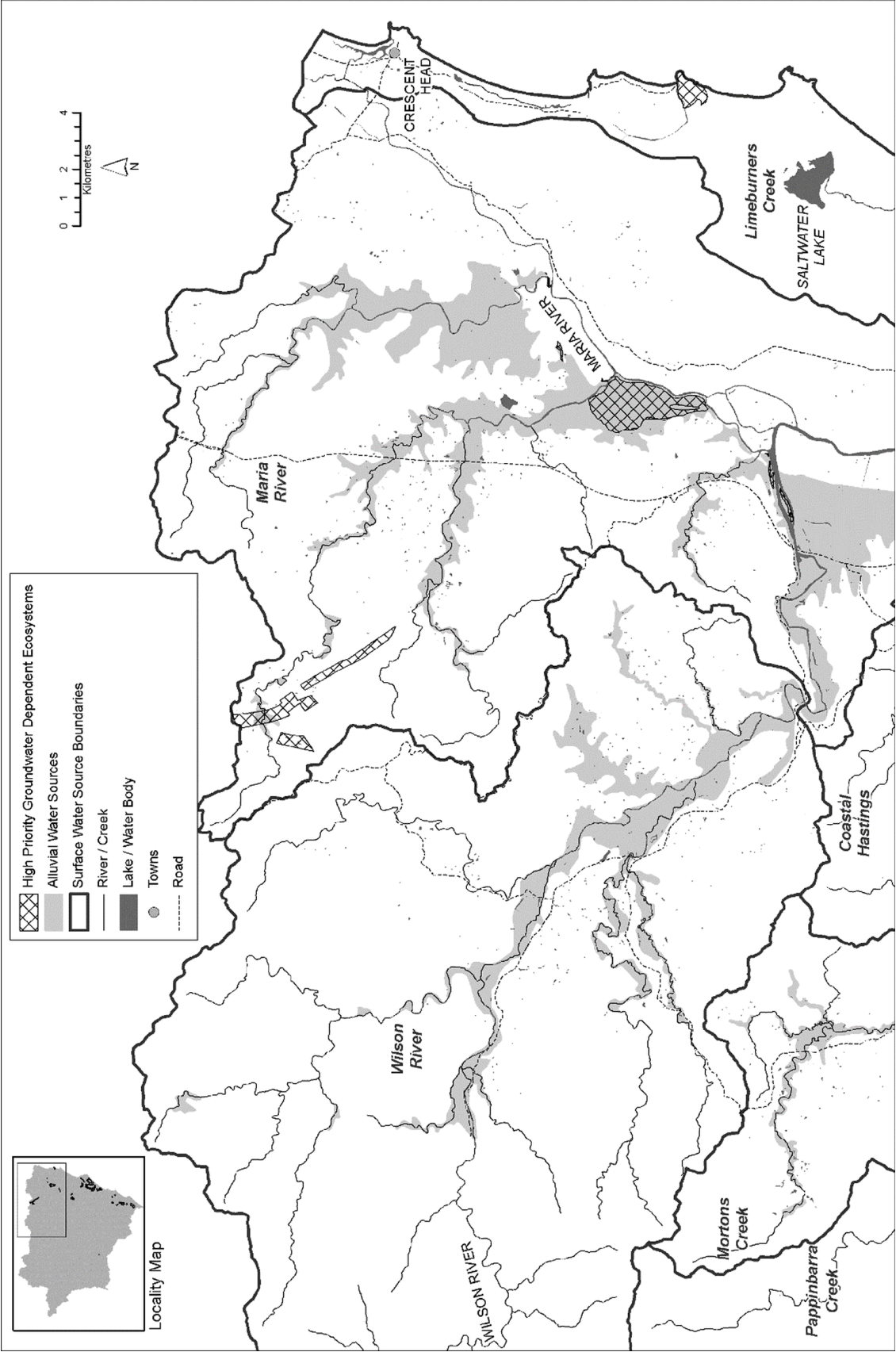
Department of Planning, Industry and Environment 49
Victoria St
GRAFTON NSW 2460

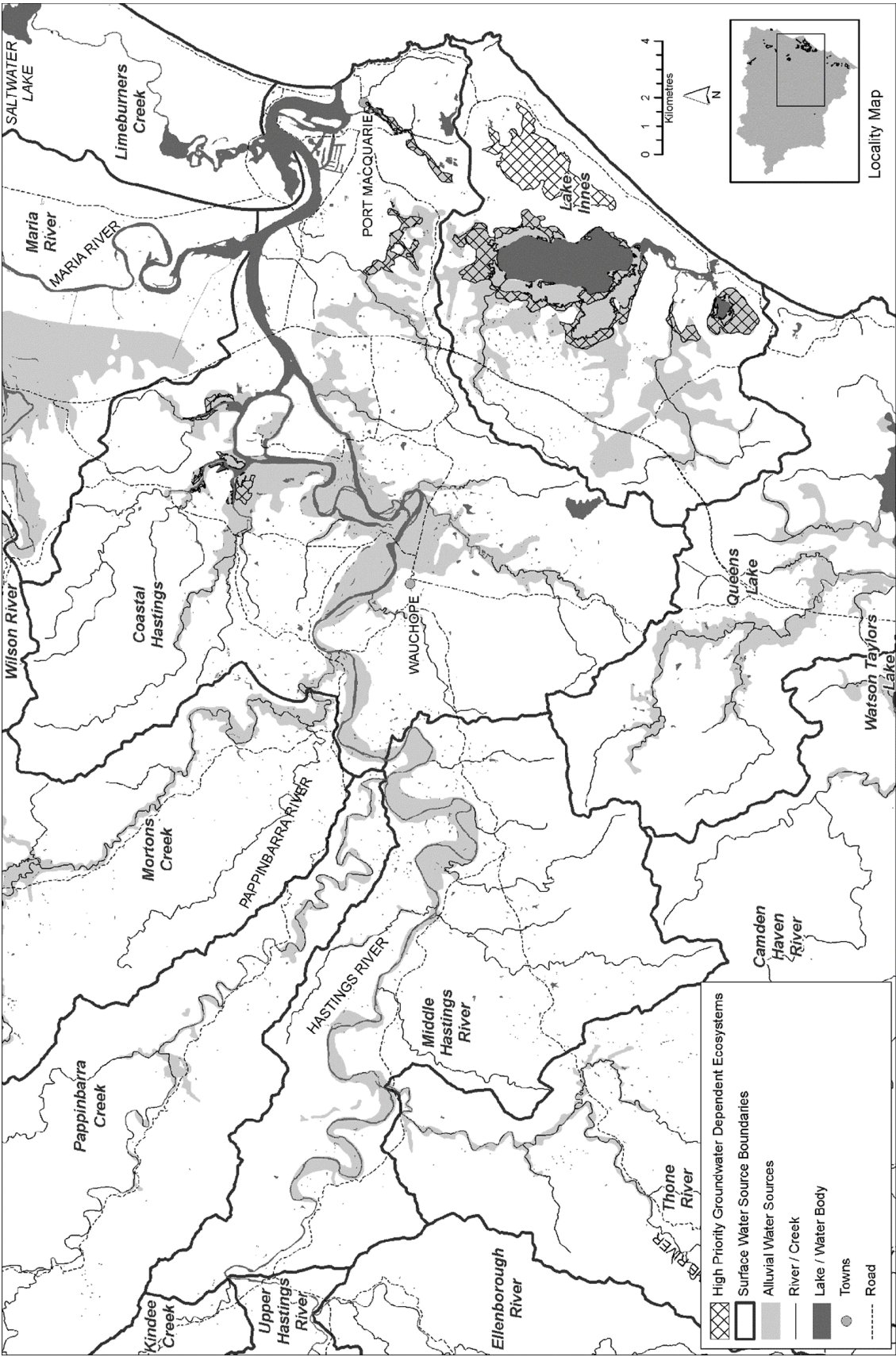
Department of Planning, Industry and Environment 24
Gordon St
COFFS HARBOUR NSW 2450

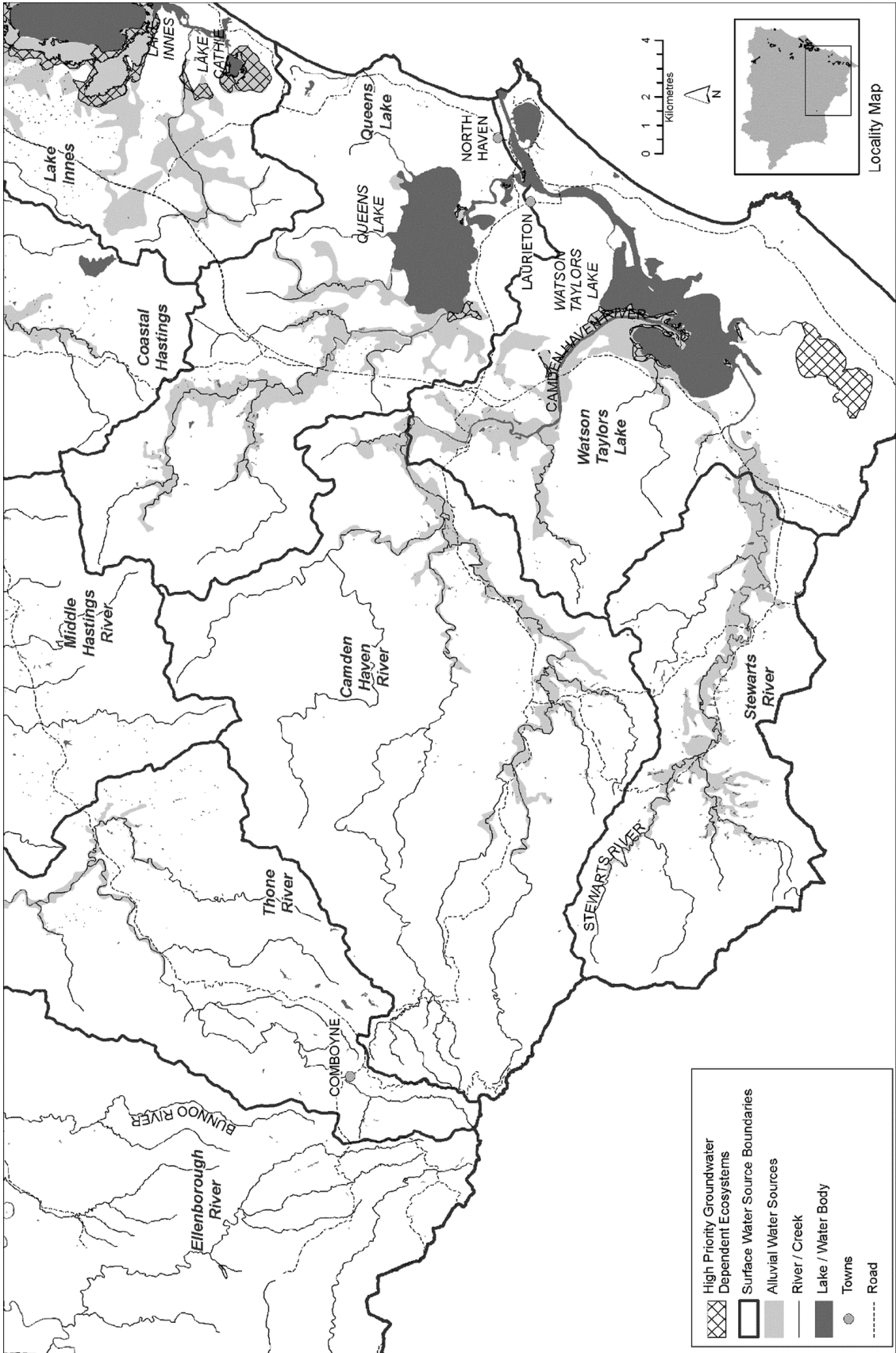
Appendix 3 Overview of the GDE Map

Overview of the [High Priority Groundwater-Dependent Ecosystem Map \(GDE011_Version 1\) Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019](#)









Appendix 4 Offices

Any notifications that may be required to be made to the Minister, as specified in this Plan, can be made to the following offices—

Department of Planning, Industry and Environment
PO Box 6
KEMPSEY NSW 2440

Department of Planning, Industry and Environment
PO Box 1488
COFFS HARBOUR NSW 2450