

# **Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022**



New South Wales

## **Status information**

### **Currency of version**

Current version for 4 October 2024

**Formerly known as Water Sharing Plan for the Central Coast Unregulated Water Sources 2009.**

Water Sharing Plan for the Central Coast Unregulated Water Sources 2009



## **Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022**

under the

**Water Management Act 2000**

I, Kevin Anderson, the Minister for Lands and Water do, by this Order, in pursuance of section 50 of the *Water Management Act 2000*, make the following Minister's plan, being the *Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022*.

Dated this                      day of                      2022.

**Minister for Lands and Water**

### **Explanatory note**

This Plan replaces the *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009*.

This Order is made under section 50 of the *Water Management Act 2000*. The concurrence of the Minister for Environment and Heritage was obtained prior to the making of this Plan.

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# Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022

## Notes.

- 1 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 2 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 3 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 13 of this Plan provides.

## Part 1 Introduction

### 1 Name of Plan

This Plan is the *Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022 (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 for the purposes of another section of the Act, the section is referred to in the notes to this Plan.

### 3 Commencement

This Plan commences on the day it is published on the NSW legislation website.

#### Notes.

- 1 This Plan replaces the *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009*.
- 2 In accordance with section 43A of the Act, the Minister may extend this Plan for a further period of 10 years after it is due to expire.

### 4 Application of Plan

- (1) This Plan applies to the following water sources within the Central Coast Water Management Area (*the water sources*):
  - (a) Brisbane Water Water Source,
  - (b) Central Coast Coastal Floodplain Alluvial Groundwater Water Source,
  - (c) Jilliby Jilliby Creek Water Source,
  - (d) Mangrove Creek Water Source,

- (e) Mooney Mooney Creek Water Source,
- (f) Ourimbah Creek Water Source,
- (g) Tuggerah Lakes Water Source,
- (h) Wyong River Water Source.

**Note.** The Central 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) The boundaries of the water sources are shown on the *Plan Map (WSP005 Version 4) Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022 (the Plan Map)*, held by the Department.

**Notes.**

- 1 The Plan Map shows the extent of the water sources, including the extent of the Central Coast Coastal Floodplain Alluvial Groundwater Water Source below the surface of the ground. The Plan Map also shows the indicative extent of Cenozoic sediments contained within the other water sources covered by this Plan.
  - 2 The Plan Map is part of this Plan and is available on the NSW legislation website. An overview of the Plan Map is shown in Appendix 1.
- (3) Subject to subclause (5), the water sources other than the Central Coast Coastal Floodplain Alluvial Groundwater Water Source, include the following:
    - (a) all water naturally occurring on the surface of the land, including but not limited to all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map (*surface water*),
    - (b) all water contained within all Cenozoic sediments below the surface of the ground within the boundaries of the water sources other than the Central Coast Coastal Floodplain Alluvial Groundwater Water Source.
- Note—** At the commencement of this Plan, the known extent of the Cenozoic sediments is shown on the Plan Map. Subject to subclause (5), this Plan applies to all Cenozoic sediments within the boundaries of the water sources, which may include Cenozoic sediments not shown on the Plan Map.
- (4) Subject to subclause (5), the Central Coast Coastal Floodplain Alluvial Groundwater Water Source includes all water contained within all Cenozoic sediments below the surface of the ground within the boundary of the Central Coast Coastal Floodplain Alluvial Groundwater Water Source.
  - (5) The water sources do not include water to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
  - (6) The high priority groundwater-dependent ecosystems for the purposes of this Plan are:

- (a) shown on the *High Priority Groundwater-Dependent Ecosystem Map (GDE031\_Version 2)*, *Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022 (the High Priority Groundwater-Dependent Ecosystem Map)*, held by the Department, or
- (b) identified in Schedule 4.

**Notes.**

- 1 **Groundwater-dependent ecosystem** is defined in the Dictionary.
- 2 The High Priority Groundwater-Dependent Ecosystem Map is part of this Plan and is available on the NSW legislation website. An overview of the High Priority Groundwater-Dependent Ecosystem Map is shown in Appendix 2.

## 5 Management zones

- (1) The Wyong River Water Source is divided into the following management zones:
  - (a) Wyong Plateau Management Zone,
  - (b) Wyong River Management Zone.

**Note. Management zone** is defined in the Dictionary.
- (2) The Brisbane Water Water Source is divided into the following management zones:
  - (a) Brisbane Water Plateau Management Zone,
  - (b) Brisbane Water Management Zone.
- (3) The Mooney Mooney Creek Water Source is divided into the following management zones:
  - (a) Mooney Mooney Plateau Management Zone,
  - (b) Moony Mooney Creek Management Zone.
- (4) The Mangrove Creek Water Source is divided into the following management zones:
  - (a) Mangrove Plateau Management Zone,
  - (b) Mangrove Creek Management Zone.
- (5) The management zones in subclauses (1), (2), (3) and (4) are shown on the Plan Map.

## 6 Extraction management units

- (1) This clause establishes the following extraction management units:
  - (a) the Central Coast Coastal Floodplain Alluvial Extraction Management Unit,
  - (b) the Gosford Extraction Management Unit,

- (c) the Tuggerah Lakes Extraction Management Unit.
- (2) The Central Coast Coastal Floodplain Alluvial Extraction Management Unit consists of the Central Coast Coastal Floodplain Alluvial Groundwater Water Source.
- (3) The Gosford Extraction Management Unit consists of the following water sources:
  - (a) Brisbane Water Water Source,
  - (b) Mangrove Creek Water Source,
  - (c) Mooney Mooney Creek Water Source.
- (4) The Tuggerah Lakes Extraction Management Unit consists of the following water sources:
  - (a) Jilliby Jilliby Creek Water Source,
  - (b) Ourimbah Creek Water Source,
  - (c) Tuggerah Lakes Water Source,
  - (d) Wyong River Water Source.

## **7 Interpretation**

- (1) 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.
- (2) Words and expressions that are defined in the Dictionary have the meaning set out in the Dictionary.
- (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) The Plan Map and the High Priority Groundwater-Dependent Ecosystem Map form part of this Plan.
- (6) A number in brackets following the name of a gauge is the gauge number.
- (7) Notes in the text of this Plan do not form part of this Plan.
- (8) Appendices to this Plan do not form part of this Plan.



## Part 2 Vision, objectives, strategies and performance indicators

### Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 The strategies listed for achieving an objective of this Plan may also contribute to achieving one or more of the other objectives of this Plan.

### 8 Acknowledgement

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

### 9 Vision statement

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

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

### 10 Environmental objectives

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

**Note.** The water-dependent ecosystems of the water sources include instream, riparian and floodplain ecosystems, and groundwater-dependent ecosystems.

- (2) The targeted environmental objectives of this Plan are:
  - (a) to protect, and where possible, enhance and restore, the following over the term of this Plan:
    - (i) the recorded distribution or extent of target ecological populations including native fish and native vegetation,
    - (ii) the population structure of target ecological populations including native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,

- (iii) the connectivity between and within water sources, including to support surface and groundwater exchange and downstream processes including priority fish passages,
  - (iv) connectivity between tidal pools, connected estuaries and connected upstream water sources,
  - (v) water quality within target ranges to support water-dependent ecosystems and ecosystem functions,
  - (vi) flows that support ecosystem values and processes within connected estuaries, and
- (b) to contribute to the prevention of structural damage to aquifers of the water sources resulting from groundwater extraction.

**Note. Structural damage to an aquifer** is defined in the Dictionary.

**Note. Target ecological populations** is defined in the Dictionary and may include populations of native fish, native vegetation and low flow macroinvertebrate communities.

- (3) The strategies for achieving the targeted environmental objectives of this Plan are as follows:
- (a) maintain compliance with the long-term average annual extraction limits,  
**Note.** Parts 4 and 6 of this Plan sets out the environmental water provisions and the provisions for maintaining compliance with the long-term average annual extraction limits. This contributes to the protection of target ecological populations.
  - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,  
**Notes.**
    - 1 **Flow regimes** is defined in the Dictionary.
    - 2 The provisions in Division 2 of Part 8 establish flow classes that manage the take of water.
  - (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water than can be held by the pool when at full capacity,  
**Notes.**
    - 1 **Full capacity, in-river pool** and **off-river pool** are defined in the Dictionary.
    - 2 The provisions in Division 3 of Part 8 restrict the take of water from in-river pools when the volume is less than full capacity.
  - (d) restrict or prevent the grant or amendment of water supply work approvals for in-river dams within specified water sources,

**Note.** The provisions in Part 9 prevent the granting or amendment of a water supply work approval for an in-river dam in the water sources listed in clause 50.

- (e) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between tidal pools and estuaries,

**Note.** The provisions in Division 3 of Part 8 ensure that very low flows are protected from extraction.

- (f) manage the construction and use of water supply works to minimise impacts on instream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality.

**Note.** Part 9 establishes provisions that manage the location, construction and use of water supply works.

- (4) The performance indicator used to measure the success of the strategies for achieving the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for achieving the targeted environmental objectives in subclause (2) are the changes or trends in the ecological condition of the water sources during the term of this Plan as assessed using one or more of the following:
  - (a) the known range or extent of target populations including native fish, native vegetation communities and high priority groundwater-dependent ecosystems,
  - (b) the known condition of target populations of native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,
  - (c) measurements of fish movements through priority fish passage areas if known,
  - (d) measurements of flows through tidal pools and into connected estuaries if known,
  - (e) the known values of water quality including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
  - (f) the known values of groundwater levels,
  - (g) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency, duration, timing and water quality to achieve the targeted environmental objectives,

- (h) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
  - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
  - (d) the extent to which external influences on the water sources and their dependent ecosystems during the term of this Plan have affected progress toward achieving the environmental objectives.

## **11 Economic objectives**

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows:
  - (a) to maintain, and where possible improve, water trading opportunities for water-dependent businesses,  
**Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.
  - (b) to maintain, and where possible improve, access to water up to the long-term average annual extraction limits for agriculture, water-dependent businesses and landholders,
  - (c) to protect, and where possible, improve connectivity to provide flows that support economic activities in connected estuaries,
  - (d) to contribute to maintaining water quality within target ranges for agriculture, water-dependent businesses and landholders.
- (3) The strategies for achieving the targeted economic objectives of this Plan are as follows:

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

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

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

**Note.** The compliance with extraction limit provisions in Division 1 of Part 6 and the flow class and access provisions in Division 2, 3 and 4 of Part 8 provide certainty in how water access will be shared between different categories of access licences.

- (c) provide for flexibility of access to water,

**Note.** The water allocation account management rules in Division 1 of Part 8 provide flexibility of access by allowing carryover of water allocations from one water year to the next.

- (d) manage extractions to the long-term average annual extraction limits,

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

- (e) reserve a portion of natural flows to maintain connectivity between tidal pools and connected estuaries.

**Note.** The provisions in Division 3 of Part 8 ensure that very low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for achieving the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for achieving the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of the following:
  - (a) the economic benefits of water extraction and use,
  - (b) the economic benefits of water trading as demonstrated by:
    - (i) the annual number or volume of share components of access licences transferred or assigned, and
    - (ii) the weighted average unit price of share components of access licences transferred or assigned, and

**Note.** *Weighted average unit price* is defined in the Dictionary.

- (iii) the annual volume of water allocations assigned, and
  - (iv) the weighted average unit price of water allocations assigned,
- (c) the known values of water quality including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen,
- (d) the known values of groundwater levels.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
  - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which the changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
  - (d) the extent to which external influences on water-dependent businesses have affected progress towards achieving the economic objectives.

## **12 Aboriginal cultural objectives**

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) to provide access to water in the exercise of native title rights,
  - (b) to provide access to water for Aboriginal cultural use and community development, including fishing,
  - (c) to protect, and where possible improve, identified water-dependent culturally significant areas, including important riparian vegetation communities,
  - (d) to protect, and where possible improve, connectivity to provide flows that support Aboriginal cultural activities within connected estuaries,

- (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use and community development.
- (3) The strategies for achieving the targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) manage access to water consistently with the exercise of native title rights,
  - (b) provide for water associated with Aboriginal cultural values and uses, and community development,  
**Note.** The provisions in Part 7 provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural' or 'Aboriginal community development'.
  - (c) manage extractions under access licences and basic landholder rights within the long-term average annual extraction limits,
  - (d) reserve a portion of natural flows to mitigate alterations to natural flow regimes in the water sources,
  - (e) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,  
**Note.** The provisions in Division 3 of Part 8 restrict the take of water from in-river pools or off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
  - (f) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including between tidal pools and estuaries,  
**Note.** The provisions in Division 3 of Part 8 ensure that a portion of natural flows are protected from extraction.
  - (g) manage the construction and use of water supply works to minimise impacts on groundwater quality and groundwater-dependent culturally significant areas.  
**Note.** *Groundwater-dependent culturally significant area* is defined in the Dictionary.
- (4) The performance indicator used to measure the success of the strategies for achieving the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for achieving the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in

Aboriginal cultural benefits during the term of this Plan as assessed using one or more of the following:

- (a) the use of water by Aboriginal people, by measuring factors including:
    - (i) the extent to which native title rights can be exercised, consistently with any determination of native title or indigenous land use agreement,
    - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural and community development outcomes,
  - (b) the known range or extent of target ecological populations including native fish, native vegetation communities and high priority groundwater-dependent ecosystems,
  - (c) the known condition of target ecological populations of native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,
  - (d) the known values of water quality including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, and dissolved oxygen,
  - (e) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements,
  - (f) the known values of groundwater levels.
- (6) In evaluating the effectiveness of the strategies in meeting the Aboriginal cultural objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
  - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,



- (e) the extent to which external influences on the water-dependent Aboriginal cultural activities have affected progress toward achieving the Aboriginal cultural objectives.

### **13 Social and cultural objectives**

- (1) The broad social and cultural objective of this Plan is to provide access to water to support water-dependent social and cultural values.
- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible, improve the following:
  - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
  - (b) access to water for water-dependent cultural, heritage and recreational uses, including recreational fishing,
  - (c) flows that support cultural, heritage and recreational activities within connected estuaries,
  - (d) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for achieving the targeted social and cultural objectives of this Plan are as follows:
  - (a) provide water access for basic landholder rights, town water supply and licensed domestic and stock purposes,
  - (b) reserve all water in excess of each long-term average annual extraction limit for the environment,
  - (c) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
  - (d) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
  - (e) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including between tidal pool management zones and connected estuaries,

- (f) manage the construction and use of water supply works to minimise impacts on groundwater quality, basic landholder rights, and town water supply.
- (4) The performance indicator used to measure the success of the strategies for achieving the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for achieving the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan as assessed using one or more of the following:
  - (a) the social and cultural uses of water during the term of this Plan, by measuring factors including:
    - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
    - (ii) the extent to which local water utility access licence requirements have been met,
  - (b) the known range or extent of target populations of native fish that are important for recreational fishing,
  - (c) the known takes of native fish that are important for recreational fishing within legal age and size classes,
  - (d) the known values of water quality including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, and dissolved oxygen,
  - (e) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements,
  - (f) the known values of groundwater levels.
- (6) In evaluating the effectiveness of the strategies in meeting the social and cultural objectives in this clause, the following will be relevant:
  - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,

- (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
- (d) the extent to which external influences on social and cultural activities dependent on the water sources during the term of this Plan have affected progress toward achieving the social and cultural objectives.

## **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, having regard to the following:
  - (a) the planned environmental water established under Part 4,
  - (b) the requirements for water to satisfy basic landholder rights identified under Part 5,
  - (c) the requirements for water for extraction under access licences identified under Part 5,
  - (d) the access licence dealing rules established under Part 10.
- (2) The bulk access regime:
  - (a) establishes rules, according to which:
    - (i) available water determinations are to be made as provided for in Part 6, and
    - (ii) access licences are to be granted as provided for in Part 7, and
    - (iii) access licences are to be managed as provided for in Part 8, and
  - (b) establishes rules according to which water allocations are to be prioritised and adjusted as a consequence of any reduction in the availability of water due to an increase in extraction above the long-term average annual extraction limits in Part 6, and
  - (c) recognises and is consistent with the following:
    - (i) the limits to the availability of water as provided for in Part 6,
    - (ii) the water management principles under section 5 of the Act,
    - (iii) the effect of climatic variability on the availability of water as described in clause 15, and
  - (d) contains provisions with respect to the mandatory conditions to be imposed on access licences in Part 12.

## 15 Climatic variability

This Plan recognises the effects of climatic variability on river flow and groundwater levels in the water sources through provisions contained in:

- (a) Part 6 that manage the sharing of water within the limits of water availability on a long-term basis, and
- (b) Part 6 that establish 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 extraction against the long-term average annual extraction limits, and
- (c) Part 8 that manage the sharing of water access on a daily basis.

**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      Environmental water provisions**

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

### **16      General**

This Part contains environmental water provisions that commit, identify, establish and maintain planned environmental water.

**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 by reference to the following:

- (a) the physical presence of water in the water sources,
- (b) the long-term average annual commitment of water as planned environmental water,
- (c) 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 each of the water sources, other than the Central Coast Coastal Floodplain Alluvial Groundwater Water Source, as follows:
  - (a) the physical presence of water resulting from the access rules specified in Divisions 3 and 4 of Part 8,
  - (b) the long-term average annual commitment of water as planned environmental water, resulting from compliance with the limits to the availability of water in accordance with the provisions specified in Part 6,
  - (c) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act, and the water that cannot be carried over from one water year to the next in accordance with the provisions specified in Part 8.
- (2) Planned environmental water is established in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source as follows:

- (a) the long-term average annual commitment of water as planned environmental water, resulting from compliance with the limits to the availability of water in accordance with the provisions specified in Part 6,
  - (b) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act, and the water that cannot be carried over from one water year to the next in accordance with the provisions specified in Part 8.
- (3) The planned environmental water established under subclause (1) (a), (1) (c) and (2) (b) is maintained by the provisions in Part 8.
- (4) The planned environmental water established under subclause (1) (b) and (2) (a) is maintained by the provisions in Part 6.

## Part 5 Requirements for water

### Division 1 General

#### 19 Application

- (1) This Part identifies the requirements for water for basic landholder rights and for extraction under access licences.
- (2) The volumes of water specified in this Part represent the estimated requirements for water to satisfy basic landholder rights and the total volumes or unit shares specified in the share components of all access licences on commencement of this Plan.
- (3) This Plan recognises that the requirements for water for basic landholder rights and the total share components of access licences may change during the term of this Plan.

##### Notes.

- 1 The total share components of access licences in the water sources may change during the term of this Plan as a result of:
  - (a) the grant, surrender or cancellation of access licences in the water sources, or
  - (b) the variation of local water utility licences under section 66 of the Act.
  - (c) ongoing conversion of *Water Act 1912* entitlements to the Act
- 2 The requirements for basic landholder rights may increase as provided for under the Act. This Plan manages changes in the requirements for basic landholder rights and total share components of all access licences through provisions in Part 6 that manage the sharing of water within the limits of water availability.
- 3 Inherent water quality and land use activities may make the water in some areas unsuitable for some purposes or uses. Water should not be consumed, or otherwise used, without first being tested and, if necessary, appropriately treated to ensure it is fit for purpose. Testing and treatment is the responsibility of the water user.

### Division 2 Requirements for water for basic landholder rights

##### Notes.

- 1 This Division is made in accordance with section 20 (1) (b) of the Act.
- 2 Under the Act, basic landholder rights are defined as domestic and stock rights, native title rights and harvestable rights. Under the Act, basic landholder rights authorise the take of water without the need for an access licence or water use approval, although a water supply work approval is still required to construct a water bore.

#### 20 Domestic and stock rights

On the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights are estimated to total 1078 megalitres per year (*ML/year*) and are distributed as follows:

- (a) 179 ML/year in the Brisbane Water Water Source,



- (b) 68 ML/year in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source.
- (c) 217 ML/year in the Jilliby Jilliby Creek Water Source,
- (d) 74 ML/year in the Mangrove Creek Water Source,
- (e) 40 ML/year in the Mooney Mooney Creek Water Source,
- (f) 220 ML/year in the Ourimbah Creek Water Source,
- (g) 60 ML/year in the Tuggerah Lakes Water Source,
- (h) 544 ML/year in the Wyong River Water Source.

**Notes.**

- 1 Domestic and stock rights are set out in section 52 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act for the taking and use of water for domestic consumption or stock watering.
- 2 Under section 331 of the Act, the Minister may direct the holder of a domestic and stock right to take specified measures to protect the environment, to preserve basic landholder rights or to overcome a threat to public health.
- 3 The volumes set out in this clause are separate from any volumes of water that may be taken under an access licence for domestic and stock purposes.

## **21 Native title rights**

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

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

**Notes.**

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

## **22 Harvestable rights**

The requirements for water under harvestable rights is the amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

## **Division 3 Requirements for water under access licences**

**Note.** This Division sets out the total volumes or unit shares in the share components of access licences in the water sources at the commencement of this Plan. The actual volume of water available from year to year will depend on climate, access licence priority and the provisions in this Plan.

### **23 Share components of domestic and stock access licences**

On the commencement of this Plan, it is estimated that the share components of domestic and stock access licences total 216 ML/year, distributed as follows:

- (a) 8 ML/year in the Brisbane Water Water Source,
- (b) 0 ML/year in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source,
- (c) 7 ML/year in the Jilliby Jilliby Creek Water Source,
- (d) 67 ML/year in the Mangrove Creek Water Source,
- (e) 45 ML/year in the Mooney Mooney Creek Water Source,
- (f) 45 ML/year in the Ourimbah Creek Water Source,
- (g) 0 ML/year in the Tuggerah Lakes Water Source,
- (h) 44 ML/year in the Wyong River Water Source.

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

On the commencement of this Plan, it is estimated that the share components of local water utility access licences total 105,870 ML/year, distributed as follows:

- (a) 3 ML/year in the Brisbane Water Water Source,
- (b) 5 ML/year in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source,
- (c) 0 ML/year in the Jilliby Jilliby Creek Water Source,
- (d) 47,900 ML/year in the Mangrove Creek Water Source,
- (e) 17,900 ML/year in the Mooney Mooney Creek Water Source,
- (f) 5,000 ML/year in the Ourimbah Creek Water Source,
- (g) 4 ML/year in the Tuggerah Lakes Water Source,
- (h) 35,058 ML/year in the Wyong River Water Source.

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

On the commencement of this Plan, it is estimated that the share components of unregulated river access licences total 14,270 unit shares, distributed as follows:

- (a) 217 unit shares in the Brisbane Water Water Source,
- (b) 0 unit shares in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source
- (c) 1,029 unit shares in the Jilliby Jilliby Creek Water Source,
- (d) 4,444 unit shares in the Mangrove Creek Water Source,
- (e) 2,316 unit shares in the Mooney Mooney Creek Water Source,
- (f) 2,126 unit shares in the Ourimbah Creek Water Source,
- (g) 30 unit shares in the Tuggerah Lakes Water Source,
- (h) 4,108 unit shares in the Wyong River Water Source.

**Note.** Part 7 provides for the granting of unregulated river (Aboriginal cultural) access licences and unregulated river (Aboriginal community development) access licences. These licences are subcategories of unregulated river access licences. At the commencement of this plan no licences of either subcategory have been issued in the water sources.

## **26 Share components of aquifer access licences**

On the commencement of this Plan, it is estimated that the share components of aquifer access licences total 303 unit shares, distributed as follows:

- (a) 303 unit shares in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source,

**Note** – Part 7 provides for the granting of aquifer (Aboriginal cultural) access licences and aquifer (Aboriginal community development) access licences. These licences are subcategories of aquifer access licences. At the commencement of this plan, no licences of either subcategory have been issued in the water sources.

## Part 6 Limits to the availability of water

### Division 1 Long-term average annual extraction limits

#### 27 Calculation of the long-term average annual extraction limits

- (1) This clause establishes separate long-term average annual extraction limits in the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit for the following:
  - (a) extraction under basic landholder rights and access licences, other than those access licences held by Central Coast Council,
  - (b) extraction under access licences held by Central Coast Council (the *local water utility long-term average annual extraction limit*)
- (2) The long-term average annual extraction limit established under subclause (1) (a) in the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit are the sum of the following within each extraction management unit:
  - (a) an estimate of the annual extraction under basic landholder rights.
  - (b) all access licence share components, excluding access licence share components held by Central Coast Council,
- (3) The long-term average annual extraction limit established under subclause (1) (b) for the Tuggerah Lakes Extraction Management Unit is equal to 36,750 ML/year minus:
  - (a) the long-term average annual extraction under access licences held by Central Coast Council in the Gosford Extraction Management Unit, and
  - (b) the long-term average annual extraction under access licences held by Central Coast Council in any groundwater source, where the water taken is not being passed through Mardi Water Treatment Plant.

#### Notes.

- 1 Water flowing from Hunter Water Corp to Central Coast Council will be accounted against the local water utility long-term average annual extraction limit in the Tuggerah Lakes Extraction Management Unit. Water transferred from Central Coast Council to Hunter Water Corporation will be accounted against the major utility long-term average annual extraction limit in the Hunter Extraction Management Unit.
- 2 Any groundwater extraction that is being passed through Mardi Water Treatment Plant will effectively be counted as surface water extraction against the long-term average annual extraction limit.

- (4) The local water utility long-term average annual extraction limit established under subclause (1) (b) for the Gosford Extraction Management Unit is equal to 36,750 ML/year minus:
- (a) the long-term average annual extraction under access licences held by Central Coast Council in the Tuggerah Lakes Extraction Management Unit, and
  - (b) the long-term average annual extraction under access licences held by Central Coast Council in any groundwater source, where the water taken is not being passed through Somersby Water Treatment Plant.

**Note.** Any groundwater extraction that is being passed through Somersby Water Treatment Plant will effectively be counted as surface water extraction against the local water utility long-term average annual extraction limit.

- (5) The long-term average annual extraction limit for the Central Coast Coastal Floodplain Alluvial Extraction Management Unit is 1,175 ML/year.

**Notes.**

- 1 The long-term average annual extraction limits are varied by a change to the amount of water committed as licensed environmental water – see the Act, section 8F(2).
- 2 The long-term average annual extraction limits established under subclause (1) (a) are also varied by any change to the total number of share components in the respective extraction management unit as a result of the following:
  - (a) an access licence dealing,
  - (b) ongoing conversion of *Water Act 1912* entitlements to the Act.

## **28 Calculation of annual extraction**

- (1) Following the end of each water year, the Minister is to determine separate volumes of water taken from the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit during the previous water year under the following entitlements:
- (a) basic landholder rights and access licences, other than those access licences held by Central Coast Council,
  - (b) access licences held by Central Coast Council.

**Note.** The volume of water taken in any water year under basic landholder rights is assumed to be the volumes specified in Part 5.

- (2) The volume of water taken during the previous water year under access licences held by Central Coast Council in the Tuggerah Lakes Extraction Management Unit is equal to the sum of the following:

- (a) the volume of water passing the outlet of Mardi Water Treatment Plant minus the volume of water passing the boundary meter from Central Coast Council to Hunter Water Corporation,
- (b) the volume of water passing the boundary meter from Hunter Water Corporation to Central Coast Council,
- (c) the volume of water taken by any other local water utility infrastructure nominated by Central Coast Council and agreed to by the Minister.

**Note.** Water transferred from Hunter Water Corp to Central Coast Council will be accounted against the local water utility long-term average annual extraction limit in the Tuggerah Lakes Extraction Management Unit. Water transferred in the opposite direction will be accounted against the major utility long-term average annual extraction limit in the Hunter Extraction Management Unit.

- (3) The volume of water taken during the previous water year under access licences held by Central Coast Council in the Gosford Extraction Management Unit is to be determined as the sum of the following:
  - (a) the volume of water passing the outlet of Somersby Water Treatment Plant,
  - (b) the volume of water taken by any other local water utility infrastructure nominated by Central Coast Council and agreed to by the Minister.
- (4) Following the end of each water year, the Minister is to determine the volume of water taken from the Central Coast Coastal Floodplain Alluvial Extraction Management Unit during the previous water year under the following entitlements:
  - (a) basic landholder rights.
  - (b) all categories of access licences.
- (5) The determination of the volume of water taken from the Central Coast Coastal Floodplain Alluvial Extraction Management Unit is not to include any groundwater extraction that was passed through either the Mardi Water Treatment Plant or the Somersby Water Treatment Plant.
- (6) The determination of the volume of water taken from each extraction management unit is to exclude water committed as licensed environmental water under section 8F of the Act.

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

- (1) Following the calculation under clause 28 (1) (a) and clause 28 (4), the Minister is to compare the average of annual extraction for the preceding three water years for each

extraction management unit against the respective long-term average annual extraction limit established under clause 27 (1) (a) and clause 27 (5).

- (2) There is non-compliance with a long-term average annual extraction limit established under clause 27 (1) (a) and clause 27 (5) if the average of annual extraction for an extraction management unit for the preceding three water years exceeds the respective long-term average annual extraction limit unit by 5% or more.
- (3) Following the calculation under clause 28 (1) (b), the Minister is to compare the average of annual extraction for the preceding 10 water years for each extraction management unit against the respective long-term average annual extraction limit established under clause 27 (1) (b), except where subclause (4) applies.
- (4) If the local water utility long-term average annual extraction limit is amended under Part 13, then subclause (3) does not apply until 10 years from the water year in which the amendment was made.

### **30 Compliance with limits**

- (1) If an assessment for an extraction management unit under clause 29 demonstrates non-compliance with the long-term average annual extraction limit established under clause 27 (1) (a) or clause 27 (5), the Minister is to take, in relation to the water sources of that extraction management unit, any one or more of the following actions:
  - (a) make available water determinations for unregulated river access licences in accordance with clause 34 that are less than 1 megalitre (ML) per unit share and less than 100% of the access licence share component,
  - (b) make an available water determination for aquifer access licences in accordance with clause 35 that is less than 1 ML per unit share and less than 100% of the access licence share component.

**Note.** Non-compliance with a long-term average extraction limit that is equal to the sum of access licence share components and water extractions under basic landholder rights can only occur if access licence holders are failing to comply with their access licence conditions. In these circumstances, generally the appropriate management response is to undertake compliance action against those licence holders under the offence provisions of the Act rather than to make reduced available water determinations.

- (2) Any action in accordance with subclause (1) is to be taken to the extent, and for as long as, the Minister considers necessary to return average annual extractions in the relevant extraction management unit to the long-term average annual extraction limit.

- (3) If the Minister makes a reduced available water determination pursuant to subclause (1), the Minister may make further available water determinations in the water year subject to clause 32 (2).
- (4) If an assessment for an extraction management unit under clause 29 demonstrates non-compliance with the long-term average annual extraction limit established under clause 27 (1) (b), the Minister is to review Central Coast Council's water supply requirements and consider amending the long-term average annual extraction limit under Part 13, after taking into consideration likely impacts on the respective water sources and water users.

## **Division 2 Available water determinations**

### **31 General**

- (1) Available water determinations are to be expressed as one of the following:
  - (a) for an access licence specifying the share component in ML/year— a percentage of the share component,
  - (b) for an access licence specifying the share component as a number of unit shares— ML per unit share.
- (2) The sum of available water determinations made for any access licence must not exceed the following in any water year:
  - (a) for an access licence specifying the share component in ML/year— 100% of the access licence share component,
  - (b) for an access licence specifying the share component as a number of unit shares— 1 ML per unit share of the access licence share component.

### **32 Available water determinations for domestic and stock access licences**

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

### **33 Available water determinations for local water utility access licences**

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



### **34 Available water determinations for unregulated river access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination is to be made of:

- (a) 1 ML per unit share is to be made for unregulated river access licences, and
- (b) 100% of the access licence share component for subcategories of unregulated river access licences.

### **35 Available water determinations for aquifer access licences**

Unless the Minister otherwise determines, at the commencement of each water year the following available water determinations are to be made:

- (a) 1 ML per unit share for aquifer access licences with no subcategory,
- (b) 100% of the access licence share component for subcategories of aquifer access licences.

## **Part 7       Rules for granting access licences**

### **Notes.**

- 1       This Part is made in accordance with sections 61 and 63 of the Act. Section 61 of the Act provides for applications for specific purpose access licences in accordance with the regulations and the relevant water sharing plan.
- 2       Access licences in the water sources are granted subject to mandatory conditions required to be imposed by this Plan, the regulations and the Act, and may also be subject to discretionary conditions.

### **36       Specific purpose access licences**

- (1)       The Minister must not grant a specific purpose access licence unless satisfied that the share and extraction components of the access licence are the minimum required for the proposed use.
- (2)       A person may make an application for the following access licences:
  - (a)       a major utility access licence which replaces a local water utility access licence in the event that the Central Coast Council is declared to be a major utility under the Act,
  - (b)       an unregulated river (Aboriginal cultural) access licence or an aquifer (Aboriginal cultural) access licence, if the share component of the proposed access licence is no greater than 10 ML/year,
  - (c)       an aquifer (Aboriginal community development) access licence in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source if the granting of the licence would not cause the sum of all share components of access licences in that water source to exceed 940 unit shares.
- (3)       The Minister may only grant an unregulated river (Aboriginal cultural) access licence or an aquifer (Aboriginal cultural) access licence if—
  - (a)       the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
    - (i)       drinking and food preparation,
    - (ii)       washing,
    - (iii)       manufacturing traditional artefacts,
    - (iv)       watering domestic gardens,
    - (v)       cultural teaching,

- (vi) hunting, fishing and gathering,
  - (vii) 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.

### **36A Management of access licences**

The Minister may amend the share component or extraction component, or both, of an access licence to change the water management area or water source to which the share component of the licence relates, or the locations from which water may be taken in accordance with the extraction component of the licence, as a result of a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.

## Part 8      Operation of water allocation accounts and managing access licences

### Notes.

- 1      Section 85 of the Act provides for the keeping of water allocation accounts for access licences. The provisions in this Part restrict the water that may be taken under, or assigned from, an access licence over a specified period of time, and the unused water allocations in water allocation accounts that may be carried over from one water year to the next. These restrictions are in addition to any other limits on access licences for the taking or assignment of water. It is an offence under section 60C of the Act to take water under an access licence for which there is no or insufficient water allocation.
- 2      The provisions in this Part apply to the following persons:
  - (a)    the Minister in managing water allocation accounts,
  - (b)    the access licence holder, as required by mandatory conditions imposed on the access licence under Part 12.

## Division 1    Accounting for water allocation accounts

### 37    Water allocation account debiting

- (1)    A **water account debit** means any water allocation that is taken, assigned under section 71T of the Act, or otherwise debited or withdrawn from a water allocation account.
- (2)    For any access licence, the water allocation taken under the access licence is the volume of water extracted by water supply works nominated by the access licence.
- (3)    For any domestic and stock access licence, unregulated river access licence or aquifer access licence, the maximum water account debit in any three consecutive water years must not exceed the sum of the following:
  - (a)    the water allocations credited to the water allocation account of the access licence from available water determinations in those years,
  - (b)    the water allocations assigned to the water allocation account of the access licence under section 71T of the Act in those years,
  - (c)    the water allocations re-credited to the water allocation account of the access licence in accordance with section 76 of the Act in those years.

### 38    Limits on carryover

- (1)    For any domestic and stock access licence, unregulated river access licence or aquifer access licence, water allocations remaining in the water allocation account are to be carried over from one water year to the next water year up to an amount that is equal to the following, except where subclause (2) applies:

- (a) for access licences with share components expressed as ML/year– 100% of the share component,
  - (b) for access licences with share components expressed as a number of unit shares– 1 ML per share.
- (2) For any aquifer access licence in the Central Coast Coastal Floodplain Alluvial Groundwater Water Source water allocations remaining in the water allocation account are not to be carried over from one water year to the next water year.
- (3) For any local water utility access licence in the Wyong River Water Source, water allocations remaining in the water allocation account are to be carried over from one water year to the next water year up to an amount that is equal to 30% of the access licence share component.
- (4) For any local water utility access licence in the following water sources, water allocations remaining in the water allocation account are not to be carried over from one water year to the next water year:
  - (a) Brisbane Water Water Source,
  - (b) Central Coast Coastal Floodplain Alluvial Groundwater Water Source
  - (c) Jilliby Jilliby Creek Water Source,
  - (d) Mangrove Creek Water Source,
  - (e) Mooney Mooney Creek Water Source,
  - (f) Ourimbah Creek Water Source,
  - (g) Tuggerah Lakes Water Source.

## **Division 2 Flow classes**

### **39 Flow classes for water sources and management zones**

- (1) This Plan establishes the flow classes specified in Column 2 of Table A for the corresponding water source specified in Column 1 of Table A.
- (2) The flow class specified in Column 2 of Table A applies whenever the flow as measured in megalitres per day (*ML/day*) at the corresponding flow reference point(s) specified in Column 4 of Table A meets the corresponding criteria specified in Column 3 of Table A.

- (3) If, in the Minister's opinion, accurate flow data is not available from a flow measuring gauge or flow measuring gauges used to determine when a flow class applies, the Minister may determine the flow class and the period for which the flow class applies by notice on the Department's website, except where subclause (4) applies.

**Notes.**

- 1 For the purpose of determining the flow class that applies under subclause (3), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.
  - 2 On days on which accurate flow data is not available, holders of access licences may check the Department's website to find out what flow class applies on that day.
  - 3 Only those water sources and management zones for which flow classes have been established are shown in Table A.
- (4) For flow classes that are determined based on flows at more than one gauge, on any day that it is not possible to determine the flow at a flow reference point specified in Column 4 of Table A due to flow data not being available from a gauge, the flow class is to be determined using the flow class criteria specified in Column 3 of Table A at the remaining functioning gauge.

**Table A Flow class thresholds**

Column 1	Column 2	Column 3	Column 4
Water Source	Flow class	Flow class threshold	Flow reference point(s)
Wyong River Water Source	Very Low Flow Class	Less than or equal to 5 ML/day combined flow at the two flow reference points when that combined flow is rising, and Less than or equal to 4 ML/day combined flow at the two flow reference points when that combined flow is falling	Wyong River at Gracemere gauge (211009) Jilliby Creek at u/s Wyong River (Durren Lane) (211010)
	A Class	More than 5 ML/day and less than 13.5 ML/day combined flow at the two flow reference points when that combined flow is rising, and More than 4 ML/day and less than 13.5 ML/day combined flow at the two flow reference points when that combined flow is falling	
	B Class	Equal to or more than 13.5 ML/day and less than 26 ML/day combined flow at the two flow reference points	
	C Class	Equal to or more than 26 ML/day combined flow at the two flow reference points	
	Very Low Flow Class	Less than or equal to 1 ML/day	

Jilliby Jilliby Creek Water Source	A Class	More than 1 ML/day and less than or equal to 3.3 ML/day	Jilliby Creek at u/s Wyong River (Durren Lane) (211010)
	B Class	More than 3.3 ML/day and less than or equal to 8 ML/day	
	C Class	More than 8 ML/day	
Ourimbah Creek Water Source	Very Low Flow Class	Less than or equal to 5 ML/day when the flow at the flow reference point is rising, and Less than or equal to 4 ML/day when the flow at the flow reference point is falling	Ourimbah Creek d/s Bangalow Creek (211015)
	A Class	More than 5 ML/day and less than or equal to 7 ML/day when the flow at the flow reference point is rising, and More than 4 ML/day and less than or equal to 7 ML/day when the flow at the flow reference point is falling	
	B Class	More than 7 ML/day and less than or equal to 25 ML/day	
	C Class	More than 25 ML/day and less than or equal to 60 ML/day	
	D Class	More than 60 ML/day and less than or equal to 160 ML/day	
	E Class	More than 160 ML/day	

### Division 3 Access rules for taking of surface water

#### 40 General

- (1) Subject to subclause (2), this Division applies to access licences that take surface water.
- (2) Clauses 41 and 42 set out the access rules for when surface water must not be taken unless the exceptions under clause 43 apply.

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

- (1) Surface water must not be taken under an access licence when flows in the relevant water source or management zone are in the Very Low Flow Class, except where clause 42 (2) applies.

**Note.** Clause 42 (2) permits the local water utility to take surface water when flows in the Wyong River Water Source are in the Very Low Flow Class, in limited circumstances only.

- (2) Surface water must not be taken if there is no visible flow at the location from which water is proposed to be taken in the following water sources, unless the take is from an in-river dam pool, an in-river pool, or an off-river pool:

- (a) Brisbane Water Water Source,
- (b) Jilliby Jilliby Creek Water Source,
- (c) Mangrove Creek Water Source,
- (d) Mooney Mooney Creek Water Source,
- (e) Ourimbah Creek Water Source,
- (f) Tuggerah Lakes Water Source,
- (g) Wyong River Water Source.

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

- (3) Surface water must not be taken from an in-river pool or an off-river pool in the following water sources, when the volume of water in that pool is less than the volume of water that can be held by the pool when at full capacity:

- (a) Brisbane Water Water Source,
- (b) Jilliby Jilliby Creek Water Source,
- (c) Mangrove Creek Water Source,
- (d) Mooney Mooney Creek Water Source,
- (e) Ourimbah Creek Water Source,
- (f) Tuggerah Lakes Water Source,
- (g) Wyong River Water Source.

- (4) Subclause (2) and (3) do not apply to the Mangrove Creek Water Source and Mooney Mooney Creek Water Source until five years after the date this Plan commenced.
- (5) Surface water must not be taken from an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam.
- (6) Surface water must not be taken by a water supply work approval specified in Column 1 of Schedule 1 from a water source specified in Column 3 of Schedule 1 in the circumstances specified in Column 2 of Schedule 1 for that water supply work approval.



#### **42 Specific access rules for the take of surface water under local water utility access licences**

- (1) In this clause, ***combined flow*** means the combined flow at the two reference points for the Wyong River Water Source as specified in Table A.
- (2) If the combined storage level in the local water utility's storage dams is less than 60% of full capacity then the take of surface water from the Wyong River Water Source under a local water utility access licence:
  - (a) may only occur if the combined flow is greater than 4 ML/day, and
  - (b) must not exceed an amount equal to 80% of the combined flow that is greater than 4 ML/day.
- (3) If the combined storage level in the local water utility's storage dams is equal to or more 60% of full capacity then the take of surface water from the Wyong River Water Source under a local water utility access licence:
  - (a) may only occur if the combined flow is greater than 13.5 ML/day, and
  - (b) must not exceed an amount equal to 60% of the combined flow that is greater than 13.5 ML/day.
- (4) The take of surface water from the Ourimbah Creek Water Source under a local water utility access licence must not exceed the following:
  - (a) 0 ML/day when flows are in A Class,
  - (b) 8.5 ML/day when flows are in B Class,
  - (c) 22 ML/day when flows are in C Class,
  - (d) 41 ML/day when flows are in either D Class or E Class.

#### **43 Exceptions to the access rules for the take of surface water**

- (1) The access rules under clause 41 do not apply if surface water is taken in accordance with this clause.
- (2) The taking of surface water is permitted in the following circumstances:
  - (a) under an access licence specified in Table A of Schedule 2, for the following purposes only, provided the surface water taken does not exceed 20 kilolitres per day per access licence or such lower amount as determined by the Minister and specified on the access licence:

- (i) fruit and vegetable 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 under a domestic and stock access licence or domestic and stock (subcategory “domestic”) access licence, that existed at the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009*, provided that the volume does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) from a runoff harvesting dam.
- (3) Clause 41(1) does not apply to the taking of surface water from—
- (a) an off-river pool, or
  - (b) an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.
- Note.** *In-river dam pool* is defined in the Dictionary.
- (4) The Minister may reduce the maximum daily volume limit imposed under subclause (2) (a) if satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.
- (5) Surface water is permitted to be taken in the following circumstances:
- (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
    - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
    - (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
    - (iii) the aquifer interference activity is being undertaken in compliance with the water management plan referred to in subclause (5) (a) (ii), or

- (b) in association with an aquifer interference activity other than 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 by the Minister, and
  - (iii) the aquifer interference activity is being undertaken in compliance with the water management plan referred to in subclause (5) (b) (ii).

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

## **Division 4 Access rules for taking of groundwater**

### **44 General**

- (1) Subject to subclause (2), this Division applies to access licences that take groundwater.
- (2) Clauses 45 and 46 set out the access rules for when groundwater must not be taken unless the exceptions under clause 47 apply.

### **45 General access rules for the take of groundwater**

Groundwater must not be taken, other than from the Central Coast Coastal Floodplain Alluvial Groundwater Water Source, if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater.

### **46 Specific access rules for the take of groundwater**

- (1) Groundwater must not be taken from the following water sources or management zones in the circumstances specified in subclause (2):
  - (a) the Jilliby Jilliby Creek Water Source,
  - (b) the Ourimbah Creek Water Source,
  - (c) the Wyong River Water Source.
- (2) Groundwater must not be taken in any of the following circumstances:
  - (a) when flows in the relevant water source or management zone are in the Very Low Flow Class.

#### **47 Exceptions to the access rules for the take of groundwater**

- (1) The access rules under clauses 45 and 46 do not apply if groundwater is taken in accordance with this clause.
- (2) The taking of groundwater is permitted from a water supply work located more than 40 metres from the top of the high bank of a river.  
**Note.** *Top of the high bank of a river* is defined in the Dictionary.
- (3) The taking of groundwater is permitted in the following circumstances:
  - (a) under an access licence specified in Table A of Schedule 2, for the following purposes only, provided the groundwater taken does not exceed 20 kilolitres per day per access licence or such lower amount as determined by the Minister and specified on the access licence:
    - (i) fruit and vegetable 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 under a domestic and stock access licence or domestic and stock (domestic) access licence that existed at the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009*, provided that the volume does not exceed 1 kilolitre per house supplied by the access licence per day.
- (4) The Minister may reduce the maximum daily volume limit imposed under subclause (3) (a) if the Minister is satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.
- (5) Groundwater is permitted to be taken in the following circumstances:
  - (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
    - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and

- (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
  - (iii) the aquifer interference activity is being undertaken in compliance with the water management plan referred to in subclause (5) (a) (ii), or
- (b) in association with an aquifer interference activity other than 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 by the Minister, and
  - (iii) the aquifer interference activity is being undertaken in compliance with the water management plan referred to in subclause (5) (b) (ii).

## Part 9 Rules for water supply work approvals

**Note.** This Part is made in accordance with sections 5, 95 (3) and 107 (5) of the Act.

### Division 1 General

#### 48 General

- (1) In addition to the matters listed in section 97 (2) of the Act, the Minister must not grant a water supply work approval unless satisfied that adequate arrangements are in place to ensure that there will be:
  - (a) no more than a minimal detrimental effect on the ability of a person to take water using an existing approved water supply work and any associated access licences, and
  - (b) no more than minimal harm to public health and safety or to a water-dependent culturally significant area.
- (2) The Minister must not amend a water supply work approval unless satisfied of the matters listed in subclause (1) and section 97 (2) of the Act.

#### **Notes.**

##### **New approvals**

- 1 Division 2 of Part 3 of Chapter 3 of the Act sets out the process for applications for, and granting of, approvals.
- 2 Section 97 (2) of the Act provides that the Minister may only grant a water supply work approval if satisfied that adequate arrangements are in place to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water supply work.
- 3 Section 96 (b) of the Act specifies that the Minister must take into account any matters the Minister considers relevant in determining an application for a water supply work approval. Under section 92 (5), the Minister may require an applicant to provide any additional information the Minister considers relevant to determining the application. This may include, for example, hydrogeological studies, hydrogeochemical studies or ecological studies.

##### **Amendment of approvals**

- 4 Section 107 of the Act provides for the amendment of approvals.

##### **Conditions of approvals**

- 5 The Minister may grant a water supply work approval subject to conditions, as provided in sections 95 and 100 of the Act. The Minister may also, under section 102 of the Act, impose or vary conditions on a water supply work approval at any time as the Minister thinks fit. These conditions may limit the volume or rate of extraction from a water supply work.

##### **Other limits on volumes or rates of extraction**

- 6 The Minister may also limit the volume or rate of extraction from existing water supply works in the following ways:

- (a) for all water supply works within a specified area, by an order made under section 324 of the Act,
- (b) for existing water supply works used solely for basic landholder rights, by an order made under section 331 of the Act.

**Provisions in this Part**

- 7 This Part specifies provisions in addition to those in the Act about when, and how, the Minister may grant or amend a water supply work approval. This does not affect works that can be constructed under a basic landholder right.

## **Division 2 Rules for water supply works that take surface water**

### **49 General**

This Division applies to water supply works that take surface water to which this Plan applies.

### **50 Granting or amending water supply work approvals that take surface water**

- (1) An in-river dam must not be constructed on a third order or higher stream within the following water sources, except where the in-river dam is for the purpose of taking water for town or urban water supply:
- (a) the Brisbane Water Water Source,
  - (b) the Mangrove Creek Water Source,
  - (c) the Mooney Mooney Creek Water Source,
  - (d) the Tuggerah Lakes Water Source,
  - (e) the Wyong River Water Source.

**Note.** *Third order or higher stream* is defined in the Dictionary.

- (2) An in-river dam must not be constructed within the following water sources, except where the in-river dam is for the purpose of taking water for town or urban water supply:
- (a) the Jiliby Jiliby Creek Water Source,
  - (b) the Ourimbah Creek Water Source.
- (3) A water supply work must not be constructed unless, in the Minister's opinion, there will be no more than minimal harm to any wetland mapped under the Coastal Management SEPP in the following water sources:
- (a) the Brisbane Water Water Source,
  - (b) the Tuggerah Lakes Water Source,

- (c) the Wyong River Water Source.

**Note.** *Coastal Management SEPP* is defined in the Dictionary.

## **Division 3 Rules for water supply works that take groundwater**

### **51 General**

- (1) This Division applies to water supply works that take groundwater to which this Plan applies.
- (2) A reference in this Division to a water supply work being located within a specified distance includes a reference to a water supply work that is proposed to be located within a specified distance.

### **52 Rules to minimise interference between water supply works**

- (1) A water supply work approval must not be granted or amended if the water supply work is located within any of the following:
  - (a) 200 metres of a water supply work that is:
    - (i) located on another landholding, and
    - (ii) authorised to take water solely for basic landholder rights from the same water source,
  - (b) 200 metres of a water supply work that is:
    - (i) located on another landholding, and
    - (ii) nominated by another access licence to take water from the same water source,
  - (c) 100 metres of 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,
  - (d) 500 metres of a water supply work that is nominated by a local water utility access licence or a major utility access licence authorised to take water from the same water source, unless the holder of the local water utility access licence or major utility access licence has provided consent in writing,
  - (e) 100 metres of a Government monitoring or observation bore.

**Note.** *Government monitoring or observation bore* is defined in the Dictionary.



- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
- (a) the water supply work is used solely for basic landholder rights,
  - (b) the water supply work is a replacement groundwater work,  
**Note. Replacement groundwater work** is defined in the Dictionary.
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,
  - (d) the location of the water supply work at a lesser distance than that specified in subclause (1) would result in no more than a minimal detrimental effect on the ability of a person to take water using an existing approved water supply work and any associated access licences.

### **53 Rules for water supply works located near contamination sources**

- (1) A water supply work approval must not be granted or amended if, in the Minister's opinion, the water supply work is located:
- (a) within 500 metres of a contamination source listed in Schedule 3, or
  - (b) within 250 metres of the edge of a plume associated with a contamination source listed in Schedule 3, or
  - (c) between 250 metres and 500 metres from the edge of a plume associated with a contamination source listed in Schedule 3, unless the Minister is satisfied that no change in groundwater level will occur within 250 metres of that plume.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
- (a) the location of the water supply work is adequate to protect the water source, the environment and public health and safety,
  - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work approval for a water supply work located within 250 metres of an on-site sewage disposal system may only be granted or amended if the water supply work is:

- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20 metres from the ground surface, and
- Note. Borehole annulus** is defined in the Dictionary.
- (b) in the Minister's opinion, located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.
- (4) The Minister may modify the depth requirement in subclause (3) (a) if satisfied of any of the following:
  - (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety,
  - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.

#### **54 Rules for water supply works located near high priority groundwater-dependent ecosystems**

- (1) A water supply work approval must not be granted or amended if, in the Minister's opinion, the water supply work is located within any of the following:
  - (a) 40 metres of the top of the high bank of a river,
  - (b) 200 metres of any high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map, that has been confirmed by the Department as having a high probability of groundwater dependence,
  - (c) 200 metres of a high priority groundwater-dependent ecosystem listed in Schedule 4.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
  - (a) the water supply work is used solely for basic landholder rights,
  - (b) the water supply work is a replacement groundwater work,
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,

- (d) the location of the water supply work at a lesser distance than that specified in subclause (1) would result in no more than minimal harm to any high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map, that has been confirmed by the Department as having a high probability of groundwater dependence.
- (3) A water supply work approval must not be granted or amended for a water supply work to take water from the Central Coast Coastal Floodplain Alluvial Groundwater Water Source unless, in the Minister's opinion, there will be no more than minimal harm to any wetland mapped under the Coastal Management SEPP.

## **55 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 authorised by the Department.
- (2) Subclause (1) does not apply to the granting or amendment of a water supply work approval if the Minister is satisfied that the location of the water supply work would pose no significant risk of acidification of the 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 the water sources.

**Note.** *Acid sulfate soils* is defined in the Dictionary.

## **56 Rules for water supply works located near groundwater-dependent culturally significant areas**

- (1) A water supply work approval must not be granted or amended if, in the Minister's opinion, the water supply work is located within 200 metres of a groundwater-dependent culturally significant area.

**Notes.**

- 1 **Groundwater-dependent culturally significant area** is defined in the Dictionary.
- 2 Groundwater-dependent culturally significant areas may be identified during the term of this Plan. Aboriginal people may 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 location restriction specified in subclause (1) does not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
  - (a) the water supply work is used solely for basic landholder rights,
  - (b) the water supply work is a replacement groundwater work,
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,
  - (d) the location of the water supply work at a lesser distance would result in no more than minimal harm to any groundwater-dependent culturally significant area.

## **57 Rules for water supply works used solely for basic landholder rights**

- (1) A water supply work approval for a water supply work used solely for basic landholder rights must not be granted or amended if, in the Minister's opinion, the water supply work is located within any of the following:
  - (a) 100 metres of a Government monitoring or observation bore,
  - (b) 40 metres of the top of the high bank of a river,
  - (c) 100 metres of any other high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map, that has been confirmed by the Department as having a high probability of groundwater dependence,
  - (d) 100 metres of a high priority groundwater-dependent ecosystem listed in Schedule 4,
  - (e) 100 metres of a groundwater-dependent culturally significant area.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the water supply work is a replacement groundwater work.
- (3) The location restriction specified in subclauses (1) (c) and (d) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the location of the water supply work at a lesser distance would result in no more than minimal harm to any:

- (a) high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map, that has been confirmed by the Department as having a high probability of groundwater dependence, or
- (b) high priority groundwater dependent ecosystem identified in subclause 1 (d).
- (4) The location restriction specified in subclause (1) (e) does not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the location of the water supply work at a lesser distance would result in no more than minimal harm to any groundwater-dependent culturally significant area.

## **58 Replacement groundwater works**

- (1) For the purposes of this Plan, ***replacement groundwater work*** means a water supply work that:
  - (a) will replace an existing water supply work that is authorised by a water supply work approval, and
  - (b) is to be constructed to extract water:
    - (i) from the same water source as the existing water supply work, and
    - (ii) from the same depth as the existing water supply work, and
  - (c) is to be located:
    - (i) within 20 metres of the existing water supply work, and
    - (ii) if the existing water supply work is located within 40 metres of the top of the high bank of a river, no closer to the top of the high bank of that river, and
  - (d) will not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the existing water supply work is:
    - (i) no longer manufactured, in which case the internal diameter 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 is to be no more than 100 millimetres.

**Note.** *Internal diameter, excavation footprint* and *top of the high bank of a river* are defined in the Dictionary.

- (2) The Minister may modify the depth and location requirements in subclauses (1) (b) (ii) and (1) (c) (i) on a case by case basis if satisfied that doing so will result in:
  - (a) no greater impact on a water source, a high priority groundwater-dependent ecosystem, public health and safety, or a groundwater-dependent culturally significant area, and
  - (b) no more than minimal additional effect on the ability of a person to take water using an existing approved water supply work and on any associated access licences.

## **Part 10 Access licence dealing rules**

### **Notes.**

- 1 Access licence dealings in the water sources are subject to the provisions of the Act, the regulations, any access licence dealing principles established under section 71Z of the Act and the access licence dealing rules established under this Part.
- 2 Access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 An application for a dealing may be refused, or conditions imposed on an access licence or water supply work approval at the time of a dealing, to give effect to the provisions of this Plan.

### **59 Conversion of access licence to new category dealings**

- (1) A dealing under section 71O of the Act is prohibited unless the conversion is from an unregulated river access licence to an aquifer access licence in the same water source.

### **60 Assignment of rights dealings**

- (1) A dealing under section 71Q of the Act within the same water source is prohibited in any of the following circumstances:
  - (a) from an access licence in the Wyong River Management Zone to an access licence in the Wyong Plateau Management Zone,
  - (b) from an access licence in the Brisbane Water Management Zone to an access licence in the Brisbane Plateau Management Zone,
  - (c) from an access licence in the Mooney Mooney Creek Management Zone to an access licence in the Mooney Mooney Plateau Management Zone,
  - (d) from an access licence in the Mangrove Creek Management Zone to an access licence in the Mangrove Creek Plateau Management Zone,
  - (e) from an access licence that does not nominate a water supply work on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam to an access licence that nominates a water supply work on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam,
  - (f) from an aquifer access licence that nominates a water supply work located further than 40 metres from the top of the high bank of a river to an access licence that nominates a water supply work located within 40 metres from the top of the high bank of a river.
- (2) A dealing under section 71Q of the Act between water sources within the same water management area is prohibited in any of the following circumstances:

- (a) the dealing is to an access licence in a different extraction management unit,
- (b) the dealing is from an access licence in any water source other than one of the water sources,
- (c) the dealing is to an access licence in any of the following water sources:
  - (i) the Brisbane Water Water Source,
  - (ii) the Jilliby Jilliby Water Source,
  - (iii) the Mangrove Creek Water Source,
  - (iv) the Mooney Mooney Creek Water Source,
  - (v) the Ourimbah Creek Water Source,
  - (vi) the Tuggerah Lakes Water Source,
  - (vii) the Wyong River Water Source.

#### **61 Amendment of share component dealings (change of water source)**

- (1) A dealing under section 71R of the Act is prohibited in the following circumstances:
  - (a) the dealing involves the cancellation of an access licence in a water source that is in one extraction management unit in order to grant an access licence in a water source that is in another extraction management unit,
  - (b) the dealing involves the cancellation of an access licence in a water source other than one of the water sources in order to grant an access licence in any of the water sources,
  - (c) the dealing involves the granting of a new access licence in any of the following water sources:
    - (i) the Brisbane Water Water Source,
    - (ii) the Jilliby Jilliby Water Source,
    - (iii) the Mangrove Creek Water Source,
    - (iv) the Mooney Mooney Creek Water Source,
    - (v) the Ourimbah Creek Water Source,
    - (vi) the Tuggerah Lakes Water Source,
    - (vii) the Wyong River Water Source.



- (2) The extraction component of a new access licence granted in accordance with section 71R of the Act will not carry over the extraction component from the cancelled access licence.

## **62 Amendment of extraction component dealings**

A dealing under section 71S of the Act is prohibited in any of the following circumstances:

- (a) an access licence with an extraction component that specifies the Wyong River Management Zone being varied to specify the Wyong Plateau Management Zone,
- (b) an access licence with an extraction component that specifies the Brisbane Water Management Zone being varied to specify the Brisbane Plateau Management Zone,
- (c) an access licence with an extraction component that specifies the Mooney Mooney Creek Management Zone being varied to specify the Mooney Mooney Plateau Management Zone,
- (d) an access licence with an extraction component that specifies the Mangrove Creek Management Zone being varied to specify the Mangrove Creek Plateau Management Zone.

## **63 Assignment of water allocations dealings**

- (1) A dealing under section 71T of the Act within the same water source is prohibited in any of the following circumstances:
- (a) from an access licence in the Wyong River Management Zone to an access licence in the Wyong Plateau Management Zone,
  - (b) from an access licence in the Brisbane Water Management Zone to an access licence in the Brisbane Plateau Management Zone,
  - (c) from an access licence in the Mooney Mooney Creek Management Zone to an access licence in the Mooney Mooney Plateau Management Zone,
  - (d) from an access licence in the Mangrove Creek Management Zone to an access licence in the Mangrove Creek Plateau Management Zone,
  - (e) from an access licence that does not nominate a water supply work on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek

Dam to an access licence that nominates a water supply work on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam.

- (2) A dealing under section 71T of the Act between water sources within the same water management area is prohibited in any of the following circumstances:
- (a) the dealing is from an access licence in one extraction management unit to an access licence in another extraction management unit,
  - (b) the dealing is from an access licence in any water source other than one of the water sources,
  - (c) the dealing is to an access licence in any of the following water sources:
    - (i) the Brisbane Water Water Source,
    - (ii) the Jiliby Jiliby Water Source,
    - (iii) the Mangrove Creek Water Source,
    - (iv) the Mooney Mooney Creek Water Source,
    - (v) the Ourimbah Creek Water Source,
    - (vi) the Tuggerah Lakes Water Source,
    - (vii) the Wyong River Water Source.

#### **64 Interstate access licence transfer and assignment of water allocations dealings**

Dealings under sections 71U and 71V of the Act are prohibited.

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

A dealing under section 71W of the Act is prohibited in the water sources in any of the following circumstances:

- (a) an access licence that nominates a water supply work that is not on the main stem of Mangrove Creek between Mangrove Creek Dam and Mangrove Creek Weir being amended to specify a water supply work that is on the main stem of Mangrove Creek between Mangrove Creek Dam and Mangrove Creek Weir,
- (b) an access licence under which groundwater may be taken being amended to nominate a water supply work which is authorised by its water supply work approval to take surface water,

- (c) an access licence under which surface water may be taken being amended to nominate a water supply work which is authorised by its water supply work approval to take groundwater,
- (d) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the licence,
- (e) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence,
- (f) an access licence being amended to nominate a water supply work outside of NSW.

**Note.** Paragraphs (d) and (e) do not necessarily prevent an access licence from being used in a different management zone or water source. For this to occur, the access licence would firstly need to be subject to a section 71R (change of water source) or section 71S (amendment of extraction component) dealing. A dealing under section 71W to nominate works in the new water source/management zone could then occur.

## **Part 11      System operation rules**

### **66      Release rules from local water utility storages**

- (1) The local water utility may make bulk water releases from Mangrove Creek Dam to Mangrove Creek Weir subject to those releases providing river flows that reflect the following characteristics:
  - (a) natural rates of rise and fall,
  - (b) natural seasonal variability, within infrastructure release constraints,
  - (c) natural duration periods.
- (2) Except when a bulk water release is being made under subclause (1), the local water utility must make a daily release of water from Mangrove Creek Dam that is at least the lesser of the following, minus the measured daily seepage from Mangrove Creek Dam:
  - (a) the daily inflow to the dam,
  - (b) an average flow of 2.7 ML/day during the months of September to July inclusive,
  - (c) an average flow of 2.0 ML/day during the months of May to August inclusive,
  - (d) the release required to maintain a visible flow in Mangrove Creek at the following sites:
    - (i) immediately above the junction with Warren Warren Creek, and
    - (ii) at the bridge over Mangrove Creek immediately above the junction with Dubbo Creek,
- (3) When inflow to Mangrove Creek Dam minus the release made under subclause (2) is equal to or less than 3 ML/day then the local water utility must make a release of water from Mangrove Creek Weir that is at least equal to the inflow to Mangrove Creek Dam minus the release made under subclause (2).
- (4) The local water utility must make a daily release of water from the Upper Mooney Mooney Creek Dam that is at least equal to the inflow to the Dam whenever that inflow is less than 0.6 ML/day.

- (5) The local water utility must make a daily release of water from the Lower Mooney Mooney Creek Dam that is at least equal to the inflow to the Dam whenever that inflow is less than the 95<sup>th</sup> percentile daily inflow, subject to subclause (6).
- (6) Subclause (5) does not apply if in the Minister's opinion seepage from the Lower Mooney Mooney Creek Dam is equal to the inflow to the Dam whenever that inflow is less than the 95<sup>th</sup> percentile daily inflow.

## Part 12 Mandatory conditions

**Note.** 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 apply only until 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

#### 67 General

- (1) For the purposes of this Part, a requirement to notify the Minister in writing will only be satisfied by writing to the email address for enquiries on the Department's website.
- (2) In this Part, an *operational meter* means an operational meter that complies with Australian Standard *AS 4747, Meters for non-urban water supply*, as updated or replaced from time to time.

### Division 2 Access licences

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

#### 68 General conditions

Each access licence must have mandatory conditions to give effect to the following:

- (a) the water taken under an access licence must not exceed the maximum water account debit permitted under Division 1 of Part 8,
- (b) the relevant access rules for the taking of water specified in Divisions 3 and 4 of Part 8, except where the access rule is imposed on the water supply work approval in accordance with clause 70 (5).
- (c) upon becoming aware of a breach of any condition of the access licence, the licence holder must:
  - (i) notify the Minister as soon as practicable, and
  - (ii) if the notification under subparagraph (i) is not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
- (d) any other condition required to implement the provisions of this Plan.

## 69 Record keeping conditions

- (1) Each access licence 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 and an operational data logger:
    - (i) the date and the start and end time during which water was taken under the 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) the volume of water taken in a water year compared with the water account debit permitted under clause 37 for the licence,
  - (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.

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

- (2) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the licence.
- (3) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

## **Division 3 Water supply work approvals**

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

### **70 General conditions**

- (1) Water supply work approvals must have mandatory conditions to give effect to:
  - (a) the clauses set out in this Division, and
  - (b) any other condition required to implement the provisions of this Plan.
- (2) A water supply work approved for the purpose of monitoring, an environmental remediation activity or emergency services must be used only for that purpose.
- (3) If the holder of a water supply work approval is the same person 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 of the required information can be kept in the one logbook.
- (4) Upon becoming aware of a breach of any condition of the approval, the approval holder must:
  - (a) notify the Minister as soon as practicable, and
  - (b) if the notification under paragraph (a) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach.
- (5) A water supply work approval specified in Column 1 of the table in Schedule 1 must have a mandatory condition to give effect to the corresponding rule specified in Column 2 of that table.

### **71 Metering conditions**

- (1) This clause applies to water supply works used to take water under an access licence.
- (2) The approval holder must install metering equipment, when directed by the Minister, that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as updated or replaced from time to time.
- (3) If directed to install metering equipment under subclause (2), the approval holder must ensure each of the following:
  - (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,



- (b) the metering equipment is operated and maintained in a proper and efficient manner at all times,
- (c) compliance with any other requirements as to the type, standard or other criteria for metering equipment as directed by the Minister.

**Note.** The Minister may also direct a landholder or person to install, replace or properly maintain metering equipment under section 326 of the Act.

- (4) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (5) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

## **72 Record keeping conditions**

- (1) This clause does not apply to a water supply work approval if the work is used for the sole purpose of taking water under basic landholder rights.
- (2) The approval holder must:
  - (a) record the following information in a Logbook whenever the water supply work does not have both an operational meter and an operational data logger:
    - (i) the date and the 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 access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
    - (iv) the 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) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,

- (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
  - (b) retain the information recorded in the Logbook for five years from the date to which that information relates.
- (3) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (4) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- Note**—See the *Water Management (General) Regulation 2018*, clause 230(1).

## **Division 4 Water supply work approvals for groundwater**

### **73 General conditions**

- (1) This Division applies to water supply work approvals for works that take groundwater.
- (2) Water supply work approvals must have mandatory conditions to give effect to the clauses set out in this Division.

### **74 Water bore decommissioning condition**

- (1) A water bore that is no longer intended to be used must be decommissioned in accordance with this clause.
- (2) The approval holder must notify the Minister in writing of any intention to decommission the water bore at least 60 days before commencing decommissioning. The notice must include a work plan for decommissioning of the water bore.
- (3) The work plan for decommissioning a water bore must be in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.

**Note.** *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.

- (4) The approval holder must comply with any notice from the Minister received within 60 days of the notice referred to in subclause (2) stating that the water bore:
  - (a) must not be decommissioned, or
  - (b) must be decommissioned in accordance with the requirements specified in the notice.
- (5) In decommissioning the water bore, the approval holder must comply with the work plan referred to in subclause (2) or requirements referred to in subclause (4) (b).
- (6) Within 60 days of the water bore being decommissioned, the approval holder must notify the Minister in writing that the water bore has been decommissioned and provide the name of the driller who decommissioned the water bore.

## **75 Water supply work construction conditions**

- (1) The approval holder must ensure that the water supply work is constructed in such a way that ensures the following:
  - (a) the water supply work is situated in the location specified in the application for the water supply work,
  - (b) 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,
  - (c) the water supply work is sealed off from all other water sources,
  - (d) construction of a water bore complies with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
  - (e) construction and use of the water supply work prevents contamination of the aquifer and between aquifers,
  - (f) construction and use of the water supply work prevents the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of the water supply work, the approval holder must do the following:
  - (a) notify the Minister within 48 hours of becoming aware of the contaminated water,
  - (b) take all reasonable steps to minimise contamination and environmental harm,

- (c) ensure that the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work,
  - (d) place an impermeable seal in the borehole annulus when and as directed by the Minister,
  - (e) 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.
- (3) Subclause (2) does not apply to a water supply work constructed for the purpose of monitoring or remediating contaminated water.
- (4) The approval holder must, within 60 days of completion of the construction of the water supply work or, if the approval is for the amendment of an existing water supply work, within 60 days after the issue of the amended water supply work approval, submit the details of the water supply work to the Minister in a form approved by the Minister.
- (5) The approval holder must ensure:
  - (a) the construction of the water supply work is completed within three years of the approval being granted, and
  - (b) the water supply work is not used unless construction is completed within three years of the approval being granted.
- (6) Each water supply work approval for a replacement groundwater work must impose conditions that give effect to clause 58(1) (b) - (d), including any modifications made under clause 58(2).

## **76 Water quality condition**

If directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work, within the timeframe (if any) specified in the written notice.

### **Notes.**

- 1 An approval holder is responsible for monitoring water quality from the water supply work to ensure it is suitable for its intended purpose for the duration of the approval.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for use. Water from the water source should not be used without first being tested and, if necessary, appropriately treated to ensure it is fit for purpose. Such testing and treatment is the responsibility of the water user.

## Part 13 Amendment of this Plan

### Notes.

- 1 This Part sets out amendments authorised by this Plan.
- 2 For the purposes of sections 87 and 87AA of the Act, the initial period for:
  - (a) the Jilliby Jilliby Creek Water Source and the Ourimbah Creek Water Source expired on 1 July 2014,
  - (b) the water sources, excluding the Jilliby Jilliby Creek Water Source, the Ourimbah Creek Water Source and the Central Coast Coastal Floodplain Alluvial Groundwater Water Source, expired on commencement of this Plan.

### 77 General

- (1) For the purposes of section 45 (1) (b) of the Act, this Part provides for when this Plan may be amended and any such amendments are taken to be 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 provisions for that management zone.
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

### 78 Amendments

- (1) This Plan 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) amend the Plan Map,
  - (d) amend the High Priority Groundwater-Dependent Ecosystem Map,
  - (e) amend a Schedule to this Plan,
  - (f) amend the requirements for water under harvestable rights in clause 22 to be specified as:
    - (i) a particular quantity of water per year, or

- (ii) a formula or other method that may be used to calculate the quantity of water per year.
- (g) amend the local water utility long-term average annual extraction limit for the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit in Division 1 of Part 6, in the following circumstances:
  - (i) after a review of instream habitat and estuary flow requirements in the relevant extraction management unit,
  - (ii) after the granting of any access licences to the Central Coast Council for the purpose of stormwater harvesting,
  - (iii) after a review of local water utility long-term demand requirements undertaken in accordance with clause 30 (4),
- (h) amend the long-term average annual extraction limits for the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit in Division 1 of Part 6, in any of the following circumstances:
  - (i) so that they have been determined based on a proportion of flow,
  - (ii) to specify a formula or other method that may be used to calculate a quantity of water per year,
  - (iii) to specify a number in ML/year which represents the sum of total annual extraction requirements of basic landholder rights and total access licence share components, at the time of the amendment,
  - (iv) to specify a number in ML/year which represents an estimate of the environmentally sustainable level of water extraction,
- (i) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source, amend the flow reference points in Division 2 of Part 8,
- (j) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source, amend the flow classes or establish new or additional flow classes in Division 2 of Part 8, (l)
- (k) amend the access rules for the take of surface water by local water utilities in clauses 42 (2) (b) and (c) to increase the percentage that may be extracted up to 80%,

- (l) amend the flow reference point or access rules for the take of surface water by local water utilities in clauses 39 and 42 for the Ourimbah Creek Water Source or Wyong River Water Source to allow for improved implementation subject to the changes providing equivalent access and a level of environmental protection that is no less than that provided by the current access rules,

- (m) amend the access rules for the take of surface water by local water utilities to permit the taking of water in any flow class following the establishment of works to discharge urban stormwater, reused water, recycled water or other return flows, as approved by the Minister, subject to the volume able to be extracted from the very low flow class being equal to the volume discharged,

**Note.** Approval of the Minister in relation to the works referred to in subclause (l) would take into consideration potential impacts of the discharge on water quality, aquatic biology and other environmental outcomes.

- (n) If, within 3 years of the commencement of this Plan, an analysis of the take of water under a future harvestable rights order has increased above the take permitted under the 2006 Harvestable Rights Order – to modify Parts 8-10 to protect critical environmental needs and basic landholder rights,

- (o) amend Part 10 to:

- (i) include new access dealing rules,
  - (ii) amend the access licence dealing rules contained in that Part,

**Note.** Amendments may be made under this subclause arising from the Tuggerah Trade Panel Review.

- (p) include provisions for the following:

- (i) the management of waters in the coastal sands that are within and outside the area of this Plan,
  - (ii) urban stormwater harvesting,
  - (iii) 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 aquifers under controlled conditions. This water can then be extracted at a later time.

- (iv) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (v) the management of aquifer interference activities, including the granting of aquifer interference approvals,

- (vi) the protection of groundwater-dependent culturally significant areas,
- (q) to protect water-dependent Aboriginal cultural assets, including but not limited to:
  - (i) identify water-dependent Aboriginal cultural assets,
  - (ii) establish new flow classes or access rules in Division 2, 3 and 4 of Part 8,
  - (iii) restrict the granting and amending of water supply work approvals,
  - (iv) establish new access licence dealing rules,
- (r) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
- (s) if the amendments will not substantially change a long-term average annual extraction limit, to establish individual daily extraction limits for access licences, excluding local water utility access licences, in any of the water sources to which this Plan applies,

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

- (t) amend the Dictionary to add, modify or remove a definition.
- (u) to make consequential amendments necessary to give effect to an amendment referred to in (a) to (t) above.



## 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 sulfate 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 of that Act.

**borehole annulus** means the space between the bore casing and the wall of the borehole.

**Coastal Management SEPP** means *State Environmental Planning Policy (Coastal Management) 2018* made under the *Environmental Planning and Assessment Act 1979*.

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

**extraction management unit** means an extraction management unit established under clause 6.

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

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

**Government monitoring or observation bore** means a bore owned or operated by or on behalf of the Minister, the Ministerial Corporation, the Department or WaterNSW and used for observation or monitoring purposes.

**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 culturally significant area** means an area determined by the Minister to be a groundwater-dependent culturally significant area.

**groundwater-dependent ecosystem** is an ecosystem that has its species composition and natural ecological processes wholly or partially determined by groundwater.

**High Priority Groundwater-Dependent Ecosystem Map** means the *Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022 High Priority Groundwater-Dependent Ecosystem Map* (GDE031\_Version 2).

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

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

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

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

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake, whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

**Logbook**, in relation to an access licence or water supply work approval, means a record in the manner and form approved by the Minister that is notified on the Department's website.

**management zone** is an area within a water source in which provisions particular to that area will apply, for example, restrictions on dealings.

**Minimum Construction Requirements for Water Bores in Australia** means the document of that name published by the National Uniform Drillers Licensing Committee.

**off-river pool** means a natural pool, lagoon or lake that is not within a river or stream (regardless of stream size) and is located:

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

**Plan Map** means the *Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022 Plan Map* (WSP005\_Version 4).

**replacement groundwater work** has the meaning given by clause 58.

**structural damage to an aquifer** includes any permanent compaction of sediments within an aquifer, resulting from depressurisation or dewatering.

**third order or higher stream** means a third order or higher stream determined by the Strahler method of determining the stream order of a watercourse, as set out in Schedule 2 to the *Water Management (General) Regulation 2018*.

**top of the high bank of a river** means, in relation to the location of a water supply work, the top of the highest bank on the side of the river where the work is located, unless otherwise determined by the Minister.

**water account debit** has the meaning given by clause 39.

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

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

## Schedule 1 Water supply work approval conditions specified in clause 70(5)

(Clause 70)

Those works approvals listed in Column 1 of the table below will have the rule specified in Column 2 imposed as a mandatory condition

Column 1	Column 2	Column 3
<i>Water Management Act 2000</i> water supply work approval	Rule	Water Source
20CA205613	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in the watercourse at the rock bar, at the head of the waterfall, near the southern boundary of Lot 92 DP 755253, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205633	The work authorised by this approval must not be used to take water unless there is a visible flow in Worleys Creek at the boundary between Lot 64 DP 650836 and Lot 2 DP 500686, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205640	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in the watercourse at the rock bar, at the head of the waterfall near the southern boundary of Lot 1 DP 431735, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205673	The work authorised by this approval must not be used to take water for the purpose of augmenting the supply of water in the unnamed watercourse unless there is a visible flow in the unnamed watercourse at the rock bar approximately 40 m downstream from the junction of the unnamed watercourse within Lot 12 DP 791970, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205758	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in Worleys Creek at the log weir at the northern corner of Lot 3 DP 558252, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205784	The work authorised by this approval must not be used to take water for the purpose of irrigation when there is no	MANGROVE CREEK WATER SOURCE

	visible flow within 10 m upstream and downstream of the pump site.	
20CA211462	The work authorised by this approval must not be used to take water for the purpose of filling the off-creek storage unless there is a visible flow in Crafts Creek at the northern boundary of Lot 87 DP 755253, Parish of Popran, County of Northumberland.	MANGROVE CREEK WATER SOURCE
20CA205811	The work authorised by this approval must not be used to take water unless there is a visible flow in Calverts creek at the eastern boundary of Lot 12 DP 590280, Parish of Cowan, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205839	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in Calverts Creek at the eastern boundary of Lot 12 DP 590280, Parish of Cowan, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205846	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a flow in Calvert's Creek at the eastern boundary of Lot 12 DP 590280, Parish of Cowan, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205854	The work authorised by this approval must not be used to take water unless there is a visible flow in the unnamed watercourse at the north-eastern boundary of Lot 124 DP 755246, Parish of Narara, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205895	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in the unnamed watercourse at the road culvert on Anembo Road, located at the north-western corner of Lot 2 DP 213173, Parish of Narara, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205917	The work authorised by this approval must not be used to take water unless there is a visible flow in Floods Creek over a rock shelf located 200 m downstream of the pump site on a track known as "the great north walk" within Lot 162 DP 543099, Parish of Narara, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE
20CA205924	The work authorised by this approval must not be used to take water for the purpose of irrigation unless there is a visible flow in the unnamed watercourse over a rock shelf located at the south-east corner of Lot 22 DP 1024046, Parish of Narara, County of Northumberland.	MOONEY MOONEY CREEK WATER SOURCE

## Schedule 2 Access licences permitted to take from very low flows

(Clause 43)

**Table A – Access licences other than town water supply**

Column 1	Column 2	Column 3
Water Source	Management Zone	Water Access Licence number
Wyong River Water Source	Wyong River Management Zone	19490
		20001
	Wyong Plateau Management Zone	19452
Tuggerah Lakes Water Source		16888
Mooney Mooney Creek Water Source	Mooney Mooney Plateau Management Zone	17472
		17458
Mangrove Creek Water Source	Mangrove Plateau Management Zone	17409
		17318
		17422
		17343
		17430
		17406
		17330
		17360
		17415

### **Schedule 3     Contamination sources**

(Clause 53)

A contamination source in the water sources is any of the following:

- (a) any site that has been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (b) any site that has been notified to the Environment Protection Authority under section 60 of the *Contaminated Land Management Act 1997*,
- (c) any site that is or has 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.

## Schedule 4 High priority groundwater-dependent ecosystems

(Clause 4, 54 and 57)

High priority groundwater-dependent ecosystems in these alluvial sediments are as specified in Table A.

**Table A – High priority groundwater-dependent ecosystems**

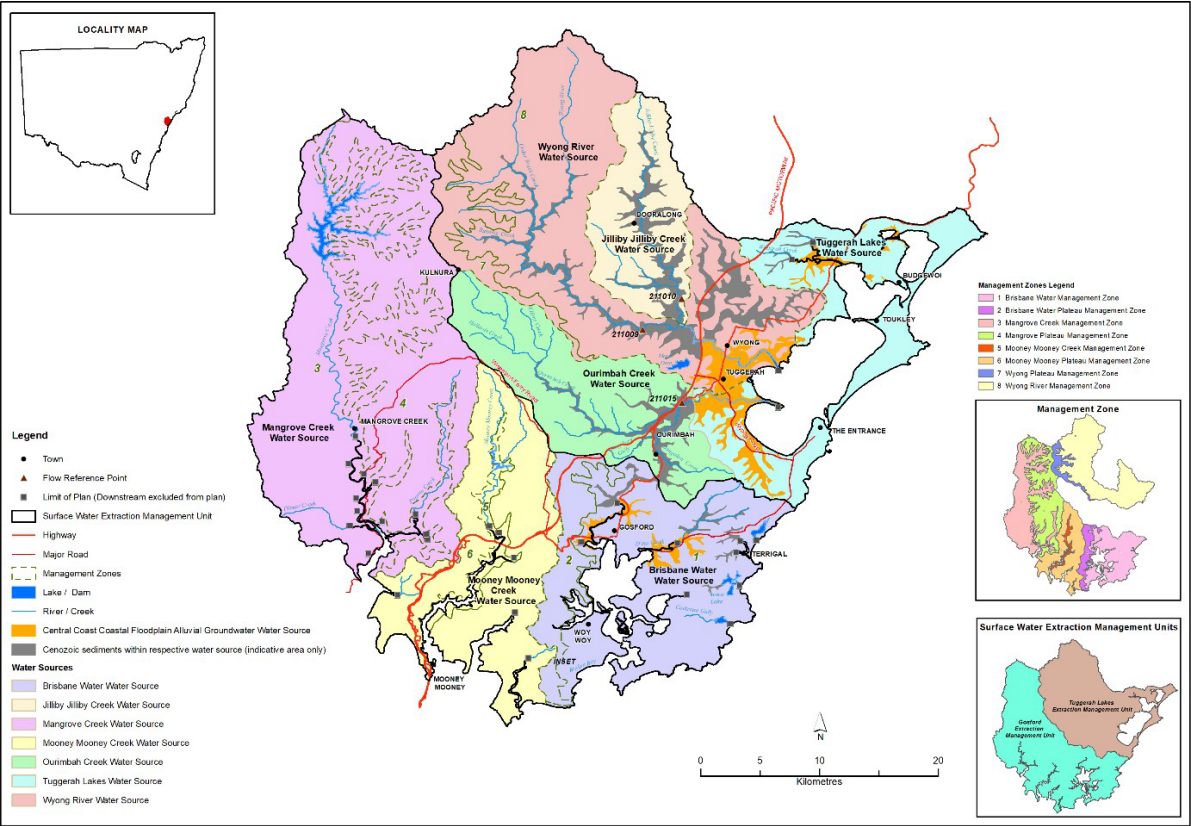
Column 1	Column 2	Column 3	Column 4	Column 5
High priority groundwater-dependent ecosystems	Type	Latitude -Decimal degrees (South)	Longitude - Decimal degrees (East)	Water Source
Terrigal Lagoon – South	Lake	-33.42985	151.43427	Brisbane Water Water Source
Terrigal Lagoon – North	Lake	-33.42377	151.43668	Brisbane Water Water Source
Porters Creek Wetland	Wetland	-33.26093	151.43377	Wyong River Water Source

**Notes—**

- 1** **Other** high priority groundwater-dependent ecosystems (**GDEs**) may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.
- 2** The approximate location of GDEs listed in Column 1 of Table A is provided as Latitude and Longitude (decimal degrees) coordinates in Columns 3 and 4 of Table A.

Appendix 1 Overview of the Plan Map

(Clause 4)





Appendix 2 Overview of the High Priority Groundwater-Dependent Ecosystem Map

(Clauses 4, 54 and 57)

