

# Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022

[2022-357]



New South Wales

## Status information

### Currency of version

Current version for 4 October 2024



New South Wales

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

under the

Water Management Act 2000

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

KEVIN ANDERSON, MP  
Minister for Lands and Water

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## Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022

under the

Water Management Act 2000

### Part 1 Introduction

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

#### 1 Name of Plan

This Plan is the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*.

#### 2 Commencement

This Plan commences on 1 July 2022.

#### 3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Hunter Water Management Area and the Central Coast Water Management Area—
  - (a) the Baerami Creek Water Source,
  - (b) the Black Creek Water Source,
  - (c) the Bow River Water Source,
  - (d) the Bylong River Water Source,
  - (e) the Dart Brook Water Source,
  - (f) the Dora Creek Water Source,
  - (g) the Doyles Creek Water Source,
  - (h) the Glendon Brook Water Source,
  - (i) the Glennies Water Source,
  - (j) the Halls Creek Water Source,
  - (k) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (l) the Hunter Regulated River Alluvial Water Source,
  - (m) the Hunter River Tidal Pool Water Source,
  - (n) the Isis River Water Source,
  - (o) the Jerrys Water Source,
  - (p) the Krui River Water Source,
  - (q) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (r) the Lower Goulburn River Water Source,
  - (s) the Lower Wollombi Brook Water Source,

- (t) the Luskintyre Water Source,
  - (u) the Martindale Creek Water Source,
  - (v) the Merriwa River Water Source,
  - (w) the Munmurra River Water Source,
  - (x) the Muswellbrook Water Source,
  - (y) the Newcastle Water Source,
  - (z) the North Lake Macquarie Water Source,
  - (za) the Pages River Water Source,
  - (zb) the Paterson/Allyn Rivers Water Source,
  - (zc) the Paterson River Tidal Pool Water Source,
  - (zd) the Rouchel Brook Water Source,
  - (ze) the Singleton Water Source,
  - (zf) the South Lake Macquarie Water Source,
  - (zg) the Upper Goulburn River Water Source,
  - (zh) the Upper Hunter River Water Source,
  - (zi) the Upper Paterson Water Source,
  - (zj) the Upper Wollombi Brook Water Source,
  - (zk) the Wallis Creek Water Source,
  - (zl) the Wallis Creek Tidal Pool Water Source,
  - (zm) the Widden Brook Water Source,
  - (zn) the Williams River Water Source,
  - (zo) the Wollar Creek Water Source,
  - (zp) the Wybong Creek Water Source.
- (2) The water sources include—
- (a) all surface water and water occurring on the surface of the ground in estuaries, and
  - (b) all groundwater contained in Cenozoic sediments, other than the following—
    - (i) water to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies,
    - (ii) water contained in the Hunter Coastal Floodplain Alluvial Groundwater Source,
    - (iii) water contained in the Hunter Regulated River Alluvial Water Source,
    - (iv) water contained in the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source.
- (3) Subsection (2) does not apply to the following water sources—
- (a) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (b) the Hunter Regulated River Alluvial Water Source,
  - (c) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (d) the tidal pool water sources.
- (4) The Hunter Coastal Floodplain Alluvial Groundwater Source and the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source—
- (a) include all groundwater contained in Cenozoic sediments, and



- (b) do not include surface water.
- (5) The tidal pool water sources—
  - (a) include all surface water, and
  - (b) do not include groundwater contained in Cenozoic sediments.
- (6) The Hunter Regulated River Alluvial Water Source—
  - (a) extends from the top of the high bank of the Hunter Regulated River Water Source to the boundary of the alluvial aquifer covering the Cenozoic sediments, and
  - (b) includes all groundwater contained in Cenozoic sediments.
- (7) The water sources do not include the following—
  - (a) water contained in fractured or porous rocks,
  - (b) the Hunter Regulated River Water Source,
  - (c) the Paterson Regulated River Water Source to which the *Water Sharing Plan for the Paterson Regulated River Water Source 2019* applies,
  - (d) Belmont Lagoon in the North Lake Macquarie Water Source,
  - (e) Mannering Lake in the South Lake Macquarie Water Source.

#### **4 Management zones to which Plan applies**

- (1) The Isis River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upper Isis River Management Zone,
  - (b) Lower Isis River Management Zone.
- (2) The Pages River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Murrurundi and Scotts Creek Management Zone,
  - (b) Kewell Creek and Gundy Management Zone,
  - (c) Segenhoe Management Zone.
- (3) The Dart Brook Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upper Dart Brook Management Zone,
  - (b) Upper Middle Brook Management Zone,
  - (c) Petwyn Vale Management Zone,
  - (d) Lower Dart Brook Management Zone,
  - (e) Lower Middle Brook and Kingdon Ponds Management Zone.
- (4) The Upper Wollombi Brook Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upper Congewai Creek Management Zone,
  - (b) Mid Congewai Creek Management Zone,
  - (c) South Arm Management Zone.
- (5) The Williams River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upper Williams River Management Zone,
  - (b) Williams River Management Zone,

- (c) Seaham Weir Management Zone.
- (6) The Hunter Regulated River Alluvial Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upstream Glennies Creek Management Zone,
  - (b) Downstream Glennies Creek Management Zone,
  - (c) Glennies Creek Management Zone.
- (7) The Jerrys Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Jerrys Management Zone,
  - (b) Appletree Flat Management Zone.
- (8) The Upper Hunter River Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Upper Hunter Management Zone,
  - (b) Stewarts Brook Management Zone.
- (9) The Wybong Creek Water Source is divided into the following management zones shown on the Plan Map—
  - (a) Kars Springs Management Zone,
  - (b) Bunnan Management Zone,
  - (c) White Rock Management Zone,
  - (d) Manobalai Management Zone,
  - (e) Wybong Management Zone,
  - (f) Cuan Management Zone,
  - (g) Cuan and Reedy Creeks Management Zone.

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

The following extraction management units are established—

- (a) the Hunter Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Hunter Coastal Floodplain Alluvial Groundwater Source,
- (b) the Hunter Regulated River Alluvial Extraction Management Unit, consisting of the Hunter Regulated River Alluvial Water Source,
- (c) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
- (d) the Lake Macquarie Extraction Management Unit, consisting of the following water sources—
  - (i) the North Lake Macquarie Water Source,
  - (ii) the South Lake Macquarie Water Source,
  - (iii) the Dora Creek Water Source,
- (e) the Greater Hunter Extraction Management Unit, consisting of all other water sources to which this Plan applies.

## **6 Interpretation**

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

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

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

## 7 Maps

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

**Note—** The following maps adopted by this Plan are available on the Department's website—

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

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

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

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

- (a) the health and enhancement of the water 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.

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

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to help prevent structural damage to aquifers resulting from groundwater extraction.

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

(1) The strategies for reaching the objectives of this Plan include the following—

- (a) reserve all water volume in excess of each long-term average annual extraction limit for the environment,
- (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
- (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
- (d) 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,
- (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights and town water supply,
- (f) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,
- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,

- (h) provide a stable and predictable framework for sharing water among water users,
  - (i) provide for flexibility of access to water,
  - (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
  - (k) provide for water associated with Aboriginal cultural values and uses, and community development.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

- (1) The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—
- (a) the ecological condition of the water sources,
  - (b) economic benefits,
  - (c) Aboriginal cultural benefits,
  - (d) social and cultural benefits.
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister.

## Part 3 Requirements for water

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

#### 12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 17,776ML/year distributed as follows—

- (a) 103ML/year in the Baerami Creek Water Source,
- (b) 540ML/year in the Black Creek Water Source,
- (c) 373ML/year in the Bow River Water Source,
- (d) 350ML/year in the Bylong River Water Source,
- (e) 658ML/year in the Dart Brook Water Source,
- (f) 379ML/year in the Dora Creek Water Source,
- (g) 41ML/year in the Doyles Creek Water Source,
- (h) 782ML/year in the Glendon Brook Water Source,
- (i) 565ML/year in the Glennies Water Source,
- (j) 420ML/year in the Halls Creek Water Source,
- (k) 182ML/year in the Hunter Coastal Floodplain Alluvial Groundwater Source,
- (l) 116ML/year in the Hunter Regulated River Alluvial Water Source,
- (m) 284ML/year in the Hunter River Tidal Pool Water Source,
- (n) 328ML/year in the Isis River Water Source,
- (o) 459ML/year in the Jerrys Water Source,
- (p) 314ML/year in the Krui River Water Source,
- (q) 6ML/year in the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
- (r) 387ML/year in the Lower Goulburn River Water Source,
- (s) 306ML/year in the Lower Wollombi Brook Water Source,
- (t) 374ML/year in the Luskintyre Water Source,
- (u) 141ML/year in the Martindale Creek Water Source,
- (v) 352ML/year in the Merriwa River Water Source,
- (w) 443ML/year in the Munmurra River Water Source,
- (x) 662ML/year in the Muswellbrook Water Source,
- (y) 204ML/year in the Newcastle Water Source,
- (z) 172ML/year in the North Lake Macquarie Water Source,
- (za) 415ML/year in the Pages River Water Source,
- (zb) 192ML/year in the Paterson River Tidal Pool Water Source,
- (zc) 1,396ML/year in the Paterson/Allyn Rivers Water Source,
- (zd) 257ML/year in the Rouchel Brook Water Source,
- (ze) 344ML/year in the Singleton Water Source,
- (zf) 124ML/year in the South Lake Macquarie Water Source,
- (zg) 284ML/year in the Upper Goulburn River Water Source,
- (zh) 560ML/year in the Upper Hunter River Water Source,

- (zi) 310ML/year in the Upper Paterson Water Source,
- (zj) 921ML/year in the Upper Wollombi Brook Water Source,
- (zk) 604ML/year in the Wallis Creek Tidal Pool Water Source,
- (zl) 595ML/year in the Wallis Creek Water Source,
- (zm) 144ML/year in the Widden Brook Water Source,
- (zn) 1,837ML/year in the Williams River Water Source,
- (zo) 219ML/year in the Wollar Creek Water Source,
- (zp) 633ML/year in the Wybong Creek Water Source.

### 13 Native title rights

On the commencement of this Plan, no determinations of native title had been made in relation to the water sources.

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

### 14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights is estimated to be 132,379ML/year distributed as follows—

- (a) 382ML/year in the Baerami Creek Water Source,
- (b) 2,479ML/year in the Black Creek Water Source,
- (c) 1,607ML/year in the Bow River Water Source,
- (d) 2,560ML/year in the Bylong River Water Source,
- (e) 5,061ML/year in the Dart Brook Water Source,
- (f) 1,963ML/year in the Dora Creek Water Source,
- (g) 196ML/year in the Doyles Creek Water Source,
- (h) 4,190ML/year in the Glendon Brook Water Source,
- (i) 3,743ML/year in the Glennies Water Source,
- (j) 1,834ML/year in the Halls Creek Water Source,
- (k) 4,270ML/year in the Isis River Water Source,
- (l) 4,869ML/year in the Jerrys Water Source,
- (m) 3,200ML/year in the Krui River Water Source,
- (n) 2,048ML/year in the Lower Goulburn River Water Source,
- (o) 2,913ML/year in the Lower Wollombi Brook Water Source,
- (p) 2,113ML/year in the Luskintyre Water Source,
- (q) 583ML/year in the Martindale Creek Water Source,
- (r) 3,777ML/year in the Merriwa River Water Source,
- (s) 3,459ML/year in the Munmurra River Water Source,
- (t) 4,347ML/year in the Muswellbrook Water Source,
- (u) 4,635ML/year in the Newcastle Water Source,
- (v) 1,738ML/year in the North Lake Macquarie Water Source,
- (w) 4,454ML/year in the Pages River Water Source,
- (x) 10,170ML/year in the Paterson/Allyn Rivers Water Source,
- (y) 3,517ML/year in the Rouchel Brook Water Source,

- (z) 2,947ML/year in the Singleton Water Source,
- (za) 1,492ML/year in the South Lake Macquarie Water Source,
- (zb) 3,731ML/year in the Upper Goulburn River Water Source,
- (zc) 10,680ML/year in the Upper Hunter River Water Source,
- (zd) 1,820ML/year in the Upper Paterson Water Source,
- (ze) 6,837ML/year in the Upper Wollombi Brook Water Source,
- (zf) 3,190ML/year in the Wallis Creek Water Source,
- (zg) 741ML/year in the Widden Brook Water Source,
- (zh) 13,608ML/year in the Williams River Water Source,
- (zi) 2,514ML/year in the Wollar Creek Water Source,
- (zj) 4,711ML/year in the Wybong Creek Water Source,
- (zk) 0ML/year in all other water sources.

## **Division 2 Requirements for water for extraction under access licences**

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 1,124.5ML/year distributed as follows—
  - (a) 85ML/year in the Black Creek Water Source,
  - (b) for the Dart Brook Water Source—
    - (i) 10ML/year in the Lower Dart Brook Management Zone, and
    - (ii) 27ML/year in the Lower Middle Brook and Kingdon Ponds Management Zone, and
    - (iii) 5ML/year in the Petwyn Vale Management Zone, and
    - (iv) 30ML/year in the Upper Dart Brook Management Zone, and
    - (v) 21ML/year in the Upper Middle Brook Management Zone,
  - (c) 24ML/year in the Dora Creek Water Source,
  - (d) 11.5ML/year in the Glendon Brook Water Source,
  - (e) 41ML/year in the Halls Creek Water Source,
  - (f) 52ML/year in the Hunter River Tidal Pool Water Source,
  - (g) for the Isis River Water Source—
    - (i) 4ML/year in the Lower Isis River Management Zone, and
    - (ii) 17ML/year in the Upper Isis River Management Zone,
  - (h) for the Jerrys Water Source—
    - (i) 0ML/year in the Appletree Flat Management Zone, and
    - (ii) 10ML/year in the Jerrys Management Zone,
  - (i) 79ML/year in the Lower Goulburn River Water Source,
  - (j) 53ML/year in the Lower Wollombi Brook Water Source,
  - (k) 16ML/year in the Martindale Creek Water Source,
  - (l) 6.5ML/year in the Merriwa River Water Source,
  - (m) 6ML/year in the Munmurra River Water Source,
  - (n) 88ML/year in the Muswellbrook Water Source,
  - (o) for the Pages River Water Source—



- (i) 73.5ML/year in the Kewell Creek and Gundy Management Zone, and
    - (ii) 64ML/year in the Murrurundi and Scotts Creek Management Zone, and
    - (iii) 5ML/year in the Segenhoe Management Zone,
  - (p) 25.5ML/year in the Paterson/Allyn Rivers Water Source,
  - (q) 115.5ML/year in the Paterson River Tidal Pool Water Source,
  - (r) 12ML/year in the Rouchel Brook Water Source,
  - (s) 13ML/year in the Singleton Water Source,
  - (t) 8ML/year in the Upper Goulburn River Water Source,
  - (u) for the Upper Hunter River Water Source—
    - (i) 0ML/year in the Stewarts Brook Management Zone, and
    - (ii) 33ML/year in the Upper Hunter Management Zone,
  - (v) for the Upper Wollombi Brook Water Source—
    - (i) 1ML/year in the Mid Congewai Creek Management Zone, and
    - (ii) 0ML/year in the South Arm Management Zone, and
    - (iii) 0ML/year in the Upper Congewai Creek Management Zone,
  - (w) 1ML/year in the Wallis Creek Tidal Pool Water Source,
  - (x) 6ML/year in the Wallis Creek Water Source,
  - (y) 5ML/year in the Widden Brook Water Source,
  - (z) for the Williams River Water Source—
    - (i) 48ML/year in the Williams River Management Zone, and
    - (ii) 0ML/year in the Seaham Weir Management Zone, and
    - (iii) 9ML/year in the Upper Williams River Management Zone,
  - (za) 20ML/year in the Wollar Creek Water Source,
  - (zb) for the Wybong Creek Water Source—
    - (i) 5ML/year in the Bunnan Management Zone, and
    - (ii) 5ML/year in the Manobalai Management Zone, and
    - (iii) 89ML/year in the Wybong Management Zone, and
    - (iv) 0ML/year in all other management zones,
  - (zc) 0ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 5,418ML/year distributed as follows—
- (a) for the Dart Brook Water Source—198ML/year in the Lower Middle Brook and Kingdon Ponds Management Zone,
  - (b) for the Hunter Regulated River Alluvial Water Source—
    - (i) 4,095ML/year in the Downstream Glennies Creek Management Zone, and
    - (ii) 843ML/year in the Upstream Glennies Creek Management Zone,
  - (c) 50ML/year in the Lower Goulburn River Water Source,
  - (d) for the Pages River Water Source—232ML/year in the Murrurundi and Scotts Creek Management Zone,
  - (e) 0ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 113,780.9 unit shares distributed as follows—

- (a) 1,556 unit shares in the Baerami Creek Water Source,
- (b) 6,321.5 unit shares in the Black Creek Water Source,
- (c) 200 unit shares in the Bow River Water Source,
- (d) 89 unit shares in the Bylong River Water Source,
- (e) for the Dart Brook Water Source—
  - (i) 62 unit shares in the Lower Dart Brook Management Zone, and
  - (ii) 14 unit shares in the Lower Middle Brook and Kingdon Ponds Management Zone, and
  - (iii) 126 unit shares in the Petwyn Vale Management Zone, and
  - (iv) 722 unit shares in the Upper Dart Brook Management Zone, and
  - (v) 302 unit shares in the Upper Middle Brook Management Zone,
- (f) 796 unit shares in the Dora Creek Water Source,
- (g) 20 unit shares in the Doyles Creek Water Source,
- (h) 1,567 unit shares in the Glendon Brook Water Source,
- (i) 446 unit shares in the Glennies Water Source,
- (j) 3,208.5 unit shares in the Halls Creek Water Source,
- (k) 11,499.5 unit shares in the Hunter River Tidal Pool Water Source,
- (l) for the Isis River Water Source—
  - (i) 1,469 unit shares in the Lower Isis River Management Zone, and
  - (ii) 571 unit shares in the Upper Isis River Management Zone,
- (m) for the Jerrys Water Source—
  - (i) 53 unit shares in the Appletree Flat Management Zone, and
  - (ii) 2,044 in the Jerrys Management Zone,
- (n) 1,449 unit shares in the Krui River Water Source,
- (o) 13,941 unit shares in the Lower Goulburn River Water Source,
- (p) 6,625.2 unit shares in the Lower Wollombi Brook Water Source,
- (q) 574.5 unit shares in the Luskintyre Water Source,
- (r) 2,943 unit shares in the Martindale Creek Water Source,
- (s) 4,444 unit shares in the Merriwa River Water Source,
- (t) 636 unit shares in the Muswellbrook Water Source,
- (u) 480 unit shares in the Newcastle Water Source,
- (v) 1,211 unit shares in the North Lake Macquarie Water Source,
- (w) for the Pages River Water Source—
  - (i) 1,849 unit shares in the Kewell Creek and Gundy Management Zone, and
  - (ii) 2,888 unit shares in the Murrurundi and Scotts Creek Management Zone, and
  - (iii) 264 unit shares in the Segenhoe Management Zone,
- (x) 3,823.5 unit shares in the Paterson/Allyn Rivers Water Source,
- (y) 10,849.5 unit shares in the Paterson River Tidal Pool Water Source,
- (z) 1,086 unit shares in the Rouchel Brook Water Source,
- (za) 1,170 unit shares in the Singleton Water Source,
- (zb) 295 unit shares in the South Lake Macquarie Water Source,

- (zc) 1,770 unit shares in the Upper Goulburn River Water Source,
- (zd) for the Upper Hunter River Water Source—
  - (i) 337 unit shares in the Stewarts Brook Management Zone, and
  - (ii) 3,658 in the Upper Hunter Management Zone,
- (ze) for the Upper Wollombi Brook Water Source—
  - (i) 1,421 unit shares in the Mid Congewai Creek Management Zone, and
  - (ii) 516 unit shares in the South Arm Management Zone, and
  - (iii) 451 unit shares in the Upper Congewai Creek Management Zone,
- (zf) 1,411.5 unit shares in the Wallis Creek Tidal Pool Water Source,
- (zg) 457.5 unit shares in the Wallis Creek Water Source,
- (zh) 2,022 unit shares in the Widden Brook Water Source,
- (zi) for the Williams River Water Source—
  - (i) 1,558 unit shares in the Seaham Weir Management Zone, and
  - (ii) 1,227 unit shares in the Upper Williams River Management Zone, and
  - (iii) 5,190.2 in the Williams River Management Zone,
- (zj) 78 unit shares in the Wollar Creek Water Source,
- (zk) for the Wybong Creek Water Source—
  - (i) 124 unit shares in the Cuan and Reedy Management Zone, and
  - (ii) 311 unit shares in the Cuan Management Zone, and
  - (iii) 943 unit shares in the Bunnan Management Zone, and
  - (iv) 1,489 unit shares in the Kars Springs Management Zone, and
  - (v) 309 unit shares in the Manobalai Management Zone, and
  - (vi) 473 unit shares in the White Rock Management Zone, and
  - (vii) 4,439.5 unit shares in the Wybong Management Zone,
- (zl) 0 unit shares in all other water sources.

**Note—** On the commencement of this Plan, there were no unregulated river (high flow) access licences.

- (4) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 88,790 unit shares distributed as follows—
  - (a) 2,524 unit shares in the Baerami Creek Water Source,
  - (b) 5 unit shares in the Bow River Water Source,
  - (c) 7,719 unit shares in the Bylong River Water Source,
  - (d) for the Dart Brook Water Source—
    - (i) 12,801 unit shares in the Lower Dart Brook Management Zone, and
    - (ii) 13,313 unit shares in the Lower Middle Brook and Kingdon Ponds Management Zone, and
    - (iii) 588 unit shares in the Petwyn Vale Management Zone, and
    - (iv) 513 unit shares in the Upper Dart Brook Management Zone, and
    - (v) 5 unit shares in the Upper Middle Brook Management Zone,
  - (e) 300 unit shares in the Doyles Creek Water Source,
  - (f) 65 unit shares in the Glendon Brook Water Source,
  - (g) 10 unit shares in the Glennies Water Source,
  - (h) 691 unit shares in the Halls Creek Water Source,

- (i) 1,223 unit shares in the Hunter Coastal Floodplain Alluvial Groundwater Source,
- (j) for the Hunter Regulated River Alluvial Water Source—
  - (i) 7,130 unit shares in the Downstream Glennies Management Zone, and
  - (ii) 10 unit shares in the Glennies Management Zone, and
  - (iii) 15,960 unit shares in the Upstream Glennies Management Zone,
- (k) for the Jerrys Water Source—
  - (i) 429 unit shares in the Appletree Flat Management Zone, and
  - (ii) 812 unit shares in the Jerrys Management Zone,
- (l) 5 unit shares in the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
- (m) 3,086 unit shares in the Lower Goulburn River Water Source,
- (n) 3,745 unit shares in the Lower Wollombi Brook Water Source,
- (o) 100 unit shares in the Luskintyre Water Source,
- (p) 1,580 unit shares in the Martindale Creek Water Source,
- (q) 1,901 unit shares in the Merriwa River Water Source,
- (r) 24 unit shares in the Munmurra Water Source,
- (s) 1,169 unit shares in the Muswellbrook Water Source,
- (t) 91 unit shares in the Newcastle Water Source,
- (u) 5 unit shares in the North Lake Macquarie Water Source,
- (v) for the Pages River Water Source—
  - (i) 207 unit shares in the Kewell Creek and Gundy Management Zone, and
  - (ii) 120 unit shares in the Murrurundi and Scotts Creek Management Zone, and
  - (iii) 7,069 unit shares in the Segenhoe Management Zone,
- (w) 97 unit shares in the Rouchel Brook Water Source,
- (x) 230 unit shares in the Singleton Water Source,
- (y) 102 unit shares in the Upper Goulburn River Water Source,
- (z) for the Upper Hunter River Water Source—
  - (i) 240 unit shares in the Stewarts Brook Management Zone, and
  - (ii) 329 unit shares in the Upper Hunter River Management Zone,
- (za) for the Upper Wollombi Brook Water Source—
  - (i) 71 unit shares in the Mid Congewai Creek Management Zone, and
  - (ii) 3 unit shares in the South Arm Management Zone, and
  - (iii) 0 unit shares in the Upper Congewai Creek Management Zone,
- (zb) 5 unit shares in the Wallis Creek Water Source,
- (zc) 1,303 unit shares in the Widden Brook Water Source,
- (zd) for the Williams River Water Source—
  - (i) 5 unit shares in the Seaham Weir Management Zone, and
  - (ii) 0 unit shares in the Upper Williams River Management Zone, and
  - (iii) 61 unit shares in the Williams River Management Zone,
- (ze) 782 unit shares in the Wollar Creek Water Source,
- (zf) for the Wybong Creek Water Source—

- (i) 5 unit shares in the Bunnan Management Zone, and
  - (ii) 68 unit shares in the Cuan Management Zone, and
  - (iii) 504 unit shares in the Kars Springs Management Zone, and
  - (iv) 1,785 unit shares in the Wybong Management Zone, and
  - (v) 0 unit shares in all other management zones,
  - (zg) 0 unit shares in all other water sources.
- (5) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 346,775ML/year distributed as follows—
- (a) for the Jerrys Water Source—7,700ML/year in the Jerrys Management Zone,
  - (b) 100,000ML/year in the Newcastle Water Source,
  - (c) 75ML/year in the Paterson/Allyn Rivers Water Source,
  - (d) for the Williams River Water Source—
    - (i) 189,000ML/year in the Seaham Weir Management Zone, and
    - (ii) 50,000ML/year in the Upper Williams River Management Zone.

**Note—** 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 the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

## Part 4 Limits to the availability of water

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

#### 16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
  - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
  - (b) for an access licence specifying the share component as a number of unit shares—1ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
  - (a) for domestic and stock access licences—100%,
  - (b) for local water utility access licences—100%,
  - (c) for major utility access licences—100%,
  - (d) for unregulated river access licences—1ML/unit share
  - (e) for unregulated river (high flow) access licences—1ML/unit share,
  - (f) for aquifer access licences—
    - (i) for the Hunter Regulated River Alluvial Water Source—the same available water determination as is made for regulated river (high security) access licences under the *Water Sharing Plan for the Hunter Regulated River Water Source 2016*, or
    - (ii) for any other water source—1ML/unit share.

**Note**— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.
- (3) This section is subject to sections 22 and 26.

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

#### Subdivision 1 Preliminary

#### 17 Operation of Division—the Act, s 8

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

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

#### 18 Definitions

In this Division—

**3-year average higher flow extraction** means the average of the annual higher flow extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**3-year average standard extraction** means the average of the annual standard extractions for 3 consecutive water years most recently calculated for an extraction management unit.

**annual higher flow extraction** means the sum of the volume of water taken from an extraction management unit under all higher flow extraction licences within the extraction management unit.

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

**annual higher flow extraction limit** means the annual higher flow extraction limit established by section 23.

**annual standard extraction** means the volume of water taken from an extraction management unit—

- (a) under an access licence, excluding extractions under a higher flow extraction licence, or
- (b) in the exercise of basic landholder rights.

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

**higher flow extraction licence** means the following—

- (a) an unregulated river (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) an access licence subject to a condition with the effect of prohibiting the take of water unless flows are above the A Class,
- (d) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

**Hunter Water LTAAEL**, for Subdivision 3A—see section 26A.

**reduced available water determinations** means available water determinations that are less than the amount specified in section 16(2) for the category of licence in relation to which the determination is made.

**standard LTAAEL** means a standard long-term average annual extraction limit established by section 19.

## Subdivision 2 Standard LTAAELs

### 19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) for the Greater Hunter Extraction Management Unit—326,947ML/year,
- (b) for the Hunter Coastal Floodplain Alluvial Groundwater Extraction Management Unit—4,750ML/year,
- (c) for the Hunter Regulated River Alluvial Extraction Management Unit—29,024ML/year,
- (d) for the Lake Macquarie Coastal Floodplain Alluvial Groundwater Extraction Management Unit—825ML/year,
- (e) for the Lake Macquarie Extraction Management Unit—7,650ML/year.

**Note**— The standard long-term average annual extraction limits are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

### 20 Calculation of annual standard extraction

As soon as practicable after the end of a water year, the annual standard extraction of each extraction management unit must be calculated for the water year.

## 21 Assessment of compliance with standard LTAAELs

- (1) As soon as practicable after the end of a water year, the 3-year average standard extraction for each extraction management unit must be compared against the standard LTAAEL for the extraction management unit for the water year.
- (2) In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the standard LTAAEL—
  - (a) the share components of an access licence cancelled in order to grant a higher flow extraction licence after the commencement of this Plan,
  - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is non-compliance with the standard LTAAEL if the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more.

## 22 Compliance with standard LTAAELs

- (1) This section applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made for 1 or both of the following categories of licences—
  - (a) an unregulated river access licence,
  - (b) an aquifer access licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

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

## Subdivision 3 Annual higher flow extraction limits

### 23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit is the largest sum of the share components of all higher flow extraction licences within the extraction management unit occurring within a water year.

**Note—** The annual higher flow extraction limits are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

### 24 Calculation of annual higher flow extraction

As soon as practicable after the end of a water year, the annual higher flow extraction of each extraction management unit must be calculated for the water year.

### 25 Assessment of compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average higher flow extraction for each extraction management unit must be compared against the annual higher flow extraction limit for the extraction management unit for the water year.



- (2) In determining the annual higher flow extraction limit for the water year, the share components of an access licence must be excluded from the annual higher flow extraction limit if—
  - (a) the access licence was cancelled for an environmental purpose during the water year, and
  - (b) before its cancellation, the access licence was in the extraction management unit.
- (3) There is noncompliance with the annual higher flow extraction limit if the 3-year average higher flow extraction exceeds the limit by 5% or more.

## **26 Compliance with annual higher flow extraction limits**

- (1) This section applies to an extraction management unit if there is noncompliance with the annual higher flow extraction limit for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the annual higher flow extraction limit, must be made for one or more categories of higher flow extraction licences.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

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

## **Subdivision 3A Long-term average annual extraction limits for Hunter Water Corporation**

### **26A Establishment of Hunter Water LTAAEL**

The long-term average annual extraction limit for the Hunter Water Corporation (the *Hunter Water LTAAEL*) for the Greater Hunter Extraction Management Unit is 78,500ML/year.

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

### **26B Calculation of annual extractions**

- (1) As soon as practicable after the end of a water year, the volume of water taken under all major utility access licences held by Hunter Water Corporation must be calculated for the water year.
- (2) In calculating the volume of water taken for the water year, the following must be included—
  - (a) the water passing the outlet of Grahamstown Water Treatment Plant, excluding water passing the boundary meter from Hunter Water Corporation to Central Coast Council,
  - (b) water passing the boundary meter from Central Coast Council to Hunter Water Corporation,
  - (c) water taken by another major utility infrastructure nominated by Hunter Water Corporation and approved by the Minister,
  - (d) water taken from the Paterson/Allyn Rivers Water Source,

- (e) water taken from Chichester Dam in the Williams River Water Source, excluding water passing through the outlet of Grahamstown Water Treatment Plant.

**26C Assessment of compliance with long-term average annual extraction limit**

- (1) As soon as practicable after the end of a water year, the 10-year average extraction must be compared against the Hunter Water LTAAEL for the water year.
- (2) In determining the Hunter Water LTAAEL for the water year—
  - (a) the following must be subtracted from the Hunter Water LTAAEL—
    - (i) the volume of water sent to the Central Coast Council Water Authority through the Hunter pipeline link from Hunter Water Corporation,
    - (ii) the long-term average extraction under access licences held by the Hunter Water Corporation, which take from the following water sources—
      - (A) the Stockton Groundwater Source,
      - (B) the Tomago Groundwater Source,
      - (C) the Tomaree Groundwater Source, and
  - (b) the volume of water received from the Central Coast Council Water Authority through the Hunter pipeline link must be added to the amount calculated under paragraph (a).
- (3) There is noncompliance with the Hunter Water LTAAEL if the 10-year average extraction exceeds the Hunter Water LTAAEL for the water year.
- (4) In this section—  
*10-year average extraction* means the average of the annual extractions for the 10 consecutive water years most recently calculated under section 26B.

**26D Compliance with long-term average annual extraction limit**

- (1) This section applies if there is noncompliance with the Hunter Water LTAAEL.
- (2) In the water year occurring immediately after a noncompliance is assessed, the Department must consider—
  - (a) the urban water supply requirements of Hunter Water Corporation, and
  - (b) the impacts associated with an increase to the Hunter Water LTAAEL.

**Subdivision 4 Total daily extraction limits**

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

[Not applicable]

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

### 28 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
  - (a) an unregulated river (Aboriginal community development) access licence in the following water sources and management zones—
    - (i) the Kewell Creek and Gundy Management Zone of the Pages River Water Source,
    - (ii) the Lower Goulburn River Water Source,
    - (iii) the Lower Wollombi Water Source,
    - (iv) the Rouchel Brook Water Source,
    - (v) the Upper Dart Brook Management Zone of the Dart Brook Water Source,
    - (vi) the Upper Goulburn River Water Source,
    - (vii) the Upper Hunter River Water Source,
  - (b) a major utility (urban water) access licence,
  - (c) an aquifer (Aboriginal community development) access licence in the following water sources—
    - (i) the Hunter Coastal Floodplain Alluvial Groundwater Source,
    - (ii) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source.

**Note—**A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).
- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
  - (a) the share component of the licence is no more than 10ML/year, and
  - (b) 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
  - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (4) An application for an unregulated river (Aboriginal community development) access licence may be made—
  - (a) to take water only if flows are in the B Class or C Class, and
  - (b) if the total share component of all unregulated river (Aboriginal community development) access licences is no more than the following—

- (i) for the Pages River Water Source—174 unit shares,
  - (ii) for the Lower Goulburn River Water Source—500 unit shares,
  - (iii) for the Lower Wollombi Brook Water Source—210 unit shares,
  - (iv) for the Rouchel Brook Water Source—198 unit shares,
  - (v) for the Dart Brook Water Source—210 unit shares,
  - (vi) for the Upper Goulburn River Water Source—234 unit shares,
  - (vii) for the Upper Hunter River Water Source—500 unit shares.
- (5) An application for a specific purpose access licence in the Hunter Regulated River Alluvial Water Source must not be made, other than as a result of an access licence dealing.
- (6) An application for an aquifer (Aboriginal community development) access licence must not be made unless the sum of the share components of all aquifer (Aboriginal community development) access licences in the water source does not exceed 500ML/year.
- (7) In this section—  
*Aboriginal person* has the same meaning as in the *Aboriginal Land Rights Act 1983*.

## **29 Management of access licences**

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

## **Part 6 Operation of water allocation accounts and managing access licences**

### **Division 1 Preliminary**

#### **30 Operation of Part—the Act, s 8**

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

- (a) sets out environmental water rules, and
- (b) in Divisions 2–5—commits water as planned environmental water by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met, and
- (c) in Divisions 3–5—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

### **Division 2 Accounting for water allocation accounts—the Act, s 21(c)**

#### **31 Water allocation account debiting**

- (1) The Minister must debit from the water allocation account of an access licence the volume of water extracted by a water supply work nominated by the access licence.
- (2) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum—
  - (a) for an access licence in the following water sources and management zones—during a water year—
    - (i) the Appletree Flat Management Zone of the Jerrys Water Source,
    - (ii) the Baerami Creek Water Source,
    - (iii) the Bow River Water Source,
    - (iv) the Bylong River Water Source,
    - (v) the Doyles Creek Water Source,
    - (vi) the Halls Creek Water Source,
    - (vii) the Hunter Coastal Floodplain Alluvial Groundwater Source,
    - (viii) the Krui River Water Source,
    - (ix) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
    - (x) the Lower Goulburn River Water Source,
    - (xi) the Lower Middle Brook and Kingdon Ponds Management Zone of the Dart Brook Water Source,
    - (xii) the Lower Wollombi Brook Water Source,
    - (xiii) the Martindale Creek Water Source,
    - (xiv) the Merriwa River Water Source,
    - (xv) the Munmurra River Water Source,
    - (xvi) the Segenhoe Management Zone of the Pages River Water Source,
    - (xvii) the tidal pool water sources,
    - (xviii) the Upper Goulburn River Water Source,
    - (xix) the Upper Middle Brook and Lower Dart Brook Management Zones of the Dart Brook Water Source,
    - (xx) the Widden Brook Water Source,

- (xxi) the Wollar Creek Water Source,
  - (xxii) the Wybong Creek Water Source, or
  - (b) otherwise—during a period of 3 consecutive water years.
- (3) In this section—
- debited** means taken, assigned under the Act, section 71T or otherwise debited or withdrawn from a water allocation account.
- relevant sum** means the sum of the following—
- (a) the water allocations credited to the water allocation account from available water determinations,
  - (b) the amount of water allocations assigned to the water allocation account under the Act, section 71T,
  - (c) the water allocations recredited to the water allocation account under the Act, section 76.

### 32 Carryover of water remaining in water allocation account

- (1) Water allocations remaining in the water allocation account must be carried over from one water year to the next water year up to an amount equal to the following—
- (a) for an access licence in the Hunter Regulated River Alluvial Water Source—
    - (i) for access licences with share components expressed as ML/year—10% of the share component, and
    - (ii) for access licences with share components expressed as a number of unit shares—0.1ML/unit share,
  - (b) otherwise—
    - (i) for access licences with share components expressed as ML/year—100% of the share component, and
    - (ii) for access licences with share components expressed as a number of unit shares—1ML/unit share.
- (2) Subsection (1) does not apply to an access licence in the following water sources or management zones—
- (a) the Appletree Flat Management Zone of the Jerrys Water Source,
  - (b) the Baerami Creek Water Source,
  - (c) the Bow River Water Source,
  - (d) the Bylong River Water Source,
  - (e) the Doyles Creek Water Source,
  - (f) the Halls Creek Water Source,
  - (g) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (h) the Krui River Water Source,
  - (i) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (j) the Lower Goulburn River Water Source,
  - (k) the Lower Middle Brook and Kingdon Ponds Management Zone of the Dart Brook Water Source,
  - (l) the Lower Wollombi Brook Water Source,
  - (m) the Martindale Creek Water Source,
  - (n) the Merriwa River Water Source,
  - (o) the Munmurra River Water Source,

- (p) the Segenhoe Management Zone of the Pages River Water Source,
- (q) the tidal pool water sources,
- (r) the Upper Goulburn River Water Source,
- (s) the Upper Middle Brook and Lower Dart Brook Management Zones of the Dart Brook Water Source,
- (t) the Widden Brook Water Source,
- (u) the Wollar Creek Water Source,
- (v) the Wybong Creek Water Source.

### **Division 3 Flow classes**

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

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, the flow class applies to a water source or management zone when the water source or management zone flow meets the flow specified under the flow class threshold for the water source or management zone as measured or observed at the flow reference point specified.
- (3) In this section, *flow* includes the following—
  - (a) a water flow,
  - (b) a surface water level,
  - (c) a groundwater level.

#### **34 Minister may determine flow classes in certain circumstances**

- (1) If the Minister is satisfied that accurate flow data is not available from a gauge used to determine a flow class, the Minister may determine the flow class.
- (2) If the Minister determines a flow class, the Minister must cause a notice to be published on the Department's website specifying the following—
  - (a) the flow class and flow class threshold determined by the Minister,
  - (b) the water source and management zone, if any, to which the flow class applies,
  - (c) the day to which the flow class applies.
- (3) In determining the flow class, the Minister may consider the following—
  - (a) evidence of past and current flows,
  - (b) readings at other functioning upstream and downstream gauges.
- (4) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

### **Division 4 Access rules for take of surface water—the Act, s 21(a)**

#### **35 General**

- (1) Surface water must not be taken if there is no visible flow at the location from which the water is taken, except from the following locations—
  - (a) an in-river pool, or
  - (b) an off-river pool, or
  - (c) an in-river dam pool.

- (2) Surface water must not be taken—
  - (a) from an in-river pool that is below full capacity, or
  - (b) from an off-river pool that is below full capacity, or
  - (c) 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.

### 36 Specific access rules

- (1) Surface water must not be taken if flows are in the Very Low Flow Class.
- (2) Surface water must not be taken under the following access licences if flows are in the Very Low Flow Class, the Low Flow Class or the A Class—
  - (a) an unregulated river (Aboriginal community development) access licence,
  - (b) a major utility access licence that takes from the Seaham Weir Management Zone in the Williams River Water Source,
- (3) Subject to subsection (4), surface water must not be taken under a major utility access licence in the Paterson/Allyn Rivers Water Source unless flows are in the A2 Class.
- (4) Surface water may be taken from the Paterson/Allyn Rivers Water Source under a major utility access licence when—
  - (a) flows are in the Very Low Flow Class or A1 Class, and
  - (b) a blue green algae outbreak at the Gresford Water Treatment Plant offtake is preventing water in the Paterson Regulated River from being treated to a potable standard.
- (5) Surface water must not be taken under a higher flow extraction licence (other than an unregulated river (Aboriginal community development) access licence) when flows are in the Very Low Flow Class, Low Flow Class, A Class or B Class.
- (6) Surface water must not be taken under an unregulated river access licence in the Williams River Management Zone or the Upper Williams Management Zone if flows are in—
  - (a) the Very Low Flow Class, or
  - (b) the Low Flow Class.
- (7) Subsection (6)(b) does not apply to an access licence holder accredited under DPI Agriculture's Williams River Low Flow Accreditation Scheme.  
**Note—** Access licence holders may be accredited under DPI Agriculture's Williams River Low Flow Accreditation Scheme by implementing and maintaining certain water quality protection measures.
- (8) Surface water must not be taken under the following access licences with a share component that specifies a water source for which a B Class Flow Class has not been established under section 34 unless flows exceed a flow class or level determined by the Minister—
  - (a) a local water utility access licence granted on or after 1 August 2009,
  - (b) a major water utility access licence granted on or after 1 August 2009 that does not replace a local water utility access licence.
- (9) Surface water must not be taken under the following access licences with a share component that specifies a water source for which a B Class Flow Class has been established under this Plan if flows are in the Very Low Flow Class or A Class—
  - (a) a local water utility access licence granted on or after 1 August 2009,
  - (b) a major water utility access licence granted on or after 1 August 2009 that does not replace a local water utility access licence.



- (10) Subsection (1) does not apply to the following water sources—
  - (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,
  - (c) the Lower Wollombi Brook Water Source,
  - (d) the Martindale Creek Water Source,
  - (e) the Segenhoe Management Zone of the Pages River Water Source,
  - (f) the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (g) the Widden Brook Water Source.
- (11) Subsection (10) is repealed on 30 June 2026.
- (12) Surface water must not be taken under an access licence or works approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3 when flows are at or less than the flows specified in a cease-to-take condition.

### **37 Exceptions**

- (1) Section 35(2)(b) does not apply to the take of surface water from an off-river pool subject to a cease-to-take condition that permits the taking of water when the off-river pool is below full capacity.
- (2) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
  - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
    - (i) fruit and vegetable washing,
    - (ii) cleaning of dairy plant and equipment for hygiene purposes,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
  - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,
  - (c) from a runoff harvesting dam,
  - (d) under an access licence specified in Schedule 2, Table B until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs,
  - (e) under a major utility access licence that takes from the Seaham Weir Management Zone in the Williams River Water Source when—
    - (i) flows in the Williams River at the Glen Martin (Mill Dam Falls) gauge (210010) are greater than 600ML/day, and
    - (ii) the water level in the Seaham Weir Pool in the Williams River Water Source, as measured at the visual gauge board, is greater than 0.32m pool height.
- (3) An access rule specified in section 35 or 36 does not apply to the take of surface water under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
  - (a) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
  - (b) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned.

- (4) Section 36 does not apply to the take of surface water from an off-river pool in a water source or management zone to which that section applies.
- (5) Section 36(1) and (6) do not apply to the take of surface water from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.
- (6) Section 35(1) does not apply to the following—
  - (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,
  - (c) the Glennies Water Source,
  - (d) the Halls Creek Water Source,
  - (e) the Lower Goulburn River Water Source,
  - (f) the Lower Dart Brook Management Zone, the Lower Middle Brook and Kingdon Ponds Management Zone and the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (g) the Lower Wollombi Brook Water Source,
  - (h) the Martindale Creek Water Source,
  - (i) the Segenhoe Management Zone of the Pages River Water Source,
  - (j) the Widden Brook Water Source,
  - (k) the Wybong Creek Water Source.
- (7) Section 35 (2)(a) does not apply to an in-river pool in the following water sources and management zones—
  - (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,
  - (c) the Halls Creek Water Source,
  - (d) the Lower Dart Brook Management Zone of the Dart Brook Water Source,
  - (e) the Lower Goulburn River Water Source,
  - (f) the Lower Middle Brook and Kingdon Ponds Management Zone,
  - (g) the Lower Wollombi Brook Water Source,
  - (h) the Martindale Creek Water Source,
  - (i) the Segenhoe Management Zone of the Pages River Water Source,
  - (j) the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (k) the Widden Brook Water Source,
  - (l) the Wybong Creek Water Source.

## **Division 5 Access rules for taking groundwater—the Act, s 21(a)**

### **38 General**

- (1) Groundwater must not be taken in the following circumstances—
  - (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater,
  - (b) if the location closest to the water supply work is an in-river pool that is below full capacity,
  - (c) if flows in the water source are in the Very Low Flow Class.
- (2) Subsection (1) does not apply to the following—
  - (a) an access licence that nominates a water supply work that is not located within 40m of the high bank of a river in the following water sources and

management zones, unless the water is taken under an aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence—

- (i) the Black Creek Water Source,
  - (ii) the Dora Creek Water Source,
  - (iii) the Glendon Brook Water Source,
  - (iv) the Glennies Water Source,
  - (v) the Isis River Water Source,
  - (vi) the Jerrys Management Zone of the Jerrys Water Source,
  - (vii) the Luskintyre Water Source,
  - (viii) the Muswellbrook Water Source,
  - (ix) the Newcastle Water Source,
  - (x) the North Lake Macquarie Water Source,
  - (xi) the Paterson/Allyn Rivers Water Source,
  - (xii) the Petwyn Vale Management Zone of the Dart Brook Water Source,
  - (xiii) the Rouchel Brook Water Source,
  - (xiv) the Singleton Water Source,
  - (xv) the South Lake Macquarie Water Source,
  - (xvi) the Upper Dart Brook Management Zone of the Dart Brook Water Source,
  - (xvii) the Upper Hunter River Water Source,
  - (xviii) the Upper Paterson Water Source,
  - (xix) the Wallis Creek Water Source,
  - (xx) the Williams River Water Source,
- (b) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (c) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (d) the Hunter Regulated River Alluvial Water Source,
  - (e) a water supply work nominated by a local water utility access licence if the work is more than 40m from the high bank of a river.
- (3) Subsection (1)(a) does not apply to the following water sources—
- (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,
  - (c) the Glennies Water Source,
  - (d) the Halls Creek Water Source,
  - (e) the Lower Goulburn River Water Source,
  - (f) the Lower Dart Brook Management Zone, the Lower Middle Brook and Kingdon Ponds Management Zone and the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (g) the Lower Wollombi Brook Water Source,
  - (h) the Martindale Creek Water Source,
  - (i) the Segenhoe Management Zone of the Pages River Water Source,
  - (j) the Widden Brook Water Source.
  - (k) the Wybong Creek Water Source.
- (4) Subsection (1)(b) does not apply to the following water sources—
- (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,

- (c) the Halls Creek Water Source,
  - (d) the Lower Dart Brook Management Zone, the Lower Middle Brook and Kingdon Ponds Management Zone and the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (e) the Lower Goulburn River Water Source,
  - (f) the Lower Wollombi Brook Water Source,
  - (g) the Martindale Creek Water Source,
  - (h) the Segenhoe Management Zone of the Pages River Water Source,
  - (i) the Widden Brook Water Source.
  - (j) the Wybong Creek Water Source.
- (5) Subsection (1)(c) does not apply to the following water sources—
- (a) the Baerami Creek Water Source,
  - (b) the Bylong River Water Source,
  - (c) the Lower Wollombi Brook Water Source,
  - (d) the Martindale Creek Water Source,
  - (e) the Segenhoe Management Zone of the Pages River Water Source,
  - (f) the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (g) the Widden Brook Water Source.
- (6) Subsection (5) is repealed on 30 June 2026.

### **39 Specific access rules**

[Not applicable]

### **40 Exceptions**

- (1) Section 38 does not apply to the take of groundwater in the following circumstances—
- (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
    - (i) fruit and vegetable washing,
    - (ii) cleaning of dairy plant and equipment for hygiene purposes,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
  - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
  - (c) under an access licence specified in Schedule 2, Table B until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs.
- (2) An access rule specified in section 38 does not apply to the take of groundwater under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
- (a) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
  - (b) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned.

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

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

### **Division 1 Preliminary**

#### **41 Application of Part**

- (1) Division 2 applies to a water supply work used to take surface water.
- (2) Division 3 applies to a water supply work used to take groundwater.
- (3) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.

### **Division 2 Water supply works taking surface water**

#### **42 In-river dams**

An in-river dam on a third order or higher stream must not be constructed within the following water sources—

- (a) Dora Creek Water Source,
- (b) Glennies Water Source,
- (c) Lower Wollombi Brook Water Source,
- (d) Merriwa River Water Source,
- (e) Munmurra River Water Source,
- (f) Newcastle Water Source,
- (g) Paterson/Allyn Rivers Water Source,
- (h) Rouchel Brook Water Source,
- (i) South Lake Macquarie Water Source,
- (j) the tidal pool water sources,
- (k) Upper Goulburn River Water Source,
- (l) Upper Hunter River Water Source,
- (m) Upper Paterson Water Source,
- (n) Upper Wollombi Brook Water Source,
- (o) Wallis Creek Water Source,
- (p) Widden Brook Water Source,
- (q) Williams River Water Source.

#### **43 Wetlands**

A water supply work must not be constructed on land within the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—

- (a) within 3km upstream of, or within, a declared Ramsar wetland,
- (b) within 200m upstream of, or within, coastal wetlands.

### Division 3 Water supply works taking groundwater

#### 44 Replacement groundwater work

- (1) In this Division, **replacement groundwater work** means a water supply work that—
- (a) replaces a water supply work authorised by a water supply work approval (the **replaced water supply work**), and
  - (b) is constructed to extract water—
    - (i) from the same water source or management zone as the replaced water supply work, and
    - (ii) from the same depth as the replaced water supply work, and
  - (c) is located—
    - (i) within 20m of the replaced water supply work, and
    - (ii) if the replaced water supply work is located within 40m of the top of the high bank of a river—at the same or a further distance from the top of the high bank of the river, and
    - (iii) if the replaced water supply work is located within 200m of the top of the high bank of a river in the Hunter Regulated River Alluvial Water Source—at the same or a further distance from the top of the high bank of the river, and
  - (d) has an internal diameter or excavation footprint the same as or less than the replaced water supply work unless—
    - (i) if the replaced water supply work is no longer manufactured—the internal diameter of the water supply work will not exceed 120% of the internal diameter of the replaced water supply work, or
    - (ii) if the internal diameter of the replaced water supply work is less than 100mm—the internal diameter of the water supply work will not exceed 100mm.
- (2) A water supply work that does not meet the requirements in subsection (1)(b)(ii) or (c)(i) is taken to be a replacement groundwater work if, in the Minister’s opinion, the water supply work is not likely to—
- (a) result in a greater adverse impact than the replaced water supply work on the following—
    - (i) a water source,
    - (ii) a high priority groundwater-dependent ecosystem,
    - (iii) public health and safety,
    - (iv) a groundwater-dependent culturally significant area, and
  - (b) adversely affect the ability of another person to take water using an existing water supply work.

- (3) In this section—
- excavation footprint** means the authorised dimensions of an unlined excavation constructed for the purposes of water supply only.
- internal diameter** means the diameter of the inside of the casing of a water bore.

#### 45 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 200m 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) 200m 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) 100m 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 written consent,
  - (d) 500m 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 licence has provided written consent,
  - (e) 100m of a Government monitoring or observation bore.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
  - (d) the location of the water supply work at a lesser distance than that specified in subsection (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.

#### 46 Contamination sources

- (1) A water supply work must not be constructed on land within the following areas—
- (a) within 500m of a contamination source,
  - (b) within 250m of the edge of a plume associated with a contamination source,
  - (c) between 250m and 500m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250m of the plume.
- (2) Subsection (1) does not apply if, in the Minister’s opinion—
- (a) the location of the water supply work is adequate to protect the water source, the environment and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work must not be constructed on land within 250m of an on-site sewage disposal system unless the water supply work is—
- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20m from the ground surface, and
  - (b) 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 reduce the depth requirement in subsection (3)(a) if—
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this section—  
**contamination source** means a contamination source specified in Schedule 4.

#### **47 Groundwater-dependent ecosystems**

- (1) A water supply work must not be constructed on land within the following areas—
  - (a) for a water supply work located in a water source other than the Hunter Regulated River Alluvial Water Source—40m of the top of the high bank of a river,
  - (b) 200m of a high priority groundwater-dependent ecosystem,
  - (c) 200m of a wetland,
  - (d) 500m of a karst,
  - (e) the bed of a third order or higher stream or perennial stream,
  - (f) 40m of—
    - (i) a first, second or third order stream upstream of Kerrabee Creek in the Lower Goulburn River Water Source or the Upper Goulburn River Water Source, or
    - (ii) a first or second order stream in the Hunter Regulated River Alluvial Water Source,
  - (g) for a water supply work located in the Hunter Regulated River Alluvial Water Source—200m of the top of the high bank of—
    - (i) the Hunter Regulated River Water Source, or
    - (ii) a third order or higher stream, or
    - (iii) a lagoon.
- (2) Subsection (1) does not apply if—
  - (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) Subsection (1)(b) does not apply if, in the Minister’s opinion—
  - (a) there is not a high probability of groundwater dependence for the ecosystem concerned, or
  - (b) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem concerned.
- (4) Subsection (1)(a), (c), (d), (e) and (g) do not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the wetland, karst or area concerned.
- (5) Subsection (1)(f) does not apply if the Minister is satisfied—
  - (a) the water supply work will be drilled into the underlying parent material of the Cenozoic sediments and the slotted intervals of the work will commence deeper than 30m, or
  - (b) the bore will have no more than minimal impact on base flows in the stream.

#### **48 Potential acid sulfate soils**

- (1) A water supply work must not be constructed on land within an area classed as having a high probability of occurrence of acid sulfate soils on the Acid Sulfate Soil Risk Map.
- (2) Subsection (1) does not apply if there is not likely to be a significant risk of acidification of the water sources as a result of the construction and location of the water supply work.



- (3) In this section—

***Acid Sulfate Soil Risk Map*** means an Acid Sulfate Soil Risk Map authorised by the Department and published on the Department’s website.

***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.

#### 49 Groundwater-dependent culturally significant areas

- (1) A water supply work must not be constructed on land within 200m of a groundwater-dependent culturally significant area.  
**Note—** Groundwater-dependent culturally significant areas may be identified after the commencement of this Plan.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
  - (d) the location of the water supply work at a lesser distance would result in no more than minimal harm to a groundwater-dependent culturally significant area.

#### 50 Water supply works used only for basic landholder rights

- (1) A water supply work used only for basic landholder rights must not be constructed on land within the following areas—
- (a) 100m of a Government monitoring or observation bore,
  - (b) 40m of the top of the high bank of a river,
  - (c) 100m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion—
    - (i) there is not a high probability of groundwater dependence for the relevant ecosystem, or
    - (ii) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem,
  - (d) 100m of a groundwater-dependent culturally significant area unless, in the Minister’s opinion, the water supply work is likely to cause no more than minimal harm to the groundwater-dependent culturally significant area,
  - (e) 100m of a wetland,
  - (f) 500m of a karst,
  - (g) the bed of a third order or higher stream or perennial stream,
  - (h) 40m of—
    - (i) a first, second or third order stream upstream of Kerrabee Creek in the Lower Goulburn River Water Source or the Upper Goulburn River Water Source, or
    - (ii) a first or second order stream in the Hunter Regulated River Alluvial Water Source,
  - (i) 200m of a third order or higher stream or lagoon in the Hunter Regulated River Alluvial Water Source,

- (j) 200m of the top of the high bank of the Hunter Regulated River Alluvial Water Source.
- (2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.
- (3) Subsection (1)(e) and (f) do not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the wetland or karst concerned.

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

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

### 50A Definitions

(1) In this Part—

***downstream of Lower Goulburn River water source*** means the following—

- (a) the Black Creek Water Source,
- (b) the Doyles Creek Water Source,
- (c) the Glendon Brook Water Source,
- (d) the Glennies Water Source,
- (e) the Jerrys Water Source,
- (f) the Lower Wollombi Brook Water Source,
- (g) the Luskintyre Water Source,
- (h) the Muswellbrook Water Source,
- (i) the Newcastle Water Source,
- (j) the Singleton Water Source,
- (k) the tidal pool water sources,
- (l) the Upper Wollombi Brook Water Source.

***groundwater supply work*** means a water supply work that takes groundwater.

***prohibited water source*** means the following—

- (a) the Black Creek Water Source,
- (b) the Dora Creek Water Source,
- (c) the Glendon Brook Water Source,
- (d) the Glennies Water Source,
- (e) the Isis River Water Source,
- (f) the Jerrys Management Zone of Jerrys Water Source,
- (g) the Luskintyre Water Source,
- (h) the Muswellbrook Water Source,
- (i) the Newcastle Water Source,
- (j) the North Lake Macquarie Water Source,
- (k) the Paterson/Allyn Rivers Water Source,
- (l) the Petwyn Vale Management Zone of the Dart Brook Water Source,
- (m) the Rouchel Brook Water Source,
- (n) the Singleton Water Source,
- (o) the South Lake Macquarie Water Source,
- (p) the Upper Dart Brook Management Zone of the Dart Brook Water Source,
- (q) the Upper Hunter River Water Source,
- (r) the Upper Paterson Water Source,
- (s) the Wallis Creek Water Source,
- (t) the Williams River Water Source,
- (u) the Wybong Creek Water Source.

***upstream water source*** means the following—

- (a) the Baerami Creek Water Source,
  - (b) the Black Creek Water Source,
  - (c) the Bow River Water Source,
  - (d) the Bylong River Water Source,
  - (e) the Dart Brook Water Source,
  - (f) the Glendon Brook Water Source,
  - (g) the Halls Creek Water Source,
  - (h) the Isis River Water Source,
  - (i) the Jerrys Water Source,
  - (j) the Krui River Water Source,
  - (k) the Luskintyre Water Source,
  - (l) the Martindale Creek Water Source,
  - (m) the Muswellbrook Water Source,
  - (n) the Pages River Water Source,
  - (o) the Paterson/Allyn Rivers Water Source,
  - (p) the Rouchel Brook Water Source,
  - (q) the Singleton Water Source,
  - (r) the Wollar Creek Water Source.
- (2) In this Part, a share component sum is *not exceeded* if, as a result of an assignment or a dealing, the sum of the share components of all access licences in the following does not exceed the sum of the share components of all access licences in the water source or management zone concerned as of the date this Plan commenced—
- (a) the water source or management zone to which the rights are being assigned,
  - (b) the water source or management zone in which the licence is being granted,
  - (c) the water source or management zone in which a work is being nominated.

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

A dealing under the Act, section 71O is prohibited unless the conversion is from—

- (a) an unregulated river access licence to an aquifer access licence in the same water source, or
- (b) an aquifer access licence to an unregulated river access licence in the following water sources or management zones—
  - (i) the Appletree Flat Management Zone of Jerrys Water Source,
  - (ii) the Baerami Creek Water Source,
  - (iii) the Bow River Water Source,
  - (iv) the Bylong River Water Source,
  - (v) the Lower Dart Brook Management Zone, the Lower Middle Brook and Kingdon Ponds Management Zone and the Upper Middle Brook Management Zone of the Dart Brook Water Source,
  - (vi) the Doyles River Water Source
  - (vii) the Halls Creek Water Source,
  - (viii) the Krui River Water Source,
  - (ix) the Lower Goulburn River Water Sources,
  - (x) the Lower Wollombi Brook Water Source,

- (xi) the Martindale Creek Water Source,
  - (xii) the Merriwa River Water Source,
  - (xiii) the Munmurra River Water Source,
  - (xiv) the Segenhoe Management Zone of the Pages River Water Source,
  - (xv) the Upper Goulburn River Water Source,
  - (xvi) the Upper Wollombi Brook Water Source,
  - (xvii) the Widden Brook Water Source,
  - (xviii) the Wollar Creek Water Source,
  - (xix) the Wybong Creek Water Source, or
- (c) an unregulated river access licence to an unregulated (high flow) access licence in the Upper Hunter River Water Source or the Rouchel Brook Water Source, but only if the conversion does not result in the sum of the share component of unregulated (high flow) access licences exceeding—
- (i) for the Upper Hunter River Water Source—3,080ML/year, and
  - (ii) for the Rouchel Brook Water Source—913ML/year.

**Note—** The *Access Licence Dealing Principles Order 2004*, clause 11(3) contains restrictions relating to dealings under the Act, section 71O.

## 52 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q are prohibited—
- (a) an assignment to an access licence in a different extraction management unit,
  - (b) an assignment to or from an access licence in a water source to which this Plan does not apply,
  - (c) an assignment to or from—
    - (i) an unregulated river (high flow) access licence, or
    - (ii) an unregulated river (Aboriginal community development) access licence,
  - (d) an assignment to an access licence that nominates a water supply work located—
    - (i) in the Newcastle Water Source, and
    - (ii) upstream of a major water supply dam in the Newcastle Water Source,
  - (e) an assignment to an access licence that nominates a water supply work located—
    - (i) in the Lower Goulburn River Water Source, and
    - (ii) upstream of the Goulburn River National Park,
  - (f) an assignment from an access licence in a different water source to an access licence in the following water sources—
    - (i) the Dora Creek Water Source,
    - (ii) the Glennies Water Source,
    - (iii) the Hunter Coastal Floodplain Alluvial Groundwater Source,
    - (iv) the Hunter Regulated River Alluvial Water Source,
    - (v) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
    - (vi) the Lower Wollombi Brook Water Source,
    - (vii) the Merriwa River Water Source,
    - (viii) the Munmurra River Water Source,
    - (ix) the North Lake Macquarie Water Source,

- (x) the South Lake Macquarie Water Source,
  - (xi) the tidal pool water sources,
  - (xii) the Upper Goulburn River Water Source,
  - (xiii) the Upper Hunter River Water Source,
  - (xiv) the Upper Paterson Water Source,
  - (xv) the Upper Wollombi Brook Water Source,
  - (xvi) the Wallis Creek Water Source,
  - (xvii) the Widden Brook Water Source,
  - (xviii) the Williams River Water Source,
  - (xix) the Wybong Creek Water Source.
- (2) An assignment of rights under the Act, section 71Q from a water source or management zone specified in the table to this subsection to a water source or management zone specified opposite is prohibited unless the share component sum is not exceeded.

<b>Water source or management zone from which rights are assigned</b>	<b>Water source or management zone to which rights are assigned</b>
Glennies Creek Management Zone or Downstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source	Upstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source
A water source other than an upstream water source	An upstream water source
Downstream of the Lower Goulburn River Water Source	Lower Goulburn River Water Source

- (3) An assignment of rights under the Act, section 71Q from an access licence in a water source specified in the table to this subsection that nominates a water supply work in a location specified opposite to another access licence in the same water source that nominates a water supply work in the proposed work location specified opposite is prohibited unless the exception specified for the assignment, if any, apply.

<b>Water source</b>	<b>Current work location</b>	<b>Proposed work location</b>	<b>Exceptions</b>
Hunter Regulated River Alluvial Water Source	Further than 200m from the top of the high bank of a river	Within 200m of the top of the high bank of a river	
Hunter Regulated River Alluvial Water Source	Within 200m of the top of the high bank of a river	Closer to the top of the high bank of the river than the current work	
Hunter Regulated River Alluvial Water Source	Glennies Creek Management Zone or Downstream Glennies Creek Management Zone	Upstream Glennies Creek Management Zone	The trade does not exceed the share component sum

<b>Water source</b>	<b>Current work location</b>	<b>Proposed work location</b>	<b>Exceptions</b>
Newcastle Water Source	A stream below Grahamstown Dam	A stream above Grahamstown Dam	
Upper Paterson Water Source	A stream below Lostock Dam	A stream above Lostock Dam	
Upper Wollombi Brook Water Source	Downstream of the proposed work location	Upstream of the current work location	Access licence to which the right is assigned must take water from the same property as the access licence from which the right is assigned
Glennies Water Source	A stream below Glennies Creek Dam	A stream above Glennies Creek Dam	
Williams River Water Source	A stream below Chichester Dam	A stream above Chichester Dam	
Prohibited water sources	A location from which groundwater is taken further than 40m from the top of the high bank of a river	A location from which groundwater is taken within 40m of the top of the high bank of a river	

- (4) Despite subsections (1)–(3), an assignment of rights under the Act, section 71Q from an access licence to another access licence is permitted if the water will be taken under each licence from—
- (a) the same water supply work, or
  - (b) the same property, or
  - (c) an adjoining property owned by the same owner as the property to which the assignment relates.

### **53 Amendment of share component dealings—change of water source**

- (1) The following dealings under the Act, section 71R are prohibited—
- (a) the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
  - (b) the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies,
  - (c) the granting of an access licence that will nominate a water supply work located—
    - (i) in the Newcastle Water Source, and
    - (ii) upstream of a major water supply dam in the Newcastle Water Source,
  - (d) the granting of an access licence that will nominate a water supply work located—
    - (i) in the Lower Goulburn River Water Source, and
    - (ii) upstream of the Goulburn River National Park,

- (e) the cancellation of an access licence in a different water source to grant an access licence in the following water sources—
- (i) the Dora Creek Water Source,
  - (ii) the Glennies Water Source,
  - (iii) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (iv) the Hunter Regulated River Alluvial Water Source,
  - (v) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (vi) the Lower Goulburn River Water Source, unless the licence to which the assignment is made does not nominate a water supply work upstream of the Goulburn River National Park,
  - (vii) the Lower Wollombi Brook Water Source,
  - (viii) the Merriwa River Water Source,
  - (ix) the Munmurra River Water Source,
  - (x) the North Lake Macquarie Water Source,
  - (xi) the South Lake Macquarie Water Source,
  - (xii) the tidal pool water sources,
  - (xiii) the Upper Goulburn River Water Source,
  - (xiv) the Upper Hunter River Water Source,
  - (xv) the Upper Paterson Water Source,
  - (xvi) the Upper Wollombi Brook Water Source,
  - (xvii) the Wallis Creek Water Source,
  - (xviii) the Widden Brook Water Source,
  - (xix) the Williams River Water Source,
  - (xx) the Wybong Creek Water Source.
- (2) The cancellation of an access licence under the Act, section 71R in a water source or management zone specified in the table to this subsection to grant an access licence in a water source or management zone specified opposite is prohibited unless the share component sum is not exceeded.

<b>Water source or management zone in which licence is cancelled</b>	<b>Water source or management zone in which licence is granted</b>
A water source other than an upstream water source	An upstream water source
Downstream of the Lower Goulburn River Water Source	Lower Goulburn River Water Source

- (3) Despite subsections (1) and (2), the cancellation of an access licence (the *cancelled licence*) under the Act, section 71R in order to grant an access licence (the *new licence*) is permitted if the new licence will take water from—
- (a) the same water supply work as the cancelled licence, or
  - (b) the same property as the cancelled licence, or
  - (c) an adjoining property owned by the same owner as the property to which the cancelled licence relates.
- (4) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.



#### 54 Amendment of extraction component dealings

- (1) The following dealings under the Act, section 71S(1)(b) are prohibited—
- (a) varying an access licence with an extraction component that does not specify the Upstream Glennies Creek Management Zone to specify the Upstream Glennies Creek Management Zone, unless the share component sum is not exceeded,
  - (b) varying an access licence with a share component that specifies the Upper Wollombi Brook Water Sources, unless the dealing is—
    - (i) varying an access licence with an extraction component that specifies the Upper Congewai Creek Management Zone to specify the Mid Congewai Creek Management Zone,
    - (ii) varying an access licence with an extraction component that specifies the Upper Congewai Creek Management Zone to specify the South Arm Management Zone, but only if any works nominated by the licence are located downstream of the confluence of Congewai Creek and Wollombi Brook, or
    - (iii) varying an access licence with an extraction component that specifies the Mid Congewai Creek Management Zone to specify the South Arm Management Zone, but only if any works nominated by the licence are located downstream of the confluence of Congewai Creek and Wollombi Brook.
- (2) Despite subsection (1), a dealing under the Act, section 71S(1)(b) is permitted if the dealing is varying an access licence with an extraction component that specifies a management zone (the *original management zone*) to specify a different management zone (the *varied management zone*), where parts of both the original management zone and the varied management zone are on the same landholding.

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

#### 55 Assignment of water allocations dealings

- (1) The following assignments of water allocations under the Act, section 71T are prohibited—
- (a) an assignment to an access licence in a different extraction management unit,
  - (b) an assignment to or from an access licence in a water source to which this Plan does not apply,
  - (c) an assignment to or from—
    - (i) an unregulated river (high flow) access licence, or
    - (ii) an unregulated river (Aboriginal community development) access licence,
  - (d) an assignment to an access licence that nominates a water supply work located—
    - (i) in the Newcastle Water Source, and
    - (ii) upstream of a major water supply dam in the Newcastle Water Source,
  - (e) an assignment to an access licence that nominates a water supply work located—
    - (i) in the Lower Goulburn River Water Source, and

- (ii) upstream of the Goulburn River National Park,
- (f) an assignment from an access licence in a different water source to an access licence in the following water sources—
  - (i) the Dora Creek Water Source,
  - (ii) the Glennies Water Source,
  - (iii) the Hunter Coastal Floodplain Alluvial Groundwater Source,
  - (iv) the Hunter Regulated River Alluvial Water Source,
  - (v) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
  - (vi) the Lower Wollombi Brook Water Source,
  - (vii) the Merriwa River Water Source,
  - (viii) the Munmurra River Water Source,
  - (ix) the North Lake Macquarie Water Source,
  - (x) the South Lake Macquarie Water Source,
  - (xi) the tidal pool water sources,
  - (xii) the Upper Goulburn River Water Source,
  - (xiii) the Upper Hunter River Water Source,
  - (xiv) the Upper Paterson Water Source,
  - (xv) the Upper Wollombi Brook Water Source,
  - (xvi) the Wallis Creek Water Source,
  - (xvii) the Widden Brook Water Source,
  - (xviii) the Williams River Water Source,
  - (xix) the Wybong Creek Water Source.
- (2) An assignment of water allocations under the Act, section 71T from an access licence with a share component or extraction component that specifies a water source or management zone specified in the table to this subsection to an access licence with a share component or extraction component in a water source or management zone specified opposite is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit.

<b>Water source or management zone from which rights are assigned</b>	<b>Water source or management zone to which rights are assigned</b>
Glennies Creek Management Zone or Downstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source	Upstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source
A water source other than an upstream water source	An upstream water source
Downstream of the Lower Goulburn River Water Source	Lower Goulburn River Water Source

- (3) An assignment of water allocations under the Act, section 71T from an access licence in a water source specified in the table to this subsection that nominates a water supply work in a location specified opposite to another access licence in the same water source that nominates a water supply work in the proposed work location specified opposite is prohibited unless the exception specified for the assignment, if any, applies.

<b>Water Source</b>	<b>Current work location</b>	<b>Proposed work location</b>	<b>Exceptions</b>
Hunter Regulated River Alluvial Water Source	Further than 200m from the top of the high bank of a river	Within 200m of the top of the high bank of a river	
Hunter Regulated River Alluvial Water Source	Within 200m of the top of the high bank of a river	Closer to the top of the high bank of the river than the current work	
Hunter Regulated River Alluvial Water Source	Glennies Creek Management Zone or Downstream Glennies Creek Management Zone	Upstream Glennies Creek Management Zone	The assignment does not cause the current water allocation sum to exceed the water allocation sum limit
Newcastle Water Source	A stream below Grahamstown Dam	A stream above Grahamstown Dam	
Upper Paterson Water Source	A stream below Lostock Dam	A stream above Lostock Dam	
Upper Wollombi Brook Water Source	Downstream of the proposed work location	Upstream of the current work location	Access licence to which the allocation is assigned must take water from the same property as the access licence from which the allocation is assigned
Glennies Water Source	A stream below Glennies Creek Dam	A stream above Glennies Creek Dam	
Williams River Water Source	A stream below Chichester Dam	A stream above Chichester Dam	
Prohibited water sources	A location from which groundwater is taken further than 40m from the top of the high bank of a river	A location from which groundwater is taken within 40m of the top of the high bank of a river	

- (4) Despite subsections (1)–(3), an assignment of water allocations under the Act, section 71T from an access licence to another access licence is permitted if the water will be taken under each licence from—

- (a) the same water supply work, or
- (b) the same property, or
- (c) an adjoining property owned by the same owner as the property to which the assignment relates.

(5) In this section—

**current water allocation sum** means the sum of the water allocations credited to the water allocation accounts in the destination water source from available water determinations and dealings under the Act, section 71T, in the water year in which the assignment is to take place.

**destination water source** means the water source or management zone to which allocations are to be assigned.

**unit share sum** means the total number of unit shares of all access licences with an extraction component that nominated the destination water source as at the date this Plan commenced.

**water allocation sum limit** means the unit share sum multiplied by the available water determination made for the destination water source that applies at the time at which the assignment is to take place.

**56 Interstate access licence transfer and assignment of water allocations dealings prohibited**

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

**57 Prohibited nominations of water supply works dealings**

- (1) The following dealings under the Act, section 71W are prohibited—
  - (a) an access licence under which groundwater may be taken being amended to nominate a water supply work authorised by its approval to take surface water,
  - (b) an access licence being amended to nominate a water supply work outside of the State.
- (2) The following access licences must not be amended to nominate a water supply work in the proposed work location specified unless the exception specified opposite, if any, applies—
  - (a) an access licence in a water source specified in the table to this subsection, which nominates a water supply work in a location specified in Column 2,
  - (b) an access licence in a water source specified in the table to this subsection, which is subject to a restrictive mandatory condition.

Column 1	Column 2	Column 3	Column 4
Water Source	Current work location	Proposed work location	Exceptions
Hunter Regulated River Alluvial Water Source	Further than 200m from the top of the high bank of a river	Within 200m of the top of the high bank of a river	
Hunter Regulated River Alluvial Water Source	Within 200m of the top of the high bank of a river	Closer to the top of the high bank of the river than the current work	

Column 1	Column 2	Column 3	Column 4
Water Source	Current work location	Proposed work location	Exceptions
Hunter Regulated River Alluvial Water Source	Glennies Creek Management Zone or Downstream Glennies Creek Management Zone	Upstream Glennies Creek Management Zone	The trade does not exceed the share component sum
Lower Goulburn River Water Source	Downstream of the Goulburn River National Park	Upstream of the Goulburn River National Park	
Newcastle Water Source	A stream below Grahamstown Dam	A stream above Grahamstown Dam	
Upper Paterson Water Source	A stream below Lostock Dam	A stream above Lostock Dam	
Upper Wollombi Brook Water Source	Downstream of the proposed work location	Upstream of the current work location	Access licence to which the right is assigned must take water from the same property as the access licence from which the right is assigned
Glennies Water Source	A stream below Glennies Creek Dam	A stream above Glennies Creek Dam	
Williams River Water Source	A stream below Chichester Dam	A stream above Chichester Dam	
Prohibited water sources	A location from which groundwater is taken further than 40m from the top of the high bank of a river	A location from which groundwater is taken within 40m of the top of the high bank of a river	

- (3) Despite subsection (2), a dealing under the Act, section 71W is permitted if the dealing involves the nomination of a water supply work located—
- (a) on land on which an existing water supply work is located, or
  - (b) on other adjoining land owned by the same person.
- (4) In this section—  
*restrictive mandatory condition*—see section 59(2).

## Part 8A Rules for major utility storages—the Act, s 21(a)

### 57A Seaham Weir Management Zone

- (1) This section applies to the Seaham Weir Management Zone of the Williams River Water Source.
- (2) The minimum percentages of flow specified in the table to this subsection, as measured at the Williams River Glen Martin gauge (210010), in a 24-hour period must be released from Seaham Weir each day when the combined water storage levels of all water storages operated by Hunter Water Corporation are at the level specified opposite.

Combined water storage levels—HWC	Minimum % daily flow
Greater than 60%	30%
Greater than 40% and less than or equal to 60%	20%
Less than or equal to 40%	10%

- (3) Seaham Weir in the Williams River Water Source must be managed to ensure—
  - (a) at least 20ML/day is released, and
  - (b) at least 500ML is released after the first flush event in each 24-hour period.
- (4) In this section—

**flush event** means the time at which both of the following occur—

  - (a) a flow event of more than 500ML/day following 70 days of flows of less than 123ML/day, as measured at the Williams River Glen Martin gauge (210010),
  - (b) the water level in the Seaham Weir Pool, as measured at the visual gauge board, being more than 0.3m pool height.

### 57B Chichester Dam

- (1) This section applies to releases of water made from Chichester Dam in the Williams River Water Source.
- (2) A release at least equivalent to the lesser of the following must be made from Chichester Dam, as measured at the Chichester River at weir gauge (210150), when the combined water storage levels of all water storages operated by Hunter Water Corporation are at the level specified in the table to this subsection—
  - (a) the combined daily inflows,
  - (b) the target flow rate specified opposite the combined water storage level concerned.

Combined water storage levels—HWC	Target flow rate
Greater than 60%	20ML/day
Greater than 40% and less than or equal to 60%	14ML/day
Less than or equal to 40%	7ML/day

- (3) Subsection (2) does not apply if the Chichester Dam is spilling at a rate that is equal to or more than the release required.

- (4) The Minister may suspend or adjust the requirements in subsection (2) for the purpose of an emergency or maintenance activity that, in the Minister’s opinion, may temporarily affect the flow volume or behaviour of water for more than 24 hours.
- (5) In this section—  
*combined daily inflows* means the combined daily inflows from Chichester and Wangat Rivers, as measured at the Chichester River at Chichester gauge (210136) and the Wangat River at Wangat gauge (210137), respectively.

**57C Upper Hunter River Water Source**

- (1) This section applies to the Upper Hunter River Water Source.
- (2) All natural inflows to Oakey Creek Dam must be allowed to pass downstream to Oakey Creek.

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

### Division 1 General

#### 58 Definitions

In this Part—

**AS 4747** has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

**Logbook**, in relation to an access licence or a water supply work approval, means a written record kept in hard copy or electronic form.

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

**operational meter** means an operational meter that complies with AS 4747.

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

### Division 2 Access licences

#### 59 General conditions

- (1) Each access licence must be subject to the following mandatory conditions—
  - (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 31,
  - (b) the relevant access rules for the taking of water specified in Part 6, Divisions 4 and 5,
  - (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department’s website,
  - (d) other conditions required to implement the provisions of this Plan.
- (2) Where an access licence in a water source specified in the table to this subsection is cancelled under the Act, section 71R and nominated a water supply work in the location specified opposite, the new access licence granted must be subject to a **restrictive mandatory condition** that water must not be taken under the licence from the restricted location specified.

Water Source	Cancelled location	Restricted location
Hunter Regulated River Alluvial Water Source	Further than 200m from the top of the high bank of a river	Within 200m of the top of the high bank of a river
Hunter Regulated River Alluvial Water Source	Within 200m of the top of the high bank of a river	Closer to the top of the high bank of the river than the current work
Hunter Regulated River Alluvial Water Source	Downstream of, or within, Glennies Creek Management Zone	Upstream Glennies Creek Management Zone
Newcastle Water Source	A stream below Grahamstown Dam	A stream above Grahamstown Dam



<b>Water Source</b>	<b>Cancelled location</b>	<b>Restricted location</b>
Upper Paterson Water Source	A stream below Lostock Dam	A stream above Lostock Dam
Upper Wollombi Brook Water Source	Downstream of the proposed work location	Upstream of the current work location
Glennies Water Source	A stream below Glennies Creek Dam	A stream above Glennies Creek Dam
Williams River Water Source	A stream below Chichester Dam	A stream above Chichester Dam
Prohibited water sources	A location from which groundwater is taken further than 40m from the top of the high bank of a river	A location from which groundwater is taken within 40m of the top of the high bank of a river

## **60 Record-keeping conditions**

- (1) Before water is taken under an access licence, the licence holder must—
  - (a) confirm a cease-to-take condition does not apply, and
  - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.
- (2) Each access licence must have mandatory conditions to give effect to the following—
  - (a) (repealed)
  - (b) the licence holder must keep the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (3) Subsections (1)(b) and (2)(a) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

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

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

### **61 General conditions**

- (1) Each water supply work approval must be subject to the following mandatory conditions—
  - (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department’s website,
  - (b) other conditions 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.

### **62 Record-keeping conditions**

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water, the approval holder must—
  - (a) confirm a cease-to-take condition does not apply, and
  - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.

- (3) The approval holder must—
  - (a) (repealed)
  - (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.
- (4) (repealed)
- (5) Subsections (2), (3)(a) and (4) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.  
**Note**— See the *Water Management (General) Regulation 2018*, clause 230(1).

### 63 Metering conditions

(repealed)

## Division 4 Water supply work approvals for groundwater

### 64 Application of Division

This Division sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.

### 65 Water supply work construction conditions

- (1) The holder of a water supply work approval (the **approval holder**) must ensure the water supply work to which the approval relates is constructed to ensure the following—
  - (a) the water supply work must be constructed in the location authorised in the approval,
  - (b) water must 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 must be sealed off from all other water sources,
  - (d) construction of a water bore must comply with the construction standards for the type of bore, as prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
  - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
  - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed to monitor or remediate contaminated water, the approval holder must—
  - (a) within 48 hours of becoming aware of the contaminated water, give the Minister written notice, and
  - (b) take all reasonable steps to minimise contamination and environmental harm, and
  - (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
  - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
  - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—

- (a) within 60 days of completion of the construction of the water supply work, or
  - (b) 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.
- (4) The approval holder must ensure—
- (a) the construction of the water supply work is completed within 3 years of the approval being granted (the *relevant period*), and
  - (b) the water supply work is not used unless construction is completed within the relevant period.
- (5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.
- (6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 44(1)(b)–(d).
- Note—** For the definition of *replacement groundwater work*—see section 44.

#### **66 Water quality condition**

The approval holder must, if directed by the Minister by written notice, provide a report in the form specified in the notice detailing the quality of water obtained using the water supply work within the time frame, if any, specified in the notice.

#### **67 Water bore decommissioning condition**

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

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

### 68 Amendments

- (1) This Plan may be amended as follows—
  - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
  - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
  - (b1) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
  - (c) 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—to modify Part 4, Division 1 to establish rules to improve salinity management in the tidal pool water sources by 2024 after considering the following—
    - (i) independent expert advice on the adequacy of different mechanisms to manage salinity,
    - (ii) the needs of the environment, persons entitled to basic landholder rights and holders of domestic and stock access licences and local water utility access licences,
    - (iii) the impact of different mechanisms on holders of unregulated river access licences and the long-term average annual amount of water available to be extracted,
    - (iv) the views of stakeholders and other community members on the independent expert advice,
  - (d) 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—
    - (i) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow,
    - (ii) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
  - (e) if the amendments will not substantially change a long-term average annual extraction limit—to add provisions relating to the following—
    - (i) total daily extraction limits,
    - (ii) individual daily extraction components,
  - (f) to modify the access rules applying to Hunter Water Corporation or the Hunter Water LTAAEL following the construction of a pipeline between Lostock Dam and Glennies Creek Dam,
  - (g) to add or modify rules for Seaham Weir in response to changes in sea level by amending section 57A,
  - (h) to add or modify provisions relating to the following—
    - (i) the management of waters in coastal sands,
    - (ii) managed aquifer recharge,
    - (iii) the interception of water before it reaches a stream or aquifer by plantations or other means,
    - (iv) the management of aquifer interference activities, including the granting of aquifer interference approvals,
    - (v) the protection of groundwater-dependent culturally significant areas,
    - (vi) stormwater harvesting,

- (i) to protect water-dependent Aboriginal cultural assets, including as follows—
    - (i) by identifying water-dependent Aboriginal cultural assets,
    - (ii) by establishing new flow classes or access rules,
    - (iii) by restricting the construction and use of water supply works,
    - (iv) by establishing new access licence dealing rules,
  - (j) if, within 3 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted under the 2006 Harvestable Rights Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,
  - (k) to add, modify or remove a definition,
  - (l) to add or remove a contamination source by amending Schedule 4,
  - (m) to add or remove an access licence by amending Schedule 2 or 3,
  - (n) to make amendments consequential on an amendment to the Act or regulations made under the Act.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment referred to in subsection (1).

## Schedule 1 Flow classes

section 33

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Baerami Creek		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—equal to or more than 6.82m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 6.41m below the measuring point	Groundwater Monitoring Bore at Baerami House Baerami Road, Baerami  (GW040962)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 6.82m below the measuring point, and (b) if groundwater levels are rising—less than 6.41m below the measuring point	
Black Creek		Very Low Flow Class	Less than or equal to 1ML/day	Black Creek at Rothbury gauge (210089)
Bylong River		A Class	More than 1ML/day	Groundwater monitoring bore at Sylvania Park Wollar Road, Bylong (GW271002)
		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—equal to or more than 6.83m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 6.31m below the measuring point	
		A Class	Water depth is— (a) if groundwater levels are falling—less than 6.83m below the measuring point, and (b) if groundwater levels are rising—less than 6.31m below the measuring point	

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]  
 Schedule 1 Flow classes

<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>			
Dart Brook	Upper Dart Brook	Very Low Flow Class	Less than or equal to 1ML/day	Dart Brook at Yarrandi Bridge gauge (210124)			
		A Class	More than 1ML/day and less than or equal to 35ML/day				
		B Class	More than 35ML/day				
	Upper Middle Brook	Very		Water depth is—	Henderson		
			Low Flow Class	(a) if groundwater levels are falling—equal to or more than 3.74m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 3.45m below the measuring point		Middlebrook Road, Scone (GW271019)	
		A Class	Water depth is— (a) if groundwater levels are falling—less than 3.74m below the measuring point, and (b) if groundwater levels are rising—less than 3.45m below the measuring point				
		Lower Middle Brook and Kingdon Ponds	Very Low Flow Class		Water depth is— (a) if groundwater levels are falling—equal to or more than 4.66m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 4.25m below the measuring point		Groundwater monitoring bore at Turanville, Scone (GW080074)
				A Class	Water depth is— (a) if groundwater levels are falling—less than 4.66m below the measuring point, and (b) if groundwater levels are rising—less than 4.25m below the measuring point		
		Lower Dart Brook	Very Low Flow Class		Water depth is— (a) if groundwater levels are falling—equal to or more than 10.13m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 9.71m below the measuring point	Groundwater monitoring bore at Rockview Station, Scone (GW080433)	
	A Class			Water depth is— (a) if groundwater levels are falling—less than 10.13m below the measuring point, and (b) if groundwater levels are rising—less than 9.71m below the measuring point			

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Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Glennies		Very Low Flow Class	No visible flow	The causeway on Goorangoola Road, 700m upstream from Mount Pleasant School
		A Class	Visible flow	
Halls Creek		Very Low Flow Class	No visible flow	Halls Creek at upstream Giants Creek (210146)
		A Class	Visible flow	
Isis River	Upper Isis River	Very Low Flow Class	Less than or equal to 3ML/day	Isis River at Lower Timor gauge (210070)
	Lower Isis River	Very Low Flow Class	No visible flow	Isis River at Stick-Me-Up Bridge gauge (210118)
Lower Goulburn River		A Class	Visible flow	Groundwater monitoring bore at Constable Yarrawa (GW273104)
		Very Low Flow Class	Water depth is—	
Upper Goulburn River		Low Flow Class	(a) if groundwater levels are falling—equal to or more than 13.23m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 13.04m below the measuring point	Goulburn River at Sandy Hollow gauge (210031)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 13.23m below the measuring point, and (b) if groundwater levels are rising—less than 13.04m below the measuring point	
		B Class	More than 93ML/day	
		Very Low Flow Class	Less than or equal to 2ML/day	
Upper Goulburn River		A Class	More than 2ML/day and less than or equal to 39ML/day	Goulburn River at Coggan gauge (210006)
		B Class	More than 39ML/day	



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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>		
Lower Wollombi Brook		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—equal to or more than 8.81m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 8.61m below the measuring point	Groundwater monitoring bore at Warkworth (GW079060)		
		A Class	Water depth is— (a) if groundwater levels are falling—less than 8.81m below the measuring point, and (b) if groundwater levels are rising—less than 8.61m below the measuring point			
		B Class	More than 35ML/day	Wollombi Brook at Warkworth gauge (210004)		
		Upper Wollombi Brook	Upper Congewai Creek	Very Low Flow Class	No visible flow	In Congewai Creek under the Congewai Road Bridge
				A Class	Visible flow	adjacent to Lot 2, DP 347691, known as Cameron's corner
				Mid Congewai Creek	Very Low Flow Class	No visible flow
South Arm	Very Low Flow Class	A Class	Visible flow			
		A Class	Visible flow	Wollombi Creek at Gleghorns Bridge, south of Wollombi at 151.139E and 32.946S		

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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
Martindale Creek		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—equal to or more than 7.17m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 6.91m below the measuring point	Groundwater monitoring bore 1063 Martindale Road, Martindale (GW271032)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 7.17m below the measuring point, and (b) if groundwater levels are rising—less than 6.91m below the measuring point	
Merriwa River		Very Low Flow Class	Less than or equal to 1ML/day	Merriwa River at upstream Vallances Creek (210066)
		A Class	More than 1ML/day	
Pages River	Murrurundi and Scotts Creek	Very Low Flow Class	Less than or equal to 1ML/day	Pages River at Blandford gauge (210061)
		A Class	More than 1ML/day	
	Kewell Creek and Gundy	Very Low Flow Class	Less than or equal to 1ML/day	Pages River at Gundy gauge (210052)
		A Class	More than 1ML/day and less than or equal to 29ML/day	
Segenhoe		B Class	More than 29ML/day	Groundwater monitoring bore Pages River Segenhoe (GW271021)
		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—equal to or more than 8.59m below the measuring point, and (b) if groundwater levels are rising—equal to or more than 8.39m below the measuring point	
		A Class	Water depth is— (a) if groundwater levels are falling—less than 8.59m below the measuring point, and (b) if groundwater levels are rising—less than 8.39m below the measuring point	

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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
Paterson/Allyn Rivers		Very Low Flow Class	Less than or equal to 1ML/day	Allyn River at Flying Fox Lane gauge (210143)
		A Class	More than 1ML/day	
		A2 Class	More than 25ML/day at Halton gauge (210022) and more than 1ML/day at Flying Fox Lane gauge (210143)	Allyn River at Flying Fox Lane gauge (210143) and Halton gauge (210022)
Rouchel Brook		Very Low Flow Class	During October to March inclusive— Less than or equal to 2ML/day on a falling river; must not commence pumping unless flows are greater than 10ML/day on a rising river	Rouchel Brook at The Vale gauge (210014)
			During April to September inclusive— Less than or equal to 1ML/day on a falling river; must not commence pumping unless flows are greater than 10ML/day on a rising river	
		A Class	More than 10ML/day or on a rising river and less than or equal to 35ML/day	
		B Class	More than 35ML/day and less than or equal to 83ML/day	
		C Class	More than 83ML/day	

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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
Upper Hunter River	Upper Hunter	Very Low Flow Class	Less than or equal to— (a) 10 ML/day at Moonan Dam gauge (210018), or (b) 1 ML/day at Belltrees gauge (210039)	Hunter River at Moonan Dam gauge (210018) and Belltrees gauge (210039)
		A Class	More than— (a) 10 ML/day at Moonan Dam gauge (210018), and (b) 1 ML/day at Belltrees gauge (210039), and	
		B Class	Less than or equal to 126 ML/day at Belltrees gauge (210039)	
		C Class	More than 126 ML/day and less than or equal to 280 ML/day	
		C Class	More than 280 ML/day	
	Stewarts Brook	Very Low Flow Class	Less than or equal to 1 ML/day	Hunter River at Belltrees gauge (210039)
		A Class	More than 1 ML/day and less than or equal to 126 ML/day	
		B Class	More than 126 ML/day and less than or equal to 280 ML/day	
		C Class	More than 280 ML/day	
		Very Low Flow Class	No visible flow	
Upper Paterson	A Class	Visible flow	Paterson River crossing on Birds Road at Beresford	
		Property 151.427E 32.322S		
Widden Brook	Very Low Flow Class	Groundwater levels are equal to or more than 4.66m below the measuring point	Groundwater monitoring bore at Widden Stud	
		A Class	Water depth is less than 4.66m below the measuring point	via Denman (GW271005)
Williams River	Upper Williams	Very Low Flow Class	Less than or equal to 1 ML/day	Williams River at Tillegra gauge (210011)
		Low Flow Class	More than 1 ML/day and less than or equal to 8 ML/day	
		A Class	More than 8 ML/day	

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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
	Seaham Weir	Very Low Flow Class	Water level is less than or equal to 0.38m pool height	Visual gauge board at Seaham Weir
		A Class	Water level is more than 0.38m pool height	
		B Class	Water level is more than 0.42 pool height at the visual gauge board at Seaham Weir and flows are greater than 15 ML/day at Williams River at Glen Martin gauge (210010)	Visual gauge board at Seaham Weir and Williams River at Glen Martin gauge (210010)
Wybong Creek	Kars Springs	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek at the ford across Little Creek Road at Kars Springs Road along Little Creek Road 10m from the western boundary of Lot 33, DP 750946; Wybong Creek in the cobble riffle extending 50m from the Staunton Bridge on Bunnan Road across Wybong Creek on the southern Boundary of Lot 2, DP 224163
		A Class	Visible flow at both reference points	

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]  
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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
	Cuan	Very Low Flow Class	No visible flow at either flow reference point	Cuan Creek rock bar immediately downstream of the Guan Guan Bridge across Cuan Creek 8km east of Bunnan on the Merriwa to Scone Road between Lots 2 and 3, DP 1219769 and Cuan Creek rock bar in the Cuan Creek at Lot 25, DP 750928
		A Class	Visible flow at both reference points	
	Bunnan	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek in the cobble riffle extending 50m from the Staunton Bridge on Bunnan Road across Wybong Creek on the southern boundary of Lot 2, DP 224163 and Wybong Creek rock bar (located on common boundary between Lot 207, DP 723279, Lot 6, DP 47284 and Lot 205, DP 720650) in Wybong Creek 50m upstream from the Ridgeland Road Bridge across Wybong Creek
		A Class	Visible flow at both reference points	

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<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
	Cuan and Reedy Creeks	Very Low Flow Class	No visible flow at either flow reference point	Cuan Creek rock bar in the Cuan Creek at Lot 25, DP 750928 and the cobble riffle in Cuan Creek extending 100m downstream of the southern boundary of Lot 1, DP 126490
		A Class	Visible flow at both reference points	
	White Rock	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek rock bar (located on common boundary between Lot 207, DP 723279, Lot 6, DP 47284 and Lot 205, DP 720650) in Wybong Creek 50m upstream from the Ridgelands Road Bridge across Wybong Creek and Wybong Creek in the ford on Ridgelands Road adjacent to Lot 4, DP 113992
		A Class	Visible flow at both reference points	

<b>Water Source</b>	<b>Management Zone</b>	<b>Flow class</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
	Manobalai	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek in the ford on Ridgeland
		A Class	Visible flow at both reference points	Road adjacent to Lot 4, DP 113992 and Wybong Creek at Manobalai gauge (210147)
	Wybong	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek at Manobalai gauge
		A Class	Visible flow at both reference points	(210147) and Wybong Creek gauge (210040)

**Flow classes—Williams River Management Zone in the Williams River Water Source**

<b>Flow class</b>	<b>Flows in Chichester River measured at Chichester Weir gauge (210150)</b>	<b>Flow class threshold</b>	<b>Flow reference point</b>
Very Low Flow Class	More than 20ML/day	Less than or equal to 8ML/day	Williams River at
	Equal to or more than 14ML/day	Less than or equal to 6ML/day	Glen
	and less than or equal to 20ML/day Less than 14ML/day	Less than or equal to 3ML/day	Martin gauge (210010)
Low Flow Class	More than 20ML/day	More than 8ML/day and less than or equal to 20ML/day	
	Equal to or more than 14ML/day and less than or equal to 20ML/day	More than 6ML/day and less than or equal to 15ML/day	
	Less than 14ML/day	More than 3ML/day and less than or equal to 8ML/day	
A Class	More than 20ML/day	More than 20ML/day	
	Equal to or more than 14ML/day and less than or equal to 20ML/day	More than 15ML/day	
	Less than 14ML/day	More than 8ML/day	



## Schedule 2 Access licences used to take surface water that are exempt from specified access rules

sections 37(1)(a) and (d) and 40(1)(a) and (c)

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

Column 1	Column 2	Column 3
Water Source	Management Zone	Water access licence numbers
Glendon Brook Water Source		17947, 17963, 17987
Martindale Creek Water Source		18605
Paterson/Allyn Rivers Water Source		18918, 18939, 18944, 18947, 18951, 18957, 18964, 18971, 18987, 30223
Williams River Water Source	Williams River	19301, 19304, 19311, 19255, 19272, 19321, 19329, 19336, 19339, 19343, 19341, 19348, 19355, 19369, 19376, 19383, 19400
	Seaham Weir	19250, 19257, 19268, 19382
	Upper Williams River	19251, 19286, 19290, 19313, 19326, 19330, 19331, 19359, 19403, 19406, 19411, 19416
Muswellbrook Water Source		18725
Black Creek Water Source		17531, 17536, 17540, 17541, 17546, 17552, 17553, 17554, 17555, 17559, 17560, 17561, 17567, 17570, 17571, 17578, 17581, 17585, 17588, 17593, 17594, 17595, 17605, 17606, 17607, 17609, 17619, 17626, 17628, 17637, 17639, 17641, 17644, 17657, 17658, 17660, 17661, 17663, 17664, 17665, 17669, 17671, 17678, 17682, 17683, 17685, 17686, 17687, 17690, 17695
Upper Wollombi Brook Water Source	Mid Congewai Creek	19143, 19174
Lower Wollombi Brook Water Source		18464, 18466, 18467, 18480, 18484, 18535, 18543, 18567, 18568, 18569
Lower Goulburn River Water Source		18395
Wallis Creek Water Source		19225
Halls Creek Water Source		18014, 18039, 35541
Pages River Water Source	Kewell Creek and Gundy	18872
	Murrurundi and Scotts Creek	18876
Dart Brook Water Source	Petwyn Vale	17845
Widden Brook Water Source		19243
Jerrys Water Source	Jerrys	18319
Hunter Regulated River Alluvial Water Source	Downstream Glennies Creek	18093, 18094, 18095, 18148, 18164, 18229, 18248

**Table B – Local water utility access licences and access licences of the subcategory “Town water supply”**

<b>Column 1 Water Source</b>	<b>Column 2 Management Zone</b>	<b>Column 3 Water Access Licence number</b>
Lower Goulburn River Water Source		18394
Hunter Regulated River Alluvial Water Source	Upstream Glennies Creek	18168, 18204, 18255,
	Downstream Glennies Creek	18123, 18161
Dart Brook Water Source	Lower Middlebrook and Kingdon Ponds	17738
Pages River Water Source	Murrurundi and Scotts Creek	31053

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

sections 35(1)(b) and 38(1)(d)

Access licence numbers	Water source	Cease to take condition
20AL209501, 20AL209502	Pages River	Diversion of water from the Pages River must be at a rate not exceeding 8ML/day unless the discharge of the Pages River at the Blandford gauge is greater than— (a) 10ML/day during April to September, and (b) 15ML/day during October to March
20AL207229	Dora Creek	Water must only be taken for irrigation when there is a visible flow in Dora Creek at the Owens Road bridge adjacent to Lot 42, DP 867536
20AL207243	Dora Creek	Water must only be taken for irrigation when there is a visible flow in Morans Creek at the Chapmans Road bridge at the northern boundary of Lot 17, DP 755238
20AL207386	Glennies Creek	Water must only be taken for irrigation when there is a visible flow in Dawleys Creek at the Falbrook Road Culvert and the Dawson Hill Road culvert, both located on Lot 2, DP 741173 and flows must be maintained during pumping
20AL209822	Paterson/Allyn Rivers	The pumps on the Allyn River must not be used for irrigation or filling storages for irrigation unless the water height is more than 0.49m at the Halton gauge in the Allyn River
20AL210261	Upper Wollombi Brook	Water must only be taken for irrigation— (a) when the flow in the Quorrobolong Creek is greater than 2ML/day at the Sandy Creek Road Bridge, and (b) when the flow in the Quorrobolong Creek at the private road bridge on South Street at Lots 39 and 45, DP 755225 is at or above the gauge mark attached to the central bridge pylon
20AL208295, 20AL208297, 20AL208299, 20AL208305, 20AL208311, 20AL208317	Krui River	Water must only be taken for irrigation when there is a visible flow in the Krui River at the Merriwa–Cassilis Road Bridge adjacent to Lot 11, DP 881929
20AL211495	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the Stanhope Road Bridge adjacent to Lot 18, DP 752502
20AL208842	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the— (a) Stanhope Road Bridge adjacent to Lot 18, DP 752502, and (b) Lambs Valley Road Bridge at Lot 7, DP 262509
20AL208844	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the Stanhope Road Bridge

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 Schedule 3 Access licences subject to cease-to-take condition

<b>Access licence numbers</b>	<b>Water source</b>	<b>Cease to take condition</b>
20AL209192	Muswellbrook	Water must only be taken for irrigation when there is a visible flow in Muscle Creek at Terry's Crossing, Lot 111, DP 1042080 and downstream at the property boundary of Lot 4, DP 136691, known as Church Hole and flows must be maintained while pumping
20AL209676	Paterson/Allyn Rivers	Water must only be taken for irrigation when there is a visible flow in Chads Creek at DP 666039
20AL211503	Singleton	Water must only be taken for irrigation when there is a visible flow in the Doughboy Hollow Creek at the culverts in Racecourse Lane on the boundary of Lot 50, DP 860530
20AL210680	Williams River	Water must only be taken for irrigation when there is a visible flow in the Tumbledown Creek at the road bridge on the Seaham–Clarence Road in Lot 1601, DP 629738

## **Schedule 4 Contamination sources**

section 46(5)

Contamination sources are as follows—

- (a) a site declared to be significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*,
- (b) a site notified to the Environment Protection Authority under the *Contaminated Land Management Act 1997*, section 60.

## Schedule 5 Dictionary

**2006 Harvestable Rights Order** means the Order under section 54, the Act for harvestable rights—Eastern and Central Division, Gazette No 40, 31 March 2006, pages 1628–1630.

**3-year average higher flow extraction**—see section 18.

**3-year average standard extraction**—see section 18.

**annual higher flow extraction**—see section 18.

**annual higher flow extraction limit**—see section 18.

**annual standard extraction**—see section 18.

**AS 4747**—see section 58.

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

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

**coastal wetlands** means land identified as coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map.

**Coastal Wetlands and Littoral Rainforests Area Map** has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

**Note**— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au).

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

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

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

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

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

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

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

**high priority groundwater-dependent ecosystem** means a high priority groundwater-dependent ecosystem identified on the High Priority Groundwater-Dependent Ecosystem Map.

**High Priority Groundwater-Dependent Ecosystem Map** means the Hunter Unregulated and Alluvial Water Sources 2022 High Priority Groundwater-Dependent Ecosystem Map (GDE012\_Version 3).

**Note**— The High Priority Groundwater-Dependent Ecosystem Map is available on the Department's website.

**higher flow extraction licence**—see section 18.

**higher flow specific purpose access licence**—see section 18.

**Hunter Regulated River Water Source** means the water source to which the *Water Sharing Plan for the Hunter Regulated River Water Source 2016* applies.

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

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

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

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

***karst*** means an area of land, including subterranean land, developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

***kl/day*** means kilolitres per day.

***Logbook***—see section 58.

***Minimum Construction Requirements for Water Bores in Australia***—see section 58.

***ML/unit share*** means megalitres per unit share.

***ML/year*** means megalitres per year.

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

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

***operational meter***—see section 58.

***Plan Map*** means the Hunter Unregulated and Alluvial Water Sources 2022 Plan Map (WSP003\_Version 5).

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

***planning approval*** means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4, or
- (b) a State significant infrastructure approval under that Act, Part 5.1, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

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

***reduced available water determinations***—see section 18.

***replacement groundwater work***—see section 44.

***standard LTAEL***—see section 18.

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

***the Act*** means the *Water Management Act 2000*.

***the water sources***—see section 3.

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

***tidal pool water sources*** means the following—

- (a) the Hunter River Tidal Pool Water Source,
- (b) the Paterson River Tidal Pool Water Source,
- (c) the Wallis Creek Tidal Pool Water Source.

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

***visible flow*** means the continuous perceptible downstream movement of water.

***water account debit***—see section 58.

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

***wetland*** means either of the following—

- (a) coastal wetlands,

- (b) a declared Ramsar wetland.