Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022

New South Wales

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022

under the

Water Management Act 2000

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

Minister for Water

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Water Sharing Plan for the Lower North Coast 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 Lower North Coast Water Management Area.

1 Name of Plan

This Plan is the *Water Sharing Plan for the Lower North Coast 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 Lower North Coast Water Management Area—

(a) the Avon River Water Source,

(b) the Bowman River Water Source,

(c) the Coolongolook River Water Source,

(d) the Cooplacurripa River Water Source,

(e) the Dingo Creek Water Source,

(f) the Karuah River Water Source,

(g) the Lower Barnard River Water Source,

(h) the Lower Barrington/Gloucester Rivers Water Source,

(i) the Lower Manning River Water Source,

(j) the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,

(k) the Manning Estuary Tributaries Water Source,

(l) the Manning River Tidal Pool Water Source,

(m) the Mid Manning River Water Source,

(n) the Myall Creek Water Source,

(o) the Myall Lakes Water Source,

(p) the Myall River Water Source,

(q) the Nowendoc River Water Source,

(r) the Rowleys River Water Source,

(s) the Upper Barnard River Water Source,

(t) the Upper Barrington River Water Source,

(u) the Upper Gloucester River Water Source,

(v) the Upper Manning River Water Source,

(w) the Wallamba River Water Source.

(2) The water sources, other than the Lower North Coast Coastal Floodplain Alluvial Groundwater Source, Myall Lakes in the Myall Lakes Water Source and Khappinghat Creek in the Wallamba River Water Source—

(a) include surface water upstream of the mangrove limit, and

(b) include all groundwater contained in Cenozoic sediments, other than groundwater in the Lower North Coast Coastal Floodplain Alluvial Groundwater Source, and

(c) do not include water to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.

(3) The Lower North Coast Coastal Floodplain Alluvial Groundwater Source—

(a) includes all groundwater contained in Cenozoic sediments, and

(b) does not include surface water.

(4) The Myall Lakes in the Myall Lakes Water Source and Khappinghat Creek in the Wallamba River Water Source include—

(a) surface water upstream and downstream of the mangrove limit, and

(b) water occurring on the surface of the ground in estuaries upstream and downstream of the mangrove limit.

(5) The water sources do not include water contained in fractured or porous rocks.

(6) In this section—

mangrove limit has the same meaning as in the *DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2005*, 1 September 2006, published on the Department's website.

4 Management zones to which Plan applies

(1) The Bowman River Water Source is divided into the following management zones shown on the Plan Map—

(a) Bowman River above Craven Creek Junction Management Zone,

(b) Craven Creek Management Zone,

(c) Lower Bowman River Management Zone.

(2) The Coolongolook River Water Source is divided into the following management zones shown on the Plan Map—

(a) Upper Coolongolook River Management Zone,

(b) Tidal Coolongolook River Management Zone,

(c) Wang Wauk River Management Zone.

(3) The Cooplacurripa River Water Source is divided into the following management zones shown on the Plan Map—

(a) Cooplacurripa River Headwaters Management Zone,

(b) Cooplacurripa River Management Zone.

(4) The Karuah River Water Source is divided into the following management zones shown on the Plan Map—

(a) Karuah Estuarine Management Zone,

(b) Karuah Upriver Management Zone.

(5) The Lower Barnard River Water Source is divided into the following management zones shown on the Plan Map—

(a) Lower Barnard River Management Zone,

(b) Lower Barnard River Upper Reaches Management Zone.

(6) The Lower Barrington/Gloucester Rivers Water Source is divided into the following management zones shown on the Plan Map—

(a) Lower Barrington River Management Zone,

(b) Lower Barrington River Upper Reaches Management Zone,

(c) Lower Gloucester River Management Zone.

(7) The Manning Estuary Tributaries Water Source is divided into the following management zones shown on the Plan Map—

(a) Cedar Party Creek Management Zone,

(b) Dawson River Management Zone,

(c) Landsdowne River Upper Reaches Management Zone,

(d) Manning Estuary Tributaries Management Zone.

(8) The Myall River Water Source is divided into the following management zones shown on the Plan Map—

(a) Crawford River Management Zone,

(b) Tidal Myall River Management Zone,

(c) Upper Myall River Management Zone.

(9) The Nowendoc River Water Source is divided into the following management zones shown on the Plan Map—

(a) Nowendoc River downstream of Cooplacurripa River Confluence Management Zone,

(b) Nowendoc River Headwaters Management Zone.

(10) The Rowleys River Water Source is divided into the following management zones shown on the Plan Map—

(a) Rowleys River Headwaters Management Zone,

(b) Rowleys River Management Zone.

(11) The Upper Barrington River Water Source is divided into the following management zones shown on the Plan Map—

(a) Upper Barrington River Headwaters Management Zone,

(b) Upper Barrington River Management Zone.

(12) The Upper Gloucester River Water Source is divided into the following management zones shown on the Plan Map—

(a) Upper Gloucester River Headwaters Management Zone,

(b) Upper Gloucester River Management Zone.

(13) The Upper Manning River Water Source is divided into the following management zones shown on the Plan Map—

(a) Upper Manning River Headwaters Management Zone,

(b) Upper Manning River Management Zone.

(14) The Wallamba River Water Source is divided into the following management zones shown on the Plan Map—

(a) Khappinghat Creek Management Zone,

(b) Tidal Wallamba River Management Zone,

(c) Upper Wallamba River Management Zone.

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

The following extraction management units are established—

(a) the Great Lakes Extraction Management Unit, consisting of the following water sources—

(i) the Coolongolook River Water Source,

(ii) the Myall Lakes Water Source,

(iii) the Myall River Water Source,

(iv) the Wallamba River Water Source,

(b) the Karuah River Extraction Management Unit, consisting of the Karuah River Water Source,

(c) the Lower North Coast Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,

(d) the Manning 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 affecting the interpretation and application of this Plan.

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

7 Maps

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

Note— The 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 has effect only 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 resulting from water.

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

The objectives of this Plan are as follows—

(a) to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems,

(b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,

(c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,

(d) to provide access to water to support water-dependent social and cultural values,

(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 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 of 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 10,872ML/year distributed as follows—

(a) 436ML/year in the Avon River Water Source,

(b) 270ML/year in the Bowman River Water Source,

(c) 732ML/year in the Coolongolook River Water Source,

(d) 231ML/year in the Cooplacurripa River Water Source,

(e) 666ML/year in the Dingo Creek Water Source,

(f) 1,290ML/year in the Karuah River Water Source,

(g) 313ML/year in the Lower Barnard River Water Source,

(h) 474ML/year in the Lower Barrington/Gloucester Rivers Water Source,

(i) 924ML/year in the Lower Manning River Water Source,

(j) 282ML/year in the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,

(k) 933ML/year in the Manning Estuary Tributaries Water Source,

(l) 834ML/year in the Manning River Tidal Pool Water Source,

(m) 110ML/year in the Mid Manning River Water Source,

(n) 511ML/year in the Myall Creek Water Source,

(o) 151ML/year in the Myall Lakes Water Source,

(p) 338ML/year in the Myall River Water Source,

(q) 296ML/year in the Nowendoc River Water Source,

(r) 159ML/year in the Rowleys River Water Source,

(s) 136ML/year in the Upper Barnard River Water Source,

(t) 244ML/year in the Upper Barrington River Water Source,

(u) 311ML/year in the Upper Gloucester River Water Source,

(v) 258ML/year in the Upper Manning River Water Source,

(w) 973ML/year in the Wallamba River 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 131,329ML/year distributed as follows—

(a) 3,830ML/year in the Avon River Water Source,

(b) 3,175ML/year in the Bowman River Water Source,

(c) 8,049ML/year in the Coolongolook River Water Source,
(d) 6,452ML/year in the Cooplacurripa River Water Source,
(e) 7,471ML/year in the Dingo Creek Water Source,
(f) 22,213ML/year in the Karuah River Water Source,
(g) 6,091ML/year in the Lower Barnard River Water Source,
(h) 3,558ML/year in the Lower Barrington/Gloucester Rivers Water Source,
(i) 7,081ML/year in the Lower Manning River Water Source,
(j) 11,971ML/year in the Manning Estuary Tributaries Water Source,
(k) 1ML/year in the Manning River Tidal Pool Water Source,
(l) 2,223ML/year in the Mid Manning River Water Source,
(m) 3,462ML/year in the Myall Creek Water Source,
(n) 3,127ML/year in the Myall Lakes Water Source,
(o) 3,983ML/year in the Myall River Water Source,
(p) 5,132ML/year in the Nowendoc River Water Source,
(q) 5,973ML/year in the Rowleys River Water Source,
(r) 6,684ML/year in the Upper Barnard River Water Source,
(s) 4,246ML/year in the Upper Barrington River Water Source,
(t) 2,815ML/year in the Upper Gloucester River Water Source,
(u) 5,616ML/year in the Upper Manning River Water Source,
(v) 8,176ML/year in the Wallamba River Water Source,
(w) 0ML/year in the Lower North Coast Coastal Floodplain Alluvial Groundwater Source.

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 102ML/year distributed as follows—
(a) 7ML/year in the Avon River Water Source,
(b) 9ML/year in the Bowman River Water Source,
(c) 11ML/year in the Dingo Creek Water Source,
(d) 46.5ML/year in the Lower Barrington/Gloucester Water Source,
(e) 1ML/year in the Lower Manning River Water Source,
(f) 4ML/year in the Manning Estuary Tributaries Water Source,
(g) 4.5ML/year in the Myall River Water Source,
(h) 1ML/year in the Nowendoc River Water Source,
(i) 7ML/year in the Upper Gloucester River Water Source,
(j) 7ML/year in the Upper Manning River Water Source,
(k) 4ML/year in the Wallamba River Water Source,
(l) 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 17,256ML/year distributed as follows—
(a) 320ML/year in the Karuah River Water Source,

(b) 610ML/year in the Lower Barrington/Gloucester Water Source,
(c) 12,500ML/year in the Lower Manning River Water Source,
(d) 575ML/year in the Manning Estuary Tributaries Water Source,
(e) 3,000ML/year in the Manning River Tidal Pool Water Source,
(f) 221ML/year in the Myall River Water Source,
(g) 30ML/year in the Upper Gloucester River Water Source,
(h) 0ML/year in all other water sources.

(3) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 20,000ML/year distributed as follows—
(a) 20,000ML/year in the Lower Barnard River Water Source,
(b) 0ML/year in all other water sources.

(4) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 50,569 unit shares distributed as follows—
(a) 1,736 unit shares in the Avon River Water Source,
(b) 2,111 unit shares in the Bowman River Water Source,
(c) 483 unit shares in the Coolongolook River Water Source,
(d) 800 unit shares in the Cooplacurripa River Water Source,
(e) 5,020 unit shares in the Dingo Creek Water Source,
(f) 3,221 unit shares in the Karuah River Water Source,
(g) 1,369 unit shares in the Lower Barnard River Water Source,
(h) 10,704.5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
(i) 7,979 unit shares in the Lower Manning River Water Source,
(j) 3,064.5 unit shares in the Manning Estuary Tributaries Water Source,
(k) 962 unit shares in the Mid Manning River Water Source,
(l) 57 unit shares in the Myall Creek Water Source,
(m) 263 unit shares in the Myall River Water Source,
(n) 1,273 unit shares in the Nowendoc River Water Source,
(o) 277 unit shares in the Rowleys River Water Source,
(p) 1,159 unit shares in the Upper Barnard River Water Source,
(q) 944 unit shares in the Upper Barrington River Water Source,
(r) 5,324 unit shares in the Upper Gloucester River Water Source,
(s) 2,234 unit shares in the Upper Manning River Water Source,
(t) 1,588 unit shares in the Wallamba River Water Source,
(u) 0 unit shares in all other water sources.

Note— When this Plan was made, there were no unregulated river (high flow) access licences.

(5) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 2,267.5 unit shares distributed as follows—
(a) 47 unit shares in the Dingo Creek Water Source,
(b) 100 unit shares in the Karuah River Water Source,
(c) 10 unit shares in the Lower Manning River Water Source,
(d) 1,275.5 unit shares in the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,

(e) 568 unit shares in the Manning Estuary Tributaries Water Source,

(f) 25 unit shares in the Myall River Water Source,

(g) 18 unit shares in the Upper Gloucester River Water Source,

(h) 224 unit shares in the Wallamba River Water Source,

(i) 0 unit shares in all other water sources.

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 exceed 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 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—1ML/unit share.

(3) This section is subject to sections 22 and 26.

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

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

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

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

(a) sets out environmental water rules, and

(b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliances 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, and

(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*.

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 the 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 Great Lakes Extraction Management Unit—26,846ML/year,

(b) for the Karuah River Extraction Management Unit—26,584ML/year,

(c) for the Lower North Coast Coastal Floodplain Alluvial Extraction Management Unit—8,750ML/year,

(d) for the Manning Extraction Management Unit—171,915ML/year.

Note— The standard LTAAELs 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.

(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 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 noncompliance 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.

(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 4 Total daily extraction limits

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

(1) The following total daily extraction limits (***TDELs***) apply to unregulated river (high flow) access licences in B Class flows—

(a) 2.3ML/day in the Avon River Water Source,

(b) 19.6ML/day in the Dingo Creek Water Source,

(c) 51.6ML/day in the Lower Barrington/Gloucester Rivers Water Source,

(d) 37.7ML/day in the Lower Manning River Water Source,

(e) 3.3ML/day in the Mid Manning River Water Source,

(f) 14.2ML/day in the Upper Gloucester River Water Source.

(2) The following TDELs apply to local water utility access licences in the Karuah River Water Source—

(a) in Very Low Flows—0ML/day,

(b) in A Class flows—1.5ML/day,

(c) in B Class flows—2.2ML/day.

(3) A TDEL may be established for B Class flows in a water source or management zone after the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under the Act.

(4) If a TDEL applying to an access licence is exceeded, the extraction component of the access licence may be amended to impose an individual daily extraction component on the access licence.

Part 5 Rules for granting access licences

28 Specific purpose access licences—the Act, s 20(2)(b)

(1) A person may apply for an unregulated river (Aboriginal community development) access licence to take water from B class flows only if the total share components of all unregulated river (Aboriginal community development) access licences in the water source does not exceed the following—

(a) for the Avon River Water Source—400ML/year,

(b) for the Bowman River Water Source—500ML/year,

(c) for the Cooplacurripa River Water Source—500ML/year,

(d) for the Dingo Creek Water Source—430ML/year,

(e) for the Lower Barrington/Gloucester Rivers Water Source—500ML/year,

(f) for the Lower Manning River Water Source—500ML/year,

(g) for the Mid Manning River Water Source—500ML/year,

(h) for the Myall Creek Water Source—500ML/year,

(i) for the Nowendoc River Water Source—500ML/year,

(j) for the Rowleys River Water Source—500ML/year,

(k) for the Upper Barrington River Water Source—500ML/year,

(l) for the Upper Gloucester River Water Source—450ML/year,

(m) for the Upper Manning River Water Source—500ML/year.

(2) An application for an aquifer (Aboriginal community development) access licence may be made only in the Lower North Coast Coastal Floodplain Alluvial Groundwater Source if the total share components of all aquifer (Aboriginal community development) access licences in the water source is no more than 500ML/year.

(3) An application for a specific purpose access licence must not be made—

(a) in relation to the Myall Lakes Water Source, and

(b) unless the share and extraction components of the access licence are the minimum amount required for the proposed use.

(4) 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,

(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.

(5) In this section—

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

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).

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 Lower North Coast Coastal Floodplain Alluvial Groundwater Source—during a water year, or

(b) for a major utility access licence in the Lower Barnard River Water Source—during a period of 5 consecutive water years, or

(c) 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 for an access licence 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 with share components expressed as ML/year—100% of the share component,

(b) for an access licence 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 Lower North Coast Coastal Floodplain Alluvial Groundwater 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 the table in Schedule 1 for the water sources and management zones specified.

(2) In Schedule 1, the flow class applies 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.

34 Minister may determine flow classes in certain circumstances

(1) If the Minister is satisfied 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 on 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 from—

(a) an in-river pool that is below full capacity, or

(b) an off-river pool that is below full capacity, or

(c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam.

36 Specific access rules

(1) Surface water must not be taken—

(a) if flows in the water source concerned are in the Very Low Flow Class, or

(b) under an unregulated river (high flow) access licence if flows are in the Very Low Flow Class or A Class, or

(c) under the following specific purpose access licences if flows are in the Very Low Flow Class or A Class—

(i) an unregulated river (Aboriginal community development) access licence,

(ii) a major utility access licence with an extraction component specifying the Lower Barnard River Upper Reaches Management Zone of the Lower Barnard River Water Source, or

(d) under the following access licences with a share component specifying a water source for which a B Class has not been established by this Plan unless flows exceed a flow class or level determined by the Minister—

(i) a local water utility access licence granted after the commencement of this Plan under the Act, section 66(3) or (4),

(ii) a major utility access licence of the subcategory "Urban water" granted after the commencement of this Plan that has not replaced a local water utility access licence, or

(e) under the following access licences with a share component specifying a water source for which a B Class has been established by this Plan if flows are in the Very Low Flow Class or A Class—

(i) a local water utility access licence granted after the commencement of this Plan under the Act, section 66(3) or (4),

(ii) a major utility access licence of the subcategory "Urban water" granted after the commencement of this Plan if the licence has not replaced a local water utility access licence,

(iii) an access licence with a zero share component granted after the commencement of this Plan, or

(f) under an access licence with a share component or extraction component specifying 1 or more of the following management zones for a 24-hour period after flows in the management zones have exceeded the top of the Very Low Flow Class—

(i) Crawford River Management Zone in the Myall River Water Source,

(ii) Upper Coolongolook River Management Zone in the Coolongolook River Water Source,

(iii) Upper Myall River Management Zone in the Myall River Water Source,

(iv) Upper Wallamba River Management Zone in the Wallamba River Water Source.

(2) Surface water must not be taken, other than from an off-river pool, under an access licence with an extraction component specifying the Karuah Upriver Management

Zone in the Karuah River Water Source for 24 hours after flows first exceed 5ML/day following a flow of 2ML/day at the Karuah River at Booral (209003).

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 (except access licence 20AL210811) until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,

(e) under access licence 20AL210811 held by the local water utility for Bottawa Dam and specified in Schedule 2.

(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 if—

(a) for an aquifer interference activity for which a planning approval is in force—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)(a), (1)(f) and (2) 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.

Division 5 Access rules for take of 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, or

(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) the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,

(b) a water supply work not located within 40m of the high bank of the river unless the water is taken under an aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence,

(c) an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3.

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 1kl/day for each household supplied by the access licence is taken,

(c) under a local water utility access licence or an access licence of the subcategory "Town water supply" to which Schedule 2, Table B applies.

(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 if—

(a) for an aquifer interference activity for which a planning approval is in force—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.

Division 5A Rules for major utility storages—the Act, s 21(a)

40A Barnard River Scheme

(1) This section applies to the Lower Barnard River Water Source.

(2) A maximum of 30,000ML of water may be diverted from water storages on the Barnard River (the ***storages***) each water year if—

(a) daily releases at least equal to either of the following (the ***minimum release rates***) are made from the storages—

(i) the 80th percentile flow in the Barnard River at the gauging weir downstream of the junction of the Barnard River and Orham Creek, or

(ii) the flows into the storages, or

(b) the storages are spilling at a rate equal to or more than either of the minimum release rates.

(3) The total volume of water taken under a major utility access licence in the Lower Barnard River Water Source during a period of 5 consecutive water years must not exceed 100,000ML.

(4) The Minister may, by written notice given to the holder of the water supply work approval for the storages, authorise the diversion of water from the storages without complying with subsection (2) if the Minister is satisfied the water must be diverted for the purpose of—

(a) an emergency, or

Example— an algae bloom

(b) maintenance, refurbishment or modification works to the dam, which may temporarily affect the flow rate or behaviour of water for at least 24 hours.

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 General

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 that is proposed to be located within a specified distance.

41A Water supply works prohibited in Myall Lakes Water Source

A water supply work must not be constructed in the Myall Lakes Water Source.

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) Bowman River Water Source,

(b) Coolongolook River Water Source,

(c) Cooplacurripa River Water Source,

(d) Dingo Creek Water Source,

(e) Karuah River Water Source,

(f) Lower Barnard River Water Source,

(g) Lower Barrington/Gloucester Rivers Water Source,

(h) Lower Manning River Water Source,

(i) Mid Manning River Water Source,

(j) Myall Creek Water Source,

(k) Myall Lakes Water Source,

(l) Myall River Water Source,

(m) Nowendoc River Water Source,

(n) Rowleys River Water Source,

(o) Upper Barnard River Water Source,

(p) Upper Barrington River Water Source,

(q) Upper Gloucester River Water Source,

(r) Upper Manning River Water Source,

(s) Wallamba 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

(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—
  (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—
  (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 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 water available for take using an existing water supply work.

46 Contamination sources

(1) A water supply work must not be constructed on land within the following areas—
(a) 500m of a contamination source,
(b) 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) 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) 200m of a spring.

(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) and (c)–(e) does 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 area, wetland, karst or spring concerned.

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) 200m of a spring.

(2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.

(3) Subsection (1)(e)–(g) does 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 spring 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.

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, but only if the share component of each licence is equal, or

(b) an unregulated river access licence in a water source to an unregulated river (high flow) access licence in the following water sources if the total share components of unregulated river (high flow) access licences resulting from the dealing do not exceed the amount specified for the water source—

(i) Avon River Water Source—1,340ML/year,

(ii) Dingo Creek Water Source—2,110ML/year,

(iii) Lower Barrington/Gloucester Rivers Water Source—7,330ML/year,

(iv) Upper Gloucester River Water Source—1,560ML/year,

(v) Lower Manning River Water Source—14,400ML/year,

(vi) Mid Manning River Water Source—14,400ML/year.

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

52 Assignments of rights dealings

(1) The following assignments of rights under the Act, section 71Q in the same water source are prohibited—

(a) an assignment of rights from an aquifer access licence that nominates a water supply work located further than 40m from the top of the high bank of a river to an access licence that nominates a water supply work located within 40m from the top of the high bank of a river,

(b) an assignment of rights from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite.

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Craven Creek Management Zone
Bowman Creek above Craven Creek Junction Management Zone	Lower Bowman River Management Zone
Craven Creek Management Zone	
Craven Creek Management Zone	Bowman Creek above Craven Creek Junction Management Zone
Karuah Estuarine Management Zone	Karuah Upriver Management Zone
Lower Bowman River Management Zone	Bowman Creek above Craven Creek Junction Management Zone
	Craven Creek Management Zone
Tidal Wallamba River Management Zone	Khappinghat Creek Management Zone
Upper Wallamba River Management Zone	

(2) The following assignments of rights under the Act, section 71Q between water sources in the same water management area are prohibited—

(a) an assignment of rights to an access licence in a different extraction management unit,

(b) an assignment of rights from an access licence in a water source to which this Plan does not apply,

(c) an assignment of rights to an access licence in the following water sources—

(i) Bowman River Water Source,

(ii) Coolongolook River Water Source,

(iii) Dingo Creek Water Source,

(iv) Myall Lakes Water Source,

(v) Myall River Water Source,

(vi) Upper Gloucester River Water Source,

(vii) Wallamba River Water Source.

(3) An assignments of rights under the Act, section 71Q to an access licence in the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source is permitted only if the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone does not, as a result of the assignment, exceed the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone as at the date this Plan commenced.

(4) An assignments of rights under the Act, section 71Q to an access licence in the Myall Creek Water Source and the Upper Barnard River Water Source is permitted only if the sum of the share components of all access licences in both water sources does not, as a result of the assignment, exceed the sum of the share components of all access licences in both water sources as at the date this Plan commenced by more than 10ML/year.

(5) An assignment of rights under the Act, section 71Q to an access licence in the following water sources is permitted if the sum of the share components of all access licences in the water source to which the rights are being assigned does not, as a result of the assignment, exceed the sum of the share components of all access licences in the water source as at the date this Plan commenced—

(a) Avon River Water Source,

(b) Cooplacurripa River Water Source,

(c) Manning Estuary Tributaries Water Source,

(d) Rowleys River Water Source,

(e) Upper Barrington River Water Source,

(f) Upper Manning River Water Source.

(6) An assignment of rights under the Act, section 71Q from an access licence in a water source specified in Column 1 of the table to this section to an access licence in a water source specified opposite is permitted if the sum of the share components of all access licences in the water source to which the rights are being assigned does not, as a result of the assignment, exceed the sum of the share components of all access licences in the water source as at the date this Plan commenced.

Column 1	**Column 2**
Water source assigned from	**Water source assigned to**
Manning Estuary Tributaries Water Source	Lower Manning River Water Source

Column 1 Water source assigned from	Column 2 Water source assigned to
Avon River Water Source	Lower Barnard River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Mid Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	

Column 1 Water source assigned from	Column 2 Water source assigned to
Avon River Water Source	Nowendoc River Water Source
Bowman River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Cooplacurripa River Water Source	Lower Barrington/Gloucester Rivers Water Source
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	

(7) An assignment of rights under the Act, section 71Q from an access licence in a water source specified in Column 1 of the table to this subsection to an access licence in a water source or management zone specified opposite is permitted.

Column 1 Water source assigned from	Column 2 Water source/management zone assigned to
Cooplacurripa River Water Source	Nowendoc River downstream of Cooplacurripa River Confluence Management Zone
Rowleys River Water Source	
Myall Creek Water Source	Lower Barnard River Water Source
Upper Barnard River Water Source	

Column 1 Water source assigned from	Column 2 Water source/management zone assigned to
Lower Barnard River Water Source	Mid Manning River Water Source
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Lower Barrington/Gloucester Rivers Water Source
Bowman River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Avon River Water Source	Lower Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	

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 in the following water sources—

(i) Bowman River Water Source,

(ii) Coolongolook River Water Source,

(iii) Dingo Creek Water Source,

(iv) Myall Lakes Water Source,

(v) Myall River Water Source,

(vi) Upper Gloucester River Water Source,

(vii) Wallamba River Water Source.

(2) 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.

(3) A dealing under the Act, section 71R to grant an access licence in the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source is permitted only if the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone does not, as a result of the dealing, exceed the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone as at the date this Plan commenced.

(4) A dealing under the Act, section 71R to grant an access licence in the Myall Creek Water Source and the Upper Barnard River Water Source is permitted only if the sum of the share components of all access licences in both water sources does not, as a result of the dealing, exceed the sum of the share components of all access licences in both water sources as at the date this Plan commenced by more than 10ML/year.

(5) A dealing under the Act, section 71R to grant an access licence in the following water sources is permitted if the sum of the share components of all access licences in the water source in which the licence is being granted does not, as a result of the dealing, exceed the sum of the share components of all access licences in the water source as at the date this Plan commenced—

(a) Avon River Water Source,

(b) Cooplacurripa River Water Source,

(c) Manning Estuary Tributaries Water Source,

(d) Rowleys River Water Source,

(e) Upper Barrington River Water Source,

(f) Upper Manning River Water Source.

(6) A dealing under the Act, section 71R cancelling an access licence in a water source specified in Column 1 of the table to this section to grant an access licence in a water source specified opposite is permitted if the sum of the share components of all access licences in the water source in which the licence is being granted does not, as a result of the dealing, exceed the sum of the share components of all access licences in the water source as at the date this Plan commenced.

Column 1 **Water source in which access licence is cancelled**	**Column 2** **Water source in which access licence is granted**
Manning Estuary Tributaries Water Source	Lower Manning River Water Source

Column 1 Water source in which access licence is cancelled	Column 2 Water source in which access licence is granted
Avon River Water Source	Lower Barnard River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Mid Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	

Column 1 Water source in which access licence is cancelled	Column 2 Water source in which access licence is granted
Avon River Water Source	Nowendoc River Water Source
Bowman River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Cooplacurripa River Water Source	Lower Barrington/Gloucester Rivers Water Source
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	

(7) A dealing under the Act, section 71R from an access licence in a water source specified in Column 1 of the table to this subsection to an access licence in a water source or management zone specified opposite is permitted.

Column 1 Water source assigned from	Column 2 Water source/management zone assigned to
Cooplacurripa River Water Source	Nowendoc River downstream of Cooplacurripa River Confluence Management Zone
Rowleys River Water Source	
Myall Creek Water Source	Lower Barnard River Water Source
Upper Barnard River Water Source	

Column 1 Water source assigned from	Column 2 Water source/management zone assigned to
Lower Barnard River Water Source	Mid Manning River Water Source
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Lower Barrington/Gloucester Rivers Water Source
Bowman River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Avon River Water Source	Lower Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	

54 Amendment of extraction component dealings

A dealing under the Act, section 71S(1)(b) that involves varying an access licence with an extraction component that specifies a management zone in Column 1 in the table in this section to specify a management zone in the row opposite in Column 2, is prohibited.

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Craven Creek Management Zone
Bowman Creek above Craven Creek Junction Management Zone	Lower Bowman River Management Zone
Craven Creek Management Zone	
Craven Creek Management Zone	Bowman Creek above Craven Creek Junction Management Zone
Karuah Estuarine Management Zone	Karuah Upriver Management Zone
Lower Bowman River Management Zone	Bowman Creek above Craven Creek Junction Management Zone

	Craven Creek Management Zone
Tidal Wallamba River Management Zone	Khappinghat Creek Management Zone
Upper Wallamba River Management Zone	

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 in the same water source are prohibited—

(a) an assignment from an aquifer access licence that nominates a water supply work located further than 40m from the top of the high bank of a river to an access licence that nominates a water supply work located within 40m from the top of the high bank of a river,

(b) an assignment from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite.

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Craven Creek Management Zone

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Lower Bowman River Management Zone
Craven Creek Management Zone	
Craven Creek Management Zone	Bowman Creek above Craven Creek Junction Management Zone
Karuah Estuarine Management Zone	Karuah Upriver Management Zone
Lower Bowman River Management Zone	Bowman Creek above Craven Creek Junction Management Zone Craven Creek Management Zone
Tidal Wallamba River Management Zone	Khappinghat Creek Management Zone
Upper Wallamba River Management Zone	

(2) The following assignments of water allocations under the Act, section 71T between water sources in the same water management area are prohibited—

(a) an assignment to an access licence in a different extraction management unit,

(b) an assignment from an access licence in a water source to which this Plan does not apply,

(c) an assignment to an access licence in the following water sources—

(i) Bowman River Water Source,

(ii) Coolongolook River Water Source,

(iii) Dingo Creek Water Source,

(iv) Myall Lakes Water Source,

(v) Myall River Water Source,

(vi) Upper Gloucester River Water Source,

(vii) Wallamba River Water Source.

(3) An assignment of water allocations under the Act, section 71T to an access licence with an extraction component that specifies the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit.

(4) An assignment of water allocations under the Act, section 71T to an access licence with a share component that specifies the Myall Creek Water Source or the Upper Barnard River Water Source is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit by more than 10ML.

(5) An assignment of water allocations under the Act, section 71T to an access licence with a share component that specifies one of the following water sources is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit —

(a) Avon River Water Source,

(b) Cooplacurripa River Water Source,

(c) Manning Estuary Tributaries Water Source,

(d) Rowleys River Water Source,

(e) Upper Barrington River Water Source,

(f) Upper Manning River Water Source.

(6) An assignment of water allocations under the Act, section 71T from an access licence with a share component that specifies a water source specified in Column 1 of the table to this section to an access licence with a share component that specifies a water source 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.

Column 1 **Water source assigned from**	**Column 2** **Water source assigned to**
Manning Estuary Tributaries Water Source	Lower Manning River Water Source
Avon River Water Source	Lower Barnard River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Mid Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	

Column 1 Water source assigned from	Column 2 Water source assigned to
Avon River Water Source	Nowendoc River Water Source
Bowman River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Cooplacurripa River Water Source	Lower Barrington/Gloucester Rivers Water Source
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	

(7) An assignment of water allocations under the Act, section 71T from an access licence in a water source specified in Column 1 of the table to this subsection to an access licence in a water source or management zone specified opposite is permitted.

Column 1 Water source assigned from	Column 2 Water source assigned to
Cooplacurripa River Water Source	Nowendoc River Water Source
Rowleys River Water Source	Cooplacurripa River Confluence Management Zone
Myall Creek Water Source	Lower Barnard River Water Source
Upper Barnard River Water Source	
Lower Barnard River Water Source	Mid Manning River Water Source
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Lower Barrington/Gloucester Rivers Water Source
Bowman River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Avon River Water Source	Lower Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	

(8) 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 a share component or 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

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 under which surface water may be taken being amended to nominate a water supply work authorised by its approval to take groundwater,

(c) an aquifer access licence that nominates a water supply work located further than 40 m from the top of the high bank of a river being amended to nominate a water supply work located within 40m from the top of the high bank of a river,

(d) an access licence being amended to nominate a water supply work located in a different management zone than the zone specified in the extraction component of the licence,

(e) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence,

(f) an access licence being amended to nominate a water supply work outside of the State.

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

Each access licence must be subject to the following mandatory conditions—

(a) the water taken under an access licence must not exceed the maximum water account debit permitted under section 31,

(b) the relevant access rules for the take 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.

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 (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 as follows—

(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 written notice to the Minister, 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 supply work, 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—

(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,

(d) 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,

(e) 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,

(f) to protect water-dependent Aboriginal cultural assets, including as follows—

(i) by identifying water-dependent Aboriginal cultural assets,

(ii) by establishing new flow classes or access rules,

(iii) by restricting the construction and use of water supply works,

(iv) by establishing new access licence dealing rules,

(g) 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,

(h) to add, modify or remove a definition,

(i) to modify Schedule 2 to add or remove an access licence,

(j) to add or remove a contamination source by amending Schedule 4,

(k) 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

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	**Management Zone**	**Flow class**	**Flow class threshold**	**Flow reference point**
Avon River		Very Low Flow Class	Less than 0ML/day	Avon River at Waukivory Creek (208028)
		A Class	Equal to or more than 0ML/day and less than 23ML/day	
		B Class	Equal to or more than 23ML/day	
Bowman River	Lower Bowman River	Very Low Flow Class	Less than or equal to 40ML/day on a rising river or less than or equal to 27ML/day on a falling river	Gloucester River at Doon Ayre (208003)
	Bowman River above Craven Creek Junction	A Class	More than 40ML/day and less than 532ML/day on a rising river or more than 27ML/day and less than 532ML/day on a falling river	
	Craven Creek	B Class	More than or equal to 532ML/day	
Coolongolook River	Upper Coolongolook River	Very Low Flow Class	No visible flow	Coolongolook River at Locketts Crossing
		A Class	Visible flow No flow classes established	
	Wang Wauk River Tidal Coolongolook River			
Cooplacurripa	Cooplacurripa River Headwaters	Very Low Flow Class	Less than or equal to 64ML/day on a rising river or less than or equal to 61ML/day on a falling river	Nowendoc River at the Rocks Crossing (208005)
	Cooplacurripa River	A Class	More than 64ML/day and less than 350ML/day on a rising river or more than 61ML/day and less than 350ML/day on a falling river	
		B Class	More than or equal to 350ML/day	
Dingo Creek		Very Low Flow Class	Less than or equal to 4.6ML/day on a rising river and less than or equal to 2.6ML/day on a falling river	Dingo Creek at Belbourie Bridge (208032)
		A Class	More than 4.6ML/day and less than 110ML/day on a rising river or more than 2.6ML/day and less than 110ML/day on a falling river	
		B Class	More than or equal to 110ML/day	

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	**Management Zone**	**Flow class**	**Flow class threshold**	**Flow reference point**
Karuah River	Karuah Upriver	Very Low Flow Class	Less than or equal to 5ML/day on a rising river or less than or equal to 3.5ML/day on a falling river From 1 June to 31 July and from 1 October to 30 November, equal to or more than 9ML/day maintained for no more than 3 continuous weeks in each period or to the end of either period	Karuah River at Booral (209003)
		A Class	More than 5ML/day and less than or equal to 18ML/day on a rising river or more than 3.5ML/day and less than or equal to 18ML/day on a falling river From 1 June to 31 July and from 1 October to 30 November, equal to or more than 9ML/day maintained for no more than 3 continuous weeks in each period or to the end of either period	
		B Class	More than 18ML/day	
	Karuah Estuarine		No flow classes established	
Lower Barnard River	Lower Barnard River Upper Reaches	Very Low Flow Class	Less than or equal to 13ML/day on a rising river or less than or equal to 11ML/day on a falling river	Barnard River at the Measuring
		A Class	More than 13ML/day and less than or equal to the 80th percentile flow on a rising river or more than 11ML/day and less than or equal to the 80th percentile flow on a falling river	Weir (208027)
		B Class	More than the 80th percentile flow	
	Lower Barnard River	Very Low Flow Class	Less than or equal to 34ML/day on a rising river or less than or equal to 32ML/day on a falling river	Barnard River at Mackay (208011)
		A Class	More than 34ML/day on a rising river or more than 32ML/day on a falling river	
Lower Barrington/Gloucester Rivers	Lower Barrington River Upper Reaches	Very Low Flow Class	Less than or equal to 39ML/day on a rising river or less than or equal to 32ML/day on a falling river	Barrington River at U/S Rocky Crossing (208006)
		A Class	More than 39ML/day and less than or equal to 373ML/day on a rising river or more than 32ML/day and less than or equal to 373ML/day on a falling river	
		B Class	More than 373ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	**Management Zone**	**Flow class**	**Flow class threshold**	**Flow reference point**
	Lower Barrington River	Very Low Flow Class	Less than or equal to 15ML/day on a rising river or less than or equal to 10ML/day on a falling river	Barrington River at Relfs Road (208031)
		A Class	More than 15ML/day and less than or equal to 272ML/day on a rising river or more than 10ML/day and less than or equal to 272ML/day on a falling river	
		B Class	More than 272ML/day	
	Lower Gloucester River	Very Low Flow Class	Less than or equal to 40ML/day on a rising river or less than or equal to 27ML/day on a falling river	Gloucester River at Doon Ayre (208003)
		A Class	More than 40ML/day and less than or equal to 548ML/day on a rising river or more than 27ML/day and less than or equal to 548ML/day on a falling river	
		B Class	More than 548ML/day	
Lower Manning River		Very Low Flow Class	Less than or equal to 137ML/day on a rising river or less than or equal to 98ML/day on a falling river	Manning River at Killawarra (208004)
		A Class	More than 137ML/day and less than 1,566ML/day on a rising river or more than 98ML/day and less than 1,566ML/day on a falling river	
		B Class	Equal to or more than 1,566ML/day	
Manning Estuary Tributaries	Landsdowne River		No flows classes established	
	Dawson River Cedar Party Creek Manning Estuary Tributaries		No flow classes established	
Manning River Tidal Pool				
Mid Manning River		Very Low Flow Class	Less than or equal to 137ML/day on a rising river or less than or equal to 98ML/day on a falling river	Manning River at Killawarra (208004)
		A Class	More than 137ML/day and less than 1,566ML/day on a rising river or more than 98ML/day and less than 1,566ML/day on a falling river	
		B Class	Equal to or more than 1,566ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	**Management Zone**	**Flow class**	**Flow class threshold**	**Flow reference point**
Myall Creek		Very Low Flow Class	Less than or equal to 34ML/day on a rising river or less than or equal to 32ML/day on a falling river	Barnard River at Mackay (208011)
		A Class	More than 34ML/day and less than 245ML/day on a rising river or more than 32ML/day and less than 245ML/day on a falling river	
		B Class	Equal to or more than 245ML/day	
Myall Lakes			No flow classes established	
Myall River	Upper Myall River	Very Low Flow Class	No visible flow	Markwell River Bridge at Markwell
		A Class	Visible flow	
	Crawford River	Very Low Flow Class	No visible flow	Immediately upstream of the Crawford River weir pool
	Tidal Myall River	A Class	Visible flow No flow classes established	
Nowendoc River	Nowendoc River Headwaters	Very Low Flow Class	Less than or equal to 64ML/day on a rising river or less than or equal to 61ML/day on a falling river	Nowendoc River at the Rocks
	Nowendoc River downstream of Cooplacurripa River confluence	A Class	More than 64ML/day and less than 350ML/day on a rising river or more than 61ML/day and less than 350ML/day on a falling river	Crossing (208005)
		B Class	Equal to or more than 350ML/day	
Rowley's River	Rowley's River Headwaters	Very Low Flow Class	Less than or equal to 64ML/day on a rising river or less than or equal to 61ML/day on a falling river	Nowendoc River at the Rocks
	Rowley's River	A Class	More than 64ML/day and less than 350ML/day on a rising river or more than 61ML/day and less than 350ML/day on a falling river	Crossing (208005)
		B Class	Equal to or more than 350ML/day	
Upper Barnard River		Very Low Flow Class	Less than or equal to 13ML/day on a rising river or less than or equal to 11ML/day on a falling river	Barnard River at the Measuring Weir (208027)
		A Class	More than 13ML/day on a rising river or more than 11ML/day on a falling river	

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	**Management Zone**	**Flow class**	**Flow class threshold**	**Flow reference point**
Upper Barrington River	Upper Barrington River Headwaters	Very Low Flow Class	Less than or equal to 39ML/day on a rising river or less than or equal to 32ML/day on a falling river	Barrington River at U/S Rocky Crossing (208006)
	Upper Barrington River	A Class	More than 39ML/day and less than 390ML/day on a rising river or more than 32ML/day and less than 390ML/day on a falling river	
		B Class	Equal to or more than 390ML/day	
Upper Gloucester River	Upper Gloucester River	Very Low Flow Class	Less than or equal to 8ML/day on a rising river or less than or equal to 6ML/day on a falling river	Gloucester River at Forbesdale
	Headwaters	A Class	More than 8ML/day and less than 75ML/day on a rising river or more than 6ML/day and less than 75ML/day on a falling river	(208008)
		B Class	Equal to or more than 75ML/day	
	Upper Gloucester River	Very Low Flow Class	Less than or equal to 2ML/day on a rising river or less than or equal to 1ML/day on a falling river	Gloucester River at Gloucester
		A Class	More than 2ML/day and less than 67ML/day on a rising river or more than 1ML/day and less than 67ML/day on a falling river	(208020)
		B Class	Equal to or more than 67ML/day	
Upper Manning River	Upper Manning River Headwaters	Very Low Flow Class	Less than or equal to 17ML/day on a rising river and less than or equal to 12ML/day on a falling river	Manning River at Leslies Bridge
	Upper Manning River	A Class	More than 17ML/day and less than 99ML/day on a rising river and more than 12ML/day and less than 99ML/day on a falling river	(208029)
		B Class	Equal to or more than 99ML/day	
Wallamba River	Upper Wallamba River	Very Low Flow Class	No visible flow	Dargavilles Crossing at Dargavilles Road
		A Class	Visible flow	
	Khappinghat Creek Tidal Wallamba River		No flow classes established	

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

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

Table A

Water source	Management zone	Licence number
Upper Gloucester River	Upper Gloucester River	20AL205234
Lower Manning River		20AL204962
Bowman River	Craven Creek	20AL204413
Upper Gloucester River	Upper Gloucester River	20AL205236
Upper Gloucester River	Upper Gloucester River	20AL205238
Dingo Creek		20AL204536
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210805
Dingo Creek		20AL204538
Upper Gloucester River	Upper Gloucester River Headwaters	20AL205246
Lower Manning River		20AL204966
Karuah River	Karuah Upriver	20AL201981
Upper Gloucester River	Upper Gloucester River	20AL205250
Karuah River	Karuah Upriver	20AL201985
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210815
Upper Gloucester River	Upper Gloucester River	20AL212925
Upper Gloucester River	Upper Gloucester River	20AL212926
Upper Manning River	Upper Manning River	20AL205395
Upper Gloucester River	Upper Gloucester River	20AL205270
Karuah River	Karuah Upriver	20AL202058
Karuah River	Karuah Upriver	20AL202090
Dingo Creek		20AL204576
Dingo Creek		20AL204578
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210821
Wallamba River	Upper Wallamba River	20AL205474
Avon River		20AL204354
Karuah River	Karuah Upriver	20AL202134
Upper Gloucester River	Upper Gloucester River	20AL205286
Lower Manning River		20AL204979
Upper Gloucester River	Upper Gloucester River	20AL205292
Dingo Creek		20AL204586
Avon River		20AL204358
Karuah River	Karuah Upriver	20AL202027
Upper Gloucester River	Upper Gloucester River	20AL205312
Karuah River	Karuah Upriver	20AL202100
Karuah River	Karuah Upriver	20AL204258
Karuah River	Karuah Upriver	20AL204259
Myall River	Tidal Myall River	20AL205137
Karuah River	Karuah Upriver	20AL204315
Karuah River	Karuah Upriver	20AL204316
Dingo Creek		20AL204618

Karuah River	Karuah Upriver	20AL202011
Lower Manning River		20AL205001
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210856
Manning Estuary Tributaries	Cedar Party Creek	20AL210858
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204818
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210866
Lower Barrington/Gloucester Rivers	Lower Barrington River Upper Reaches	20AL204824
Avon River		20AL204374
Wallamba River	Upper Wallamba River	20AL205503
Dingo Creek		20AL204664
Avon River		20AL204376
Avon River		20AL204378
Dingo Creek		20AL204672
Dingo Creek		20AL204674
Dingo Creek		20AL204676
Manning Estuary Tributaries	Manning Estuary Tributaries	20AL210868
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204832
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204833
Dingo Creek		20AL204682
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204835
Dingo Creek		20AL204690
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204845
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204847
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204848
Lower Manning River		20AL205009
Lower Manning River		20AL205011
Lower Manning River		20AL205013
Lower Manning River		20AL205015
Lower Manning River		20AL205017
Lower Manning River		20AL205019
Lower Manning River		20AL205021
Wallamba River	Upper Wallamba River	20AL205509
Lower Manning River		20AL205023
Dingo Creek		20AL212452
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218749
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218750
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218751
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204858
Dingo Creek		20AL204696
Dingo Creek		20AL204698
Dingo Creek		20AL204702
Lower Manning River		20AL205029
Lower Manning River		20AL205031
Lower Manning River		20AL205033
Lower Manning River		20AL213312
Lower Manning River		20AL213313
Lower Barrington/Gloucester Rivers	Lower Barrington River Upper Reaches	20AL204872
Lower Barrington/Gloucester River	Lower Barrington River	20AL204880
Lower Barrington/Gloucester River	Lower Barrington River	20AL204884
Lower Manning River		20AL205039
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210876
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210877

Lower Manning River		20AL205041
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204888
Lower Barrington/Gloucester Rivers	Upper Gloucester River	20AL221266
Lower Barrington/Gloucester Rivers	Upper Gloucester River	20AL221267
Bowman River	Craven Creek	20AL204451
Bowman River	Craven Creek	20AL204452
Lower Manning River		20AL205051
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210879
Myall River	Upper Myall River	20AL205141
Lower Manning River		20AL205053
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL213418
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL213419
Upper Manning River		20AL211567
Bowman River	Lower Bowman River	20AL204460
Avon River		20AL204380
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210895
Lower Manning River		20AL205065
Wallamba River	Upper Wallamba River	20AL205515
Avon River		20AL204382
Avon River		20AL204384
Avon River		20AL204386
Lower Manning River		20AL205077
Dingo Creek		20AL204712
Lower Manning River		20AL205082
Avon River		20AL204392
Lower Manning River		20AL205086
Avon River		20AL204395
Avon River		20AL204396
Myall River	Tidal Myall River	20AL205143
Myall River	Tidal Myall River	20AL205144
Lower Manning River		20AL205088
Manning Estuary Tributaries	Manning Estuary Tributaries	20AL210910
Avon River		20AL204398
Avon River		20AL204400
Bowman River	Bowman River above Craven Creek Junction	20AL219681
Bowman River	Bowman River above Craven Creek Junction	20AL219682
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204939
Coolongolook River	Wangwauk River	20AL204516
Coolongolook River	Upper Coolongolook River	20AL204518
Wallamba River	Upper Wallamba River	20AL205536
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204945
Karuah River	Karuah Upriver	20AL202029
Karuah River	Karuah Upriver	20AL202044
Karuah River	Karuah Upriver	20AL202046
Karuah River	Karuah Upriver	20AL202077
Karuah River	Karuah Upriver	20AL202048
Karuah River	Karuah Upriver	20AL202050
Karuah River	Karuah Upriver	20AL202051
Karuah River	Karuah Upriver	20AL202082
Karuah River	Karuah Estuarine	20AL202131
Karuah River	Karuah Estuarine	20AL202132
Karuah River	Karuah Estuarine	20AL202060
Karuah River	Karuah Estuarine	20AL202061

Karuah River	Karuah Estuarine	20AL202064
Karuah River	Karuah Estuarine	20AL202066
Karuah River	Karuah Estuarine	20AL202096

Table B

Water source	Management zone	Licence number
Karuah River	Karuah Upriver	20AL200003
Manning Estuary Tributaries		20AL210811
Myall River		20AL205133
Lower Barrington/Gloucester River		20AL212465
Lower Manning River		20AL212486
Lower Barrington/Gloucester River		20AL212467

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

(When this Plan was made, this Schedule was blank)

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

section 6(1)

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.

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.

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 Lower North Coast Unregulated and Alluvial Water Sources Plan High Priority Groundwater-Dependent Ecosystem Map (GDE27_Version 2).

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.

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 Lower North Coast Unregulated and Alluvial Water Sources Plan Map (WSP001_Version 4).

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

planning approval means—

(a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4,

(b) a State significant infrastructure approval under that Act, Part 5.1, or

(c) a transitional Part 3A project approval under that Act, Schedule 6A.

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

reduced available water determinations—see section 18.

replacement groundwater work—see section 44.

standard LTAAEL—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.

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.