

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023

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New South Wales

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New South Wales

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023

under the
Water Management Act 2000

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

ROSE JACKSON, MLC

Minister for Water

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023

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 Northern Rivers Water Management Area.

1 Name of Plan

This Plan is the Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023.

2 Commencement

This Plan commences on 1 July 2023.

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 Northern Rivers Water Management Area—
 - (a) the Alstonville Area Water Source,
 - (b) the Bangalow Area Water Source,
 - (c) the Broadwater Area Water Source,
 - (d) the Coopers Creek Water Source,
 - (e) the Coraki Area Water Source,
 - (f) the Double Duke Area Water Source,
 - (g) the Doubtful Creek Water Source,
 - (h) the Eden Creek Water Source,
 - (i) the Evans River Water Source,
 - (j) the Gradys Creek Water Source,
 - (k) the Kyogle Area Water Source,
 - (l) the Lennox Area Water Source,
 - (m) the Leycester Creek Water Source,
 - (n) the Myall Creek Water Source,
 - (o) the Myrtle Creek Water Source,
 - (p) the Richmond River Area Coastal Floodplain Alluvial Groundwater Source,
 - (q) the Richmond Regulated Alluvial Water Source,
 - (r) the Richmond Regulated Water Source,
 - (s) the Sandy Creek Water Source,

- (t) the Shannon Brook Water Source,
- (u) the Terania Creek Water Source,
- (v) the Toonumbar Area Water Source,
- (w) the Tuckean Area Water Source,
- (x) the Upper Richmond River Water Source,
- (y) the Wyrallah Area Water Source.

(2) The water sources, other than the Richmond River Area Coastal Floodplain Alluvial Groundwater Source, the Richmond Regulated Alluvial Water Source and the Richmond Regulated Water Source—

- (a) include surface water, other than water contained in the Richmond Regulated Water Source,
- (b) include groundwater contained in Cenozoic sediments, other than groundwater—
 - (i) contained in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source and the Richmond Regulated Alluvial Water Source, and
 - (ii) which the Water Sharing Plan for the *North Coast Coastal Sands Groundwater Sources 2016* applies.

(3) The Richmond River Area Coastal Floodplain Alluvial Groundwater Source and the Richmond Regulated Alluvial Water Source—

- (a) include groundwater contained in Cenozoic sediments, and
- (b) do not include surface water.

(4) The Richmond Regulated Water Source includes all water contained within rivers declared to be regulated rivers under the *Richmond Regulated River Order 2010*, Gazette No 135, 17 December 2010.

Note— The *Richmond Regulated River Order 2010* is amended by the Act, Schedule 12, clause 29.

4 Management zones to which Plan applies

- (1) The Alstonville Area Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Alstonville Drains Management Zone,
 - (b) Alstonville Management Zone.
- (2) The Coopers Creek Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Lower Coopers Creek Management Zone,
 - (b) Upper Coopers Creek Management Zone.
- (3) The Coraki Area Water Source is divided into the following management zones shown on the Plan Map—
 - (a) Bungawalbin Creek Non Tidal Management Zone,
 - (b) Bungawalbin Creek Tidal Pool Management Zone,

- (c) Coraki Non Tidal Management Zone,
- (d) Richmond River Tidal Pool Management Zone.

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

- (a) Lower Kyogle Management Zone,
- (b) Upper Kyogle Management Zone.

(5) The Richmond Regulated Water Source is divided into the following management zones shown on the Plan Map—

- (a) Richmond Regulated Zone 1,
- (b) Richmond Regulated Zone 2.

(6) The Tuckean Area Water Source is divided into the following management zones shown on the Plan Map—

- (a) Tuckean Drains Management Zone,
- (b) Tuckean Management Zone.

(7) The Wyrallah Area Water Source is divided into the following management zones shown on the Plan Map—

- (a) Wilsons River Tidal Pool Management Zone,
- (b) Wyrallah Non Tidal Management Zone.

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

The following extraction management units are established—

- (a) the Evans River Catchment Extraction Management Unit, consisting of the Evans River Water Source,
- (b) the Richmond River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Richmond River Area Coastal Floodplain Alluvial Groundwater Source,
- (c) the Richmond Regulated Extraction Management Unit, consisting of the Richmond Regulated Water Source,
- (d) the Richmond River 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 with 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, groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights and town water supply,
- (f) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,

- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
- (h) provide a stable and predictable framework for sharing water among water users,
- (i) provide for flexibility of access to water,
- (j) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
- (k) provide for water associated with Aboriginal cultural values and uses, and community development.

(2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

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

Part 3 Requirements for water

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

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 7,404ML/year distributed as follows—

- (a) 285ML/year in the Alstonville Area Water Source,
- (b) 579ML/year in the Bangalow Area Water Source,
- (c) 61ML/year in the Broadwater Area Water Source,
- (d) 268ML/year in the Coopers Creek Water Source,
- (e) 284ML/year in the Coraki Area Water Source,
- (f) 39ML/year in the Double Duke Area Water Source,
- (g) 238ML/year in the Doubtful Creek Water Source,
- (h) 296ML/year in the Eden Creek Water Source,
- (i) 72ML/year in the Evans River Water Source,
- (j) 283ML/year in the Gradys Creek Water Source,
- (k) 735ML/year in the Kyogle Area Water Source,
- (l) 108ML/year in the Lennox Area Water Source,
- (m) 588ML/year in the Leycester Creek Water Source,
- (n) 476ML/year in the Myall Creek Water Source,
- (o) 410ML/year in the Myrtle Creek Water Source,
- (p) 666ML/year in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source,
- (q) 5ML/year in the Richmond Regulated Alluvial Water Source,
- (r) 92ML/year in the Richmond Regulated Water Source,
- (s) 255ML/year in the Sandy Creek Water Source,
- (t) 549ML/year in the Shannon Brook Water Source,
- (u) 359ML/year in the Terania Creek Water Source,
- (v) 83ML/year in the Toonumbar Area Water Source,
- (w) 235ML/year in the Tuckean Area Water Source,
- (x) 225ML/year in the Upper Richmond River Water Source,
- (y) 213ML/year in the Wyrallah Area Water Source.

13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under—

- (a) the native title determination for the Githabul Nation Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2007/001), and
- (b) the native title determination for the Ngullingah Jugun (Our Country) Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2017/002), and
- (c) the native title determination for the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC (National Native Title Tribunal references NCD2013/001, NCD2013/002 and NCD2021/001), and
- (d) the native title determination for the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) (Native Title Tribunal reference NCD2019/001), and
- (e) the native title determination for the Widjabul Wia-Bal (Native Title Tribunal reference NCD2022/001).

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights is estimated to be 30,636ML/year distributed as follows—

- (a) 1,301ML/year in the Alstonville Area Water Source,
- (b) 1,076ML/year in the Bangalow Area Water Source,
- (c) 686ML/year in the Broadwater Area Water Source,
- (d) 1,004ML/year in the Coopers Creek Water Source,
- (e) 5,216ML/year in the Coraki Area Water Source,
- (f) 229ML/year in the Double Duke Area Water Source,
- (g) 3,037ML/year in the Doubtful Creek Water Source,
- (h) 537ML/year in the Eden Creek Water Source,
- (i) 443ML/year in the Evans River Water Source,
- (j) 296ML/year in the Gradys Creek Water Source,
- (k) 3,668ML/year in the Kyogle Area Water Source,
- (l) 600ML/year in the Lennox Area Water Source,
- (m) 1,530ML/year in the Leycester Creek Water Source,
- (n) 351ML/year in the Myall Creek Water Source,
- (o) 1,405ML/year in the Myrtle Creek Water Source,
- (p) 1,391ML/year in the Sandy Creek Water Source,
- (q) 2,547ML/year in the Shannon Brook Water Source,
- (r) 1,607ML/year in the Terania Creek Water Source,
- (s) 416ML/year in the Toonumbar Area Water Source,
- (t) 780ML/year in the Tuckean Area Water Source,
- (u) 833ML/year in the Upper Richmond River Water Source,
- (v) 1,683ML/year in the Wyrallah Area Water Source,
- (w) 0ML/year in all other water sources.

Division 2 Requirements for water for extraction under access licences

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 594ML/year distributed as follows—
 - (a) 153ML/year in the Alstonville Area Water Source,
 - (b) 88ML/year in the Bangalow Area Water Source,
 - (c) 51ML/year in the Coopers Creek Water Source,
 - (d) 17ML/year in the Coraki Area Water Source,
 - (e) 1ML/year in the Evans River Water Source,
 - (f) 6ML/year in the Gradys Creek Water Source,
 - (g) 58ML/year in the Kyogle Area Water Source,
 - (h) 68ML/year in the Leycester Creek Water Source,
 - (i) 4ML/year in the Myrtle Creek Water Source,
 - (j) 14ML/year in the Richmond Regulated Water Source,
 - (k) 14ML/year in the Shannon Brook Water Source,
 - (l) 45ML/year in the Terania Creek Water Source,
 - (m) 54ML/year in the Tuckean Area Water Source,
 - (n) 14ML/year in the Upper Richmond River Water Source,
 - (o) 7ML/year in the Wyrallah Area Water Source,
 - (p) 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 25,582ML/year distributed as follows—
 - (a) 2,625ML/year in the Alstonville Area Water Source,
 - (b) 535ML/year in the Bangalow Area Water Source,
 - (c) 4,111ML/year in the Kyogle Area Water Source,
 - (d) 12,491ML/year in the Terania Creek Water Source,
 - (e) 420ML/year in the Tuckean Area Water Source,
 - (f) 5,400ML/year in the Wyrallah Area Water Source,
 - (g) 0ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 65,978.5 unit shares distributed as follows—
 - (a) 4,855.75 unit shares in the Alstonville Area Water Source,
 - (b) 5,342.75 unit shares in the Bangalow Area Water Source,
 - (c) 360 unit shares in the Broadwater Area Water Source,
 - (d) 5,657.5 unit shares in the Coopers Creek Water Source,
 - (e) 15,989 unit shares in the Coraki Area Water Source,

- (f) 183 unit shares in the Doubtful Creek Water Source,
- (g) 524 unit shares in the Eden Creek Water Source,
- (h) 2,135 unit shares in the Gradys Creek Water Source,
- (i) 9,561.5 unit shares in the Kyogle Area Water Source,
- (j) 42 unit shares in the Lennox Area Water Source,
- (k) 1,063 unit shares in the Leycester Creek Water Source,
- (l) 1,574 unit shares in the Myrtle Creek Water Source,
- (m) 366 unit shares in the Sandy Creek Water Source,
- (n) 520 unit shares in the Shannon Brook Water Source,
- (o) 2,263 unit shares in the Terania Creek Water Source,
- (p) 4,542 unit shares in the Tuckean Area Water Source,
- (q) 2,631 unit shares in the Upper Richmond River Water Source,
- (r) 8,369 unit shares in the Wyrallah Area Water Source,
- (s) 0 unit shares in all other water sources.

(4) On the commencement of this Plan, the share components of unregulated river (high flow) access licences are estimated to be a total of 0 unit shares.

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 3,640 unit shares distributed as follows—

- (a) 108 unit shares in the Bangalow Area Water Source,
- (b) 1,599 unit shares in the Coraki Area Water Source,
- (c) 7 unit shares in the Double Duke Area Water Source,
- (d) 5 unit shares in the Gradys Creek Water Source,
- (e) 451 unit shares in the Kyogle Area Water Source,
- (f) 12 unit shares in the Lennox Area Water Source,
- (g) 80 unit shares in the Leycester Creek Water Source,
- (h) 5 unit shares in the Myrtle Creek Water Source,
- (i) 706 unit shares in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source,
- (j) 10 unit shares in the Richmond Regulated Alluvial Water Source,
- (k) 15 unit shares in the Sandy Creek Water Source,
- (l) 85 unit shares in the Shannon Brook Water Source,
- (m) 24 unit shares in the Terania Creek Water Source,
- (n) 5 unit shares in the Tuckean Area Water Source,
- (o) 431 unit shares in the Upper Richmond River Water Source,
- (p) 97 unit shares in the Wyrallah Area Water Source,

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

(6) On the commencement of this Plan, the share components of regulated river (high security) access licences are estimated to be a total of 123 unit shares distributed as follows—

- (a) 123 unit shares in the Richmond Regulated Water Source,
- (b) 0 unit shares in all other water sources.

(7) On the commencement of this Plan, the share components of regulated river (general security) access licences are estimated to be a total of 9,531 unit shares distributed as follows—

- (a) 9,531 unit shares in the Richmond Regulated Water Source,
- (b) 0 unit shares in all other water sources.

(8) On the commencement of this Plan, the share components of supplementary water access licences are estimated to be a total of 0 unit shares.

Note to section 15(8)— When this Plan was made, there were no supplementary water access licences.

Note to section 15— The total share components of access licences in the water sources may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the Water Act 1912 to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

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

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1ML/unit share,
 - (d) for unregulated river (high flow) access licences—1ML/unit share,
- (3) An available water determination for regulated river (general security) access licences, up to 1ML/unit share, may be made if—
 - (a) the sum of available water determinations made for regulated river (high security) access licences equals 1ML/unit share, and
 - (b) there is sufficient water available for the determination after providing for water losses associated with holding and delivering water to meet existing water allocations in the Richmond Regulated Water Source.
- (4) If, after an available water determination for regulated river (high security) access licences of less than 1ML/unit share is made at the start of a water year, additional water becomes available in the Richmond Regulated Water Source, an additional available water determination for regulated river (high security) access licences must be made as soon as practicable.
- (5) This section is subject to sections 22 and 26.
- (6) In this section—

existing water allocation means an unused water allocation in a water allocation account arising from—

- (a) water allocations assigned under the Act, section 71T,
- (b) water allocations recredited under the Act, section 76,
- (c) available water determinations made in the water year.

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 compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

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

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

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

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

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

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

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

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

higher flow extraction licence means the following—

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

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

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

Subdivision 2 Standard LTAAELs

19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) for the Evans River Catchment Extraction Management Unit—2264ML/year,
- (b) for the Richmond River Extraction Management Unit—190,519ML/year,
- (c) for the Richmond River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—13,000ML/year,
- (d) for the Richmond Regulated Extraction Management Unit—10,070ML/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 for 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 standard LTAAEL for each extraction management unit must be compared against—
 - (a) for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit—the 3-year average standard extraction for the extraction management unit, or
 - (b) for the Richmond River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit and the Richmond Regulated Extraction Management Unit—the annual standard extraction for the extraction management unit for the previous water year.
- (2) In determining the standard LTAAEL for the relevant 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—
 - (a) for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit—the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more, or

- (b) for the Richmond Regulated Extraction Management Unit—the annual standard extraction for the previous water year exceeds the standard LTAAEL for the water year by 5% or more, or
- (c) for the Richmond River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—the annual standard extraction for the previous water year exceeds the standard LTAAEL for the water year.

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 at least one of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an aquifer access licence,
 - (c) a regulated river (general security) 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 for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit is the largest sum of the share components of all higher flow extraction licences within each 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 for 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 non-compliance 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 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 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

[Not applicable]

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

28 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
 - (a) an aquifer (Aboriginal community development) access licence in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source, if it would not cause the sum of share components of aquifer access licences in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source to exceed 9,048ML/year.

Note—A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).

- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10ML/year,
 - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) traditional food production,
 - (viii) purposes to achieve environmental outcomes,
 - (ix) recreational, cultural and ceremonial purposes, and
 - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (4) In this section—
Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

29 Management of access licences

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

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)

Note— Clause 17 of the *Water Management (General) Regulation 2018* also includes provisions regarding the debiting of water allocation accounts.

31 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence, other than an access licence in the Richmond Regulated Water Source or Richmond River Area Coastal Floodplain Alluvial Groundwater Source, must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) The Minister must debit water allocations from the water allocation account of an access licence for the take of water from uncontrolled flows—
 - (a) only if the sum of the following exceeds 1ML per unit share of the licence—
 - (i) the total volume of water taken under the access licence from uncontrolled flows in a water year, plus
 - (ii) the total amount of allocations credited to the licence by available water determinations during the water year, and
 - (b) in an amount equivalent to the exceedance.
- (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 or 71V,
- (c) the water allocations recited to the water allocation account under the Act, section 76.

32 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an access licence in the Richmond River Area Coastal Floodplain Alluvial Groundwater Source or the Richmond Regulated River Water Source—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount equal to the following—
 - (i) for access licences with share components expressed as ML/year— 100% of the share component,
 - (ii) for access licences with share components expressed as a number of unit shares—1ML/unit share.

Division 3 Flow classes

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

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, a flow class applies when the water source or management zone flow or electrical conductivity meets the flow or electrical conductivity specified under the flow class threshold for the water source or management zone as measured 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)

Subdivision 1 Regulated surface water

34A Application of Subdivision

This Subdivision applies to the Richmond Regulated Water Source.

34B General

- (1) Water must not be taken under an access licence unless—
 - (a) the licence holder has placed an order for water in the approved form, and
 - (b) the water order has been approved.

(2) Subsection (1) does not apply to water taken under a supplementary water access licence or the taking of water from uncontrolled flows in accordance with section 34C.

34C Specific access rules—uncontrolled flows

(1) This section applies to the taking of water from uncontrolled flows under a regulated river (general security) access licence—

- with a share component that specifies the Richmond Regulated Water Source, and
- that nominates a metered work.

(2) Water must not be taken unless—

- flows are—
 - in excess of the flows necessary to satisfy the operational rules for the Toonumbar Dam in Part 6A, and
 - sufficient to satisfy the access rules specified for the management zone in the Table to this section, and
- in accordance with a notice approved by the Minister and published on the WaterNSW website specifying—
 - the period for which water from uncontrolled flows within the management zone is available to be taken by access licence holders (the *uncontrolled flow event*),
 - the volume of the uncontrolled flows, and
 - any limits on the volume of water that may be extracted under an access licence during the uncontrolled flow event.

(3) Water must not be taken from uncontrolled flows if there is insufficient water remaining in the water allocation account of the access licence following a debit for the take of water from uncontrolled flows under section 31(2).

Table—Access rules for uncontrolled flows

Management zone	Access rule for commencing take of water	Access rule for ceasing take of water
Richmond Regulated Zone 1	Flows at Iron Pot Creek at Toonumbar gauge (203023) have been more than 40ML/day for 12 or more hours	Flows at Iron Pot Creek at Toonumbar gauge (203023) are less than or equal to 40ML/day
Richmond Regulated Zone 2	Flows at Eden Creek at Doubtful gauge (203034) have been more than 40ML/day for 12 or more hours	Flows at Eden Creek at Doubtful gauge (203034) are less than or equal to 40ML/day

Subdivision 2 Unregulated surface water

34D Application of Subdivision

This Subdivision does not apply to the Richmond Regulated Alluvial Water Source, the Richmond Regulated Water Source, and the Richmond River Coastal Floodplain Alluvial Groundwater Source.

35 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water is taken.
- (2) Surface water must not be taken if flows in the water source or management zone are in the Very Low Flow Class.

36 Specific access rules

- (1) Surface water must not be taken from an in-river pool or off-river pool in the following when the pool is below full capacity—
 - (a) a water source or management zone without established flow classes, and
 - (b) the Coopers Creek Water Source.
- (2) Surface water must not be taken from an in-river dam pool unless—
 - (a) 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, or
 - (b) in the Coopers Creek Water Source, the in-river dam is passing all inflows.
- (3) Surface water must not be taken under the following access licences unless flows in the water source are in the B Class or higher—
 - (a) an access licence of the subcategory Aboriginal community development,
 - (b) an unregulated river (high flow) access licence in the following water sources—
 - (i) the Bangalow Area Water Source,
 - (ii) the Coopers Creek Water Source,
 - (iii) the Gradys Creek Water Source,
 - (iv) the Kyogle Area Water Source,
 - (v) the Terania Creek Water Source,
 - (vi) the Upper Richmond River Water Source.
- (4) Surface water must not be taken under an unregulated river (high flow) access licence in the following water sources unless flows are in the C Class or higher—
 - (a) the Leycester Creek Water Source,
 - (b) the Shannon Brook Water Source.
- (5) Surface water must not be taken under an access licence with a share component that specifies the Gradys Creek Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 22ML/day and less than or equal to 28ML/day, or

- (b) 6 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 15ML/day and less than or equal to 22ML/day.
- (6) Surface water must not be taken under an access licence with a share component that specifies the Kyogle Area Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 21ML/day and less than or equal to 29ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 15ML/day and less than or equal to 21ML/day.
- (7) Surface water must not be taken under an access licence with a share component that specifies the Terania Creek Water Source for more than 8 hours/day if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 8.5ML/day and less than or equal to 15ML/day.
- (8) Surface water must not be taken under an access licence with an extraction component that specifies the Bungawalbin Creek Tidal Pool Management Zone, Richmond River Tidal Pool Management Zone or Wilsons River Tidal Pool Management Zone for more than 10 hours/day if, for the previous day, the average electrical conductivity at 25°C at the Richmond River at Coraki gauge (203403) was more than or equal to 2000 μ S/cm and less than 4000 μ S/cm.
- (9) Surface water must not be taken under an access licence with a share component that specifies the Bangalow Area Water Source for more than 6 hours/day if flows at the Wilsons River at Eltham gauge (213014) are more than 24ML/day and less than or equal to 31ML/day.
- (10) Surface water must not be taken under an unregulated river access licence with a share component that specifies the Coopers Creek Water Source for 48 hours after flows at the Coopers Creek at Ewing Bridge gauge (203024) first exceed 31ML/day, if, in the previous 24-hour period, flows at the Coopers Creek at Ewing Bridge gauge (203024) were less than 9ML/day.
- (11) Surface water must not be taken under an access licence with a share component that specifies the Coopers Creek Water Source from 8am to 8pm if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 9ML/day and less than or equal to 16ML/day.
- (12) Surface water must not be taken under an access licence specified in Schedule 2, Table C or Schedule 3 in contravention of the specified condition.

37 Exceptions

- (1) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,

- (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
- (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,
- (c) from a runoff harvesting dam,
- (d) under an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
- (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
- (f) under an access licence specified in Schedule 2, Table D while the Alstonville Wastewater Treatment Plant is discharging water on a daily basis.

(2) Sections 35 and 36(1)–(11) do not apply to an access licence specified in Schedule 2, Table C or Schedule 3.

(3) Section 35(1) does not apply to the take of surface water from an in-river pool or off-river pool in the following—

- (a) Bungawalbin Creek Tidal Pool Management Zone,
- (b) Richmond River Tidal Pool Management Zone,
- (c) Wilsons River Tidal Pool Management Zone,
- (d) Coopers Creek Water Source.

(4) Sections 35 and 36(3)–(12) do not apply to the take of surface water from the following locations—

- (a) an in-river pool in a water source or management zone without established flow classes, or
- (b) an off-river pool in a water source or management zone without established flow classes, or
- (c) an in-river dam pool.

(5) Sections 35(2) and 36(11) do not apply to the take of surface water from an off-river pool in the Coopers Creek Water Source.

Division 5 Access rules for take of groundwater—the Act, s 21(a)

37A Application of Division

This Division does not apply to the Richmond Regulated Alluvial Water Source, the Richmond Regulated Water Source, and the Richmond River Coastal Floodplain Alluvial Groundwater Source.

38 General

Groundwater must not be taken in the following circumstances—

- (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater,
- (b) if the location closest to the water supply work being used to take groundwater is a pool that is below full capacity.

39 Specific access rules

- (1) Groundwater must not be taken if flows in the water source or management zone are in the Very Low Flow Class.
- (2) Groundwater must not be taken under an access licence with a share component that specifies the Gradys Creek Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 22ML/day and less than or equal to 28ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 15ML/day and less than or equal to 22ML/day.
- (3) Groundwater must not be taken under an access licence with a share component that specifies the Kyogle Area Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 21ML/day and less than or equal to 29ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 15ML/day and less than or equal to 21ML/day.
- (4) Groundwater must not be taken under an access licence with a share component that specifies the Terania Creek Water Source for more than 8 hours/day if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 8.5ML/day and less than or equal to 15ML/day.
- (5) Groundwater must not be taken under an access licence with an extraction component that specifies the Bungawalbin Creek Non Tidal Management Zone, Coraki Non Tidal Management Zone or Wyrallah Non Tidal Management Zone for more than 10 hours/day if, for the previous day, the average electrical conductivity at 25°C at the Richmond River at Coraki gauge (203403) was more than or equal to 2000 $\mu\text{S}/\text{cm}$ and less than 4000 $\mu\text{S}/\text{cm}$.
- (6) Groundwater must not be taken under an access licence with a share component that specifies the Bangalow Area Water Source for more than 6 hours/day if flows at the Wilsons River at Eltham gauge (213014) are more than 24ML/day and less than or equal to 31ML/day.
- (7) Groundwater must not be taken under an unregulated river access licence with a share component that specifies the Coopers Creek Water Source for 48 hours after flows at the Coopers Creek at Ewing Bridge gauge (203024) first exceed 31ML/day, if, in the previous 24-hour period, flows at the Coopers Creek at Ewing Bridge gauge (203024) were less than 9ML/day.
- (8) Groundwater must not be taken under an access licence with a share component that specifies the Coopers Creek Water Source from 8am to 8pm if flows at the Coopers

Creek at Ewing Bridge gauge (203024) are more than 9ML/day and less than or equal to 16ML/day.

(9) Groundwater must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.

40 Exceptions

(1) Sections 38 and 39 do 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 an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
- (d) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
- (e) using a water supply work that is not located on waterfront land, unless the aquifer access licence was granted following a dealing under section 71O of the Act to convert an unregulated river access licence.

(2) Section 38 does not apply to the following areas or locations—

- (a) Bungawalbin Creek Tidal Pool Management Zone,
- (b) Richmond River Tidal Pool Management Zone,
- (c) Wilsons River Tidal Pool Management Zone.

(3) Sections 38 and 39(1) – (8) do not apply to an access licence specified in Schedule 3.

Part 6A Rules for major utility and other storages—the Act, s 21(a)

40A Preliminary

- (1) This Part applies to the Richmond Regulated Water Source.
- (2) The dam operator for Toonumbar Dam must operate Toonumbar Dam in accordance with this Part.
- (3) In this Part—

dam operator means the holder of a water supply work approval relating to Toonumbar Dam.

full supply level means the normal maximum operating water level of a water storage when not affected by floods.

40B Toonumbar Dam

- (1) Sufficient volumes of water must be released from Toonumbar Dam to maintain a visible flow immediately downstream of the furthest downstream water supply work nominated by an access licence in the water source.
- (2) Sufficient volumes of water must be held in Toonumbar Dam to satisfy the following, through a repeat of the worst period of low inflows to the water source based on historical flow information held by the Department on 17 December 2010—
 - (a) native title rights,
 - (b) domestic and stock rights,
 - (c) available water determinations for 100% of the access licence share component for—
 - (i) domestic and stock access licences, and
 - (ii) local water utility access licences,
 - (d) available water determinations of 1ML/unit share of the access licence share component for regulated river (high security) access licences,
 - (e) releases under subsection (1).
- (3) At the end of a flood or spilling of water, the level in the Toonumbar Dam must not be reduced below full supply level, except in order to meet release requirements, unless maintaining the level in the Toonumbar Dam at full supply level would be unsafe.
- (4) The following priority of extraction applies when supply capability is insufficient to satisfy orders for water in a section of the water source—
 - (a) water must first be supplied to the following licences that have placed orders for water—
 - (i) first—domestic and stock access licences,
 - (ii) second—local water utility access licences,
 - (iii) third—regulated river (high security) access licences,
 - (b) remaining water must be shared between regulated river (general security) access licences that have placed orders for water, in the same shares as the share components specified on the access licences.

- (5) The Minister may direct the approval holder to group orders for water for periodic release if the Minister—
 - (a) has consulted with irrigation industry representatives about—
 - (i) the circumstances in which orders may be grouped, and
 - (ii) how the grouped releases may be managed, and
 - (b) is satisfied the total volume of water in access licence allocation accounts has reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses.
- (6) The approval holder must not group orders for water for periodic release unless directed under subsection (5).

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

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

Division 1 Preliminary

41 Application of Part

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

Division 2 Water supply works taking surface water

42 In-river dams

- (1) An in-river dam on a third order or higher stream must not be constructed within the following water sources—
 - (a) the Bangalow Area Water Source,
 - (b) the Broadwater Area Water Source,
 - (c) the Coopers Creek Water Source,
 - (d) the Coraki Area Water Source,
 - (e) the Double Duke Area Water Source,
 - (f) the Eden Creek Water Source,
 - (g) the Evans River Water Source,
 - (h) the Gradys Creek Water Source,
 - (i) the Kyogle Area Water Source,
 - (j) the Lennox Area Water Source,
 - (k) the Leycester Creek Water Source,
 - (l) the Myrtle Creek Water Source,
 - (m) the Shannon Brook Water Source,
 - (n) the Terania Creek Water Source,
 - (o) the Toonumbar Area Water Source,
 - (p) the Upper Richmond River Water Source.
- (2) Subsection (1) does not apply to—
 - (a) a water supply work that replaces an existing water supply work that takes surface water where—

- (i) the existing water supply work is authorised by a water supply work approval, and
- (ii) the replacement surface water supply work is to be constructed to impound water from the same water source and the same location as the existing water supply work,

(b) a water supply work to be used for town water supply purposes by a local water utility.

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 on waterfront land—at the same or a further distance away from 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 a water source to which this Plan applies,
 - (b) 400m of a water supply work—
 - (i) located on another landholding, and
 - (ii) nominated by another access licence to take water from a water source to which this Plan applies,
 - (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 a water source to which this Plan applies unless the holder of the licence has provided written consent,
 - (e) 100m of a water supply work that is 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) in the Minister's opinion, the location of the water supply work from an existing water supply work at a lesser distance than the distance specified in subsection (1) would result in no more than a minimal detrimental effect on the water available for take using the 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, in the Minister's opinion—

- (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) waterfront land,
- (b) 200m of a high priority groundwater-dependent ecosystem unless, in the Minister's opinion, there is not a high probability of groundwater dependence for the relevant ecosystem,
- (c) 200m of a wetland.

(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) in the Minister's opinion, the location of the water supply work is likely to cause no more than minimal harm to the water source and its associated ecosystems and ecological processes, high priority groundwater-dependent ecosystem or wetland 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) in the Minister's opinion, 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) waterfront land,
 - (b) 100m of a Government monitoring or observation bore,
 - (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.

- (2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.
- (3) Subsection (1)(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 wetland 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, or
- (b) an unregulated river access licence to an unregulated river (high flow) access licence in the following water sources, and the dealing will not cause the sum of share components of unregulated river (high flow) access licences to exceed the specified amount for the water source or water sources—
 - (i) in the Bangalow Area Water Source, Coopers Creek Water Source, Leycester Creek Water Source or Terania Creek Water Source—13,535 unit shares in total for these water sources,
 - (ii) in the Grady's Creek Water Source—4,190 unit shares,
 - (iii) in the Kyogle Area Water Source—9,890 unit shares,
 - (iv) in the Shannon Brook Water Source—725 unit shares,
 - (v) in the Upper Richmond Water Source—590 unit shares.

Note— The *Access Licence Dealing Principles Order 2004*, clause 11 regulates dealings under the Act, section 71O, including with respect to conversion factors.

52 Assignment of rights dealings

- (1) The following assignment of rights under the Act, section 71Q in the same water source are prohibited—
 - (a) an assignment of rights from an access licence that does not nominate a water supply work located in the Restricted Trading Zone to an access licence that nominates a water supply work located in the Restricted Trading Zone,
 - (b) an assignment of rights from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (c) an assignment of rights to an access licence with an extraction component specifying a different management zone, unless—
 - (i) the assignment is from an access licence with an extraction component specifying a management zone in Column 1 of the table to this subsection to an access licence with an extraction component specifying a management zone opposite in Column 2, and
 - (ii) the assignment will not cause the sum of share components of access licences with an extraction component specifying the management zone in Column 2 to exceed the specified amount (if any) in Column 3.

Column 1	Column 2	Column 3
Coopers Creek Water Source		

Upper Coopers Creek Management Zone	Lower Coopers Creek Management Zone	No specified amount
Coraki Area Water Source		
Bungawalbin Creek Non Tidal Management Zone	(a) Bungawalbin Creek Tidal Pool Management Zone, or (b) Richmond River Tidal Pool Management Zone	No specified amount 13,407 unit shares
Bungawalbin Creek Tidal Pool Management Zone	Richmond River Tidal Pool Management Zone	13,407 unit shares
Coraki Non Tidal Management Zone		
Richmond River Tidal Pool Management Zone		
Kyogle Area Water Source		
Upper Kyogle Management Zone	Lower Kyogle Management Zone	No specified amount
Lower Kyogle Management Zone	Upper Kyogle Management Zone	No specified amount
Richmond Regulated Water Source		
Richmond Regulated Zone 2	Richmond Regulated Zone 1	4,051 unit shares
Richmond Regulated Zone 1	Richmond Regulated Zone 2	No specified amount
Wyrallah Area Water Source		
Wyrallah Non Tidal Management Zone	Wilsons River Tidal Pool Management Zone	15,036 unit shares

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

- an assignment of rights from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
- an assignment to an access licence in a different extraction management unit,
- an assignment from an access licence in a water source to which this Plan does not apply,
- an assignment to an access licence in a different water source in the Richmond River Extraction Management Unit, unless—
 - the assignment is from an access licence, or an access licence in the water source, specified in Column 1 of the Table to this subsection to an access licence in the water source or with an extraction component specifying the management zone in Column 2, and

(ii) the assignment will not cause the sum of share components of access licences in the water source or with an extraction component specifying the management zone in Column 2 to exceed the specified amount (if any) in Column 3.

Column 1	Column 2	Column 3
(a) Eden Creek Water Source, or	Doubtful Creek Water Source	The sum of share components of all access licences in the Doubtful Creek Water Source on the commencement of this Plan.
(b) Gradys Creek Water Source, or		
(c) Kyogle Area Water Source, or		
(d) Toonumbar Area Water Source, or		
(e) Upper Richmond River Water Source		
(a) Gradys Creek Water Source, or	Kyogle Area Water Source	No specified amount
(b) Upper Richmond River Water Source		
Coraki Area Water Source	Wilsons River Tidal Pool Management Zone	15,036 unit shares
Upper Richmond River Water Source	Gradys Creek Water Source	No specified amount
Wyrallah Area Water Source	Richmond River Tidal Pool Management Zone	13,407 unit shares
30AL305185	Lower Kyogle Management Zone	No specified amount
30AL303584	Alstonville Management Zone	No specified amount
Any access licence other than 30AL303584	Alstonville Management Zone	The sum of share components of all access licences in the Alstonville Water Source on the commencement of this Plan.

53 Amendment of share component dealings—change of water source

(1) The following dealings under the Act, section 71R are prohibited—

- the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
- 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,
- the cancellation of an access licence to grant an access licence in a different water source, unless—
 - the dealing involves the cancellation of an access licence, or an access licence in the water source, specified in Column 1 of the table to this subsection to grant an access licence in the water source or with an extraction component specifying the management zone in Column 2, and
 - the dealing will not cause the sum of share components of access licences in the water source or with an extraction component specifying the

management zone in Column 2 to exceed the specified amount (if any) in Column 3.

Column 1	Column 2	Column 3
(a) Eden Creek Water Source, or	Doubtful Creek Water Source	The sum of share components of all access licences in the Doubtful Creek Water Source on the commencement of this Plan.
(b) Gradys Creek Water Source, or		
(c) Kyogle Area Water Source, or		
(d) Toonumbar Area Water Source, or		
(e) Upper Richmond River Water Source		
(a) Gradys Creek Water Source, or	Kyogle Area Water Source	No specified amount
(b) Upper Richmond River Water Source		
Coraki Area Water Source	Wilsons River Tidal Pool Management Zone	15,036 unit shares
Upper Richmond River Water Source	Gradys Creek Water Source	No specified amount
Wyrallah Area Water Source	Richmond River Tidal Pool Management Zone	13,407 unit shares
30AL305185	Lower Kyogle Management Zone	No specified amount
30AL303584	Alstonville Management Zone	No specified amount
Any access licence other than 30AL303584	Alstonville Management Zone	The sum of share components of all access licences in the Alstonville Water Source on the commencement of this Plan.

(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.

54 Amendment of extraction component dealings

Dealings under the Act, section 71S(1)(b) are prohibited, unless—

- (a) to vary an access licence with an extraction component specifying a management zone in Column 1 of the table to this subsection to specify a management zone in Column 2, and
- (b) the dealing will not cause the sum of share components of access licences with an extraction component specifying the management zone in Column 2 to exceed the specified amount (if any) in Column 3.

Column 1	Column 2	Column 3
Coopers Creek Water Source		
Upper Coopers Creek Management Zone	Lower Coopers Creek Management Zone	No specified amount

Coraki Area Water Source

Bungawalbin Creek Non Tidal Management Zone	(c) Bungawalbin Creek Tidal Pool Management Zone, or (d) Richmond River Tidal Pool Management Zone	No specified amount 13,407 unit shares
Bungawalbin Creek Tidal Pool Management Zone	Richmond River Tidal Pool Management Zone	13,407 unit shares
Coraki Non Tidal Management Zone	Richmond River Tidal Pool Management Zone	13,407 unit shares

Kyogle Area Water Source

Upper Kyogle Management Zone	Lower Kyogle Management Zone	No specified amount
Lower Kyogle Management Zone	Upper Kyogle Management Zone	No specified amount

Richmond Regulated Water Source

Richmond Regulated Zone 2	Richmond Regulated Zone 1	4,051 unit shares
Richmond Regulated Zone 1	Richmond Regulated Zone 2	No specified amount

Wyrallah Area Water Source

Wyrallah Non Tidal Management Zone	Wilsons River Tidal Pool Management Zone	15,036 unit shares
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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 to an access licence of a different category,
 - (b) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (c) an assignment to an access licence with an extraction component specifying a different management zone, unless—
 - (i) the assignment is from an access licence with an extraction component specifying a management zone in Column 1 of the table to this subsection to an access licence with an extraction component specifying a management zone in Column 2, and
 - (ii) the assignment will not cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source or with

an extraction component specifying the management zone in Column 2 to exceed the specified amount (if any) in Column 3.

Column 1	Column 2	Column 3
Coopers Creek Water Source		
Upper Coopers Creek Management Zone	Lower Coopers Creek Management Zone	No specified amount
Coraki Area Water Source		
Bungawalbin Creek Non Tidal Management Zone	(a) Bungawalbin Creek Tidal Pool Management Zone, or (b) Richmond River Tidal Pool Management Zone	No specified amount 13,407 unit shares
Bungawalbin Creek Tidal Pool Management Zone	Richmond River Tidal Pool Management Zone	13,407 unit shares
Coraki Non Tidal Management Zone	Richmond River Tidal Pool Management Zone	13,407 unit shares
Kyogle Area Water Source		
Upper Kyogle Management Zone	Lower Kyogle Management Zone	No specified amount
Lower Kyogle Management Zone	Upper Kyogle Management Zone	No specified amount
Richmond Regulated Water Source		
Richmond Regulated Zone 2	Richmond Regulated Zone 1	4,051 unit shares
Richmond Regulated Zone 1	Richmond Regulated Zone 2	No specified amount
Wyrallah Area Water Source		
Wyrallah Non Tidal Management Zone	Wilsons River Tidal Pool Management Zone	15,036 unit shares

(2) Despite section (1)(c), an assignment of water allocations under the Act, section 71T is permitted if—

- from access licence 30AL307685 or 30AL304976 to an access licence with an extraction component specifying the Bungawalbin Creek Non Tidal Management Zone, and
- the water will be taken from the same property, and
- the access licence holder applies for consent to the assignment—
 - within 10 years of commencement of this Plan, or
 - if the duration of this Plan is extended under section 43A of the Act and the access licence holder applied for consent to an assignment in accordance with this section within 10 years of commencement of this Plan, under an extended Plan.

(3) The following assignments of water allocations under the Act, section 71T between water sources are prohibited—

- (a) an assignment to an access licence of a different category,
- (b) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
- (c) an assignment from an access licence to an access licence in a different extraction management unit,
- (d) an assignment from an access licence in a water source to which this Plan does not apply,
- (e) an assignment between access licences in the Richmond River Extraction Management Unit unless—
 - (i) the assignment is from an access licence, or an access licence in the water source, specified in Column 1 of the table to this subsection to an access licence in the water source or with an extraction component specifying the management zone in Column 2, and
 - (ii) the assignment will not cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source or with an extraction component specifying the management zone in Column 2 to exceed the specified amount (if any) in Column 3,

Column 1	Column 2	Column 3
(a) Eden Creek Water Source	Doubtful Creek Water Source	The sum of share components of all access licences in the Doubtful Creek Water Source on the commencement of this Plan
(b) Grady's Creek Water Source		
(c) Kyogle Area Water Source		
(d) Toonumbar Area Water Source		
(e) Upper Richmond River Water Source		
(a) Grady's Creek Water Source	Kyogle Area Water Source	No specified amount
(b) Upper Richmond River Water Source		
Coraki Area Water Source	Wilsons River Tidal Pool Management Zone	15,036 unit shares
Upper Richmond River Water Source	Grady's Creek Water Source	No specified amount
Wyrallah Area Water Source	Richmond River Tidal Pool Management Zone	13,407 unit shares
30AL305185	Lower Kyogle Management Zone	No specified amount

30AL303584	Alstonville Management Zone	No specified amount
Any access licence other than 30AL303584	Alstonville Management Zone	The sum of share components of all access licences in the Alstonville Water Source on the commencement of this Plan.

56 Interstate access licence transfer and assignment of water allocations dealings

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

57 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 does not nominate a water supply work located on waterfront land being amended to nominate a water supply work located on waterfront land,
- (d) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply,
- (e) an access licence that does not nominate a water supply work that is located in the Restricted Trading Zone in the Coopers Creek Water Source being amended to nominate a water supply work located in the Restricted Trading Zone in the Coopers Creek Water Source.

Note—The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under section 71W of the Act, including with respect to amending an access licence to nominate works in another water source or location.

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 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.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, 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 be more than the maximum water account debit permitted under section 31,
- (b) the access rules for the taking of water specified in Part 6, Divisions 4 and 5 that are relevant to the access licence,
- (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, including a condition requiring compliance with section 60(1).

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 be subject to the following mandatory conditions—
 - (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have an operational meter or an operational data logger—

- (i) the date, start-time and end-time during which water was taken under the licence,
- (ii) the volume of water taken on that date,
- (iii) the water supply work approval number of the water supply work used to take the water on that date,
- (iv) the purposes for which the water was taken on that date,
- (v) the volume of water taken in a water year compared with the water account debit permitted under section 31 for the licence,

- (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 mandatory metering equipment condition applies to the water sources.

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

60A Notification of meter readings for regulated river (general security) access licence

If the holder of a regulated river (general security) access licence takes water from uncontrolled flows under section 34C, the holder must, within 7 days of the end of the take, provide Water NSW with—

- (a) a meter reading taken immediately before commencing the take, and
- (b) a meter reading taken immediately after the end of the take.

Division 3 Water supply work approvals

61 General conditions

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 enquires specified on the Department’s website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
- (c) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with sections 62 and 63.

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) record the following information in a Logbook whenever the water supply work does not have an operational meter or an operational data logger—
 - (i) the date, start-time and end-time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
 - (iv) the purposes for which the water was taken on that date,
 - (v) details of cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
 - (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running times, pump power usage or pump fuel usage, pump start-times, pump stop-times and pump capacity per unit of time, and
- (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.

(4) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.

(5) Subsections (2)(b), (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

- (1) This section applies to water supply works used to take water under an access licence.
- (2) The approval holder must, if directed by the Minister to install metering equipment under the Act, install metering equipment that complies with AS 4747.
- (3) If directed to install metering equipment under subsection (2), the approval holder must ensure the following—
 - (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,
 - (b) the metering equipment is operated and maintained in a proper and efficient way at all times,
 - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.

(4) This section is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the mandatory metering equipment condition applies to the water source.

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

63A Conditions for Toonumbar Dam

(1) This section applies to the approval holder for water supply works used to take water from Toonumbar Dam.

(2) The approval holder must determine the maximum operating channel capacity of each management zone of the Richmond Regulated Water Source, taking the following into account—

- (a) potential inundation of, or interference with, private land or access to private land downstream,
- (b) the effects of inundation on the floodplain and associated wetlands,
- (c) the transmission losses expected to occur,
- (d) capacities of water management structures controlled by the Minister,
- (e) directions of the Minister about how to calculate the maximum operating channel capacity.

(3) The approval holder must not make water releases from a water supply work if the releases exceed the maximum operating channel capacity determined under subsection (2).

(4) During times of flood and spilling of water, the approval holder must operate the water supply works in a way that—

- (a) maintains the safety of Toonumbar Dam’s infrastructure, and
- (b) seeks to minimise downstream flood damage.

Division 4 Water supply work approvals for groundwater

64 Application of Division

(1) This Division, other than section 67, sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.

(2) Section 67 sets out a condition required to be imposed on a water supply work approval for a water bore 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 the Minister written notice, and
- (b) take all reasonable steps to minimise contamination and environmental harm, and
- (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
- (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
- (e) comply with other requirements, if any, specified by the Minister.

(3) The approval holder must provide details of the water supply work to the Minister in the approved form—

- (a) within 60 days of completion of the construction of the water supply work, or
- (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.

(4) The approval holder must ensure—

- (a) the construction of the water supply work is completed within 3 years of the approval being granted (the *relevant period*), and
- (b) the water supply work is not used unless construction is completed within the relevant period.

(5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.

(6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 44(1)(b)–(d).

Note— For the definition of *replacement groundwater work*—see section 44.

66 Water quality condition

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

67 Water bore decommissioning condition

(1) An approval holder must, at least 60 days before decommissioning a water bore, give written notice to the Minister of the intention to decommission the water bore.

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

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

68 Amendments

(1) This Plan may be amended as follows—

- (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
- (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
- (c) 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,
- (d) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source—
 - (i) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow, and
 - (ii) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
- (e) if the amendments will not substantially change a long-term average annual extraction limit—to add provisions relating to the following—
 - (i) total daily extraction limits,
 - (ii) individual daily extraction components,
- (f) to 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,
- (g) 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,
- (h) if, within 5 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 in accordance with the 2006 Harvestable Rights Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,

- (i) to add, modify or remove a definition,
- (j) to modify Schedule 2 or 3 to add or remove an access licence,
- (k) to add or remove a contamination source by amending Schedule 4,
- (l) to make amendments consequential on an amendment to the Act or regulations,
- (m) if a new gauge, with a telemetry capacity to transmit data relating to the level or flow of water, has been installed and is being used in a water source—to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules for the water source,
- (n) to add, modify or remove flow classes, flow reference points, surface water access rules and groundwater access rules if—
 - (i) the amendments are made within 5 years of the commencement of this Plan, and
 - (ii) the amendments are consistent with the objectives of this Plan, based on data available when the amendments are made,
- (o) to provide for amounts of water to be set aside in the Toonumbar Dam as an environmental contingency allowance and to provide for account management and release requirements related to the environmental contingency allowance,
- (p) if, in a water year, the total amount of water extracted from the Richmond Regulated Water Source exceeds 8,800ML, to allow—
 - (i) water allocations remaining in the water allocation account of an access licence to be carried over to the following water year, or
 - (ii) dealings under the Act, section 71O to convert regulated river (general security) access licences to regulated river (high security) access licences.

(2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Flow classes

section 33

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Bangalow Area Water Source		Very Low Flow Class	Less than or equal to 24ML/day	Wilsons River at Eltham gauge (203014)
		A Class	More than 24ML/day and less than or equal to 385ML/day	
		B Class	More than 385ML/day	
Coraki Area Water Source	Bungawalbin Creek Tidal Pool	Very Low Flow Class	Average electrical conductivity at 25°C for the previous day was more than or equal to 4000 μ S/cm	Richmond River at Coraki gauge (203403)
	Richmond River Tidal Pool	A Class	Average electrical conductivity at 25°C for the previous day was less than 4000 μ S/cm	
		B Class	More than 9ML/day	
Coopers Creek Water Source		Very Low Flow Class	Less than or equal to 9ML/day	Coopers Creek at Ewing Bridge gauge (203024)
		A Class	More than 9ML/day	
		B Class	More than 256ML/day	
Gradys Creek Water Source		Very Low Flow Class	Less than or equal to 15ML/day	Richmond River at Wiangaree gauge (203005)
		A Class	More than 15ML/day and less than or equal to 308ML/day	
		B Class	More than 308ML/day	
Kyogle Area Water Source	Lower Kyogle	Very Low Flow Class	Less than or equal to 12ML/day	Richmond River at Casino gauge (203004)
		A Class	More than 12ML/day and less than or equal to 584ML/day	
		B Class	More than 584ML/day	

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Upper Kyogle		Very Low Flow Class	Less than or equal to 15ML/day	Richmond River at Kyogle gauge (203900)
		A Class	More than 15ML/day and less than or equal to 251ML/day	
		B Class	More than 251ML/day	
Leycester Creek Water Source		Very Low Flow Class	Less than or equal to 1ML/day	Leycester River at Rock Valley gauge (203010)
		A Class	More than 1ML/day and less than or equal to 38ML/day	
		B Class	More than 38ML/day and less than or equal to 80ML/day	
Myall Creek Water Source		C Class	More than 80ML/day	
		Very Low Flow Class	0ML/day	Myrtle Creek at Rappville gauge (203030)
		A Class	More than 0ML/day	
Myrtle Creek Water Source		Very Low Flow Class	0ML/day	Myrtle Creek at Rappville gauge (203030)
		A Class	More than 0ML/day and less than or equal to 4ML/day	
		B Class	More than 4ML/day and less than or equal to 28ML/day	
Shannon Brook Water Source		C Class	More than 28ML/day	
		Very Low Flow Class	Less than or equal to 0ML/day	Shannon Brook at Yorklea gauge (203041)
		A Class	More than 0ML/day and less than or equal to 16ML/day	
Terania Creek Water Source		B Class	More than 16ML/day and less than or equal to 52ML/day	
		C Class	More than 52ML/day	
		Very Low Flow Class	Less than or equal to 8.5ML/day	Coopers Creek at Ewing Bridge gauge (203024)

Column 1	Column 2	Column 3	Column 4	Column 5
Water source	Management zone	Flow class	Flow class threshold	Flow reference point
Upper Richmond River Water Source		A Class	More than 8.5ML/day and less than or equal to 229ML/day	
		B Class	More than 229ML/day	
		Very Low Flow Class	Less than or equal to 1ML/day at the Richmond River at Lavelles Road gauge (203056)	Richmond River at Lavelles Road gauge (203056)
Wyrallah Area Water Source	Wilsons River Tidal Pool	A Class	More than 1ML/day at the Richmond River at Lavelles Road gauge (203056) and less than or equal to 308ML/day at the Richmond River at Wiangaree gauge (203005)	Richmond River at Wiangaree gauge (203005)
		B Class	More than 1ML/day at the Richmond River at Lavelles Road gauge (203056) and more than 308ML/day at the Richmond River at Wiangaree gauge (203005)	
Wyrallah Area Water Source	Wilsons River Tidal Pool	Very Low Flow Class	Average electrical conductivity at 25°C for the previous day was more than or equal to 4000 μ S/cm	Richmond River at Coraki gauge (203403)
		A Class	Average electrical conductivity at 25°C for the previous day was less than 4000 μ S/cm	

Schedule 2 Access licences exempt from specified access rules

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

Table A—ss 37(1)(a) and 40(1)(a)

Water source	Access licence numbers
Alstonville Area Water Source	30AL304172
Bangalow Area Water Source	30AL304446, 30AL304711, 30AL304327, 30AL304695, 30AL304697, 30AL304329, 30AL307367, 30AL304475, 30AL304410, 30AL304713, 30AL304691
Coopers Creek Water Source	30AL300279, 30AL300287, 30AL300512, 30AL300308, 30AL300382, 30AL323251, 30AL300389
Coraki Area Water Source	30AL305189, 30AL305144, 30AL305135, 30AL305131, 30AL305127, 30AL321582, 30AL305133, 30AL305157, 30AL305137, 30AL305146, 30AL305125, 30AL305114, 30AL305159, 30AL305121, 30AL305129, 30AL305123, 30AL305139, 30AL305177
Gradys Creek Water Source	30AL305418, 30AL305422, 30AL305343, 30AL305404, 30AL305426
Kyogle Area Water Source	30AL306213, 30AL305724, 30AL305718, 30AL305742, 30AL305730, 30AL305716, 30AL306127, 30AL306107, 30AL306211
Lennox Area Water Source	30AL305752
Leycester Creek Water Source	30AL305872, 30AL305870, 30AL305876, 30AL305874, 30AL305793, 30AL305795
Shannon Brook Water Source	30AL303090
Terania Creek Water Source	30AL305914, 30AL306078, 30AL306072, 30AL306089, 30AL306076, 30AL306074, 30AL306080, 30AL322118, 30AL322119, 30AL306091
Tuckean Area Water Source	30AL303371, 30AL303369, 30AL307395, 30AL303142, 30AL303176, 30AL303277
Upper Richmond River Water Source	30AL305420, 30AL303866, 30AL303925, 30AL303872, 30AL303923, 30AL303913, 30AL303919, 30AL303854, 30AL307182, 30AL303921, 30AL303917, 30AL303927, 30AL305420, 30AL303915
Wyrallah Area Water Source	30AL303588, 30AL303489, 30AL303536, 30AL303576, 30AL303590, 30AL303580

Table B—ss 37(1)(d) and 40(1)(c)

Water source	Access licence numbers
Alstonville Area Water Source	30AL304002, 30AL304003
Bangalow Area Water Source	30AL304431, 30AL304432
Kyogle Area Water Source	30AL305653, 30AL307397, 30AL307020, 30AL307052

Terania Creek Water Source	30AL305927, 30AL305920, 30AL305921, 30AL305922
Tuckean Area Water Source	30AL303116, 30AL303121, 30AL303122, 30AL303184
Wyrallah Area Water Source	30AL307088

Table C—s 37(1)(f)

Water source	Access licence numbers	Conditions for take of water
Coraki Area Water Source	30AL307239, 30AL305094	Water must not be taken if the water level of the pool in Walhs Creek is more than 7.5m below the benchmark established on the cement footing of the shed on Lot 2, DP 791684, Parish of Tomki, County of Rous.
	30AL305108	Water must not be taken if the water level of Morgans Lagoon is more than 2.53m below the benchmark on the road culvert adjacent to the downstream end of the lagoon.
	30AL305106	Water must not be taken if the water level of the unnamed lagoon is more than 1m below the high water mark of the lagoon.
Kyogle Area Water Source	30AL306171, 30AL306191, 30AL306177	Water must not be taken if the water level of the lagoon on Plan WR 232 is more than 0.3m below the level at which a visible flow would discharge into Lagoon Creek immediately downstream of the lagoon
Myrtle Creek Water Source	30AL307147	Water must not be taken if the water level of the unnamed lagoon is more than 1m below the high water mark of the lagoon.

Table D—ss 37(1)(g)

Water source	Access licence numbers
Alstonville Area Water Source	30AL303954, 30AL303955, 30AL303986, 30AL303985, 30AL303990, 30AL304031, 30AL304033, 30AL304039, 30AL304051, 30AL304057, 30AL304058, 30AL304060, 30AL304068, 30AL304085, 30AL304090, 30AL304089, 30AL304145, 30AL304181, 30AL304193, 30AL304195, 30AL304196, 30AL304198, 30AL304220, 30AL304234, 30AL304250, 30AL304260, 30AL304262, 30AL304265, 30AL304285, 30AL304287, 30AL304289, 30AL304291, 30AL304297, 30AL304301

Schedule 3

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

sections 36(12), 37(2), 39(9) and 40(3)

Water source

Coraki Area Water Source

Access licence numbers

30AL305155

Cease-to-take condition

Water must not be taken if the flow in Barlings Creek at Schielers Road is less than 4ML/day.

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

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 Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 High Priority Groundwater-Dependent Ecosystem Map (GDE036_Version 1).

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

higher flow extraction 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.

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 Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 Plan Map (WSP008_Verion 3).

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

planning approval means—

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

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

reduced available water determinations—see section 18.

replacement groundwater work—see section 44.

Restricted Trading Zone means the area within the Coopers Creek Water Sources identified as “Restricted Trading Zone” on the Plan Map.

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.

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 wetland,
- (b) declared Ramsar wetland.