



New South Wales

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources Order 2010

under the

Water Management Act 2000

I, the Minister for Water, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources.

Dated this 14th day of December, 2010.

PHILLIP COSTA
Minister for Water

Explanatory note

Section 50 (1) of the *Water Management Act 2000* provides that the Minister may, by order published on the NSW legislation website, make a Minister's plan:

- (a) for any part of the State that is not within a water management area, or
- (b) for any water management area or water source, or part of a water management area or water source, for which a management plan is not in force, or
- (c) for any water management area or water source, or part of a water management area or water source, for which a management plan is in force, but only so as to deal with matters not dealt with by the management plan.

The purpose of this Order is to make the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*.

Contents

Part 1	Introduction	1
Part 2	Vision, objectives, strategies and performance indicators	9
Part 3	Bulk access regime	12
Part 4	Environmental water provisions	14
	Division 1 Planned environmental water	14
	Division 2 Adaptive environmental water.....	16
Part 5	Requirements for water	17
	Division 1 General	17
	Division 2 Requirements for water for basic landholder rights	17
	Division 3 Requirements for water for extraction under access licences	19
Part 6	System Operation Rules	26
Part 7	Limits to the availability of water	31
	Division 1 Long-term average annual extraction limit.....	31
	Division 2 Available water determinations	36
Part 8	Rules for granting access licences	43
Part 9	Rules for managing access licences	45
	Division 1 Water allocation account management rules	45
	Division 2 Rules for access licences in the Richmond Regulated Water Source	48
	Division 3 Rules for access licences in the these water sources, excluding the Richmond Regulated Water Source	52
Part 10	Rules for water supply work approvals.....	68
	Division 1 Rules applying to water supply works that take surface water	68
	Division 2 Rules applying to water supply works that take water from these alluvial sediments	68
Part 11	Access licence dealing rules	76

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Part 12	Mandatory conditions	94
	Division 1 Access licences	94
	Division 2 Water supply work approvals.....	96
Part 13	Amendment of this Plan.....	101
	Schedule 1 Dictionary	111
	Schedule 2 Access rules for pools, lagoons and lakes.....	113
	Schedule 3 Access licences used to take surface water exempt from cease to pump rules.....	115
	Schedule 4 Access licences used to take water from the alluvial sediments exempt from cease to pump rules	122
	Schedule 5 Contamination sources in these water sources	123
	Schedule 6 High priority groundwater dependent ecosystems.....	124
	Appendix 1 Overview of the Registered Map.....	125
	Appendix 2 Inspection of Registered Map	126
	Appendix 3 Access licences with cease to pump thresholds that are higher than the upper limit of the relevant Very Low Flow Class	127
	Appendix 4 Map of high priority groundwater dependent ecosystems.....	128

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Part 1 Introduction

Note. Part 13 allows for amendments to be made to Part 1.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010* (hereafter **this Plan**).

2 Nature and status of this Plan

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

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

3 Commencement of this Plan

This Plan commences on 17 December 2010.

Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for:
 - (a) 10 years from the date of commencement - if the Plan commenced on 1 July; or
 - (b) 10 years from 1 July next after the date of commencement - if the Plan commenced on a date other than 1 July.
- 2 The Minister may extend this Plan for a further period of 10 years after the Plan is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

- (1) This Plan applies to the following water sources (hereafter **these water sources**) within the Northern Rivers Water Management Area:
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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

- (a) Alstonville Area Water Source;
- (b) Bangalow Area Water Source;
- (c) Broadwater Area Water Source;
- (d) Coraki Area Water Source;
- (e) Double Duke Area Water Source;
- (f) Doubtful Creek Water Source;
- (g) Eden Creek Water Source;
- (h) Evans River Water Source;
- (i) Gradys Creek Water Source;
- (j) Kyogle Area Water Source;
- (k) Lennox Area Water Source;
- (l) Leycester Creek Water Source;
- (m) Myall Creek Water Source;
- (n) Myrtle Creek Water Source;
- (o) Sandy Creek Water Source;
- (p) Shannon Brook Water Source;
- (q) Terania Creek Water Source;
- (r) Toonumbar Area Water Source;
- (s) Tuckean Area Water Source;
- (t) Upper Richmond River Water Source;
- (u) Wyrallah Area Water Source;

(v) Richmond Regulated Water Source; and

(w) Richmond Regulated Alluvial Water Source.

Note. The Northern Rivers Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

(2) These water sources are shown on the registered map called The Richmond River Area Unregulated, Regulated and Alluvial Water Sources held by the NSW Office of Water, hereafter the ***Registered Map***.

Note. An overview of the Registered Map is shown in Appendix 1. Copies of the Registered Map may be inspected at the offices listed in Appendix 2.

(3) Subject to subclause (5), these water sources, excluding the Richmond Regulated Water Source, include all water:

(a) occurring naturally on the surface of the ground shown on the Registered Map;

(b) in rivers, lakes, estuaries and wetlands in these water sources; and

(c) contained within all alluvial sediments below the surface of the ground shown on the Registered Map (hereafter ***these alluvial sediments***).

(4) Subject to subclause (5), the Richmond Regulated Water Source includes all water occurring between the banks of all rivers from the upper limit of Toonumbar Dam water storage, downstream to the junction of the Richmond River, which have been declared by the Minister to be a regulated river.

(5) These water sources do not include water contained in:

(a) the coastal sands;

(b) any fractured rocks or porous rocks; and

(c) the area of land below the mangrove limit.

5 Management Zones

(1) For the purposes of this Plan, the following water sources are divided into the following management zones:

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

- (a) Alstonville Area Water Source:
 - (i) Alstonville Management Zone; and
 - (ii) Alstonville Drains Management Zone.
 - (b) Kyogle Area Water Source:
 - (i) Upper Kyogle Management Zone; and
 - (ii) Lower Kyogle Management Zone.
 - (c) Tuckean Area Water Source:
 - (i) Tuckean Management Zone; and
 - (iv) Tuckean Drains Management Zone.
 - (d) Wyrallah Area Water Source:
 - (i) Wyrallah Non Tidal Management Zone, which does not include those sections of rivers downstream of the defined tidal limits; and
 - (ii) Wilsons River Tidal Pool Management Zone, which only includes those sections of rivers downstream of the defined tidal limits.
 - (e) The Coraki Area Water Source:
 - (i) Coraki Non Tidal Management Zone, which does not include those sections of rivers downstream of the defined tidal limits; and
 - (ii) Richmond River Tidal Pool Management Zone, which only includes those sections of rivers downstream of the defined tidal limits.
 - (f) The Richmond Regulated Water Source:
 - (i) Zone 1 from the high watermark of the Toonumbar Dam water storage, and downstream in Iron Pot Creek to the confluence with Eden Creek; and
 - (ii) Zone 2 from Eden Creek downstream of the confluence with Iron Pot
-

Creek to the junction with the Richmond River.

- (2) The management zones in subclauses (1) (a) to (c) are shown on the Registered Map.
- (3) The defined tidal limits specified in subclauses (1) (d) and (e) are shown on the Registered Map.

6 Extraction management units in these water sources

- (1) This Plan applies to that part of the Richmond River Extraction Management Unit which includes the water sources specified in item (a) of Column 2 of Table A.
- (2) This Plan establishes the following extraction management units:
 - (a) Evans River Catchment Extraction Management Unit which applies to the water sources specified in item (b) of Column 2 of Table A; and
 - (b) Richmond Regulated Extraction Management Unit which applies to the water sources specified in item (c) of Column 2 of Table A.
- (3) The extraction management units specified in subclauses (1) and (2) (hereafter *the EMUs*) are shown on the Registered Map.

Note. A long-term average annual extraction limit is established in Part 7 of this Plan for each extraction management unit. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences from all water sources within the extraction management unit on a long-term average annual basis.

Note. The EMUs, and any water source to which the EMUs apply, may be amended as provided for in Part 13 of this Plan.

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Table A – Extraction Management Units

	Column 1 – Extraction Management Unit	Column 2 – Water Sources
(a)	Richmond River Extraction Management Unit	Alstonville Area Water Source Bangalow Area Water Source Broadwater Area Water Source Coopers Creek Water Source Coraki Area Water Source Double Duke Area Water Source Doubtful Creek Water Source Eden Creek Water Source Gradys Creek Water Source Kyogle Area Water Source Lennox Area Water Source Leycester Creek Water Source Myall Creek Water Source Myrtle Creek Water Source Sandy Creek Water Source Shannon Brook Water Source Terania Creek Water Source Toonumbar Area Water Source Tuckean Area Water Source

	Column 1 – Extraction Management Unit	Column 2 – Water Sources
		Upper Richmond River Water Source Wyrallah Area Water Source Richmond Regulated Alluvial Water Source
(b)	Evans River Catchment Extraction Management Unit	Evans River Water Source
(c)	Richmond Regulated Extraction Management Unit	Richmond Regulated Water Source

Note. The Richmond River Extraction Management Unit includes the Coopers Creek Water Source as defined in the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

7 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect by mandatory conditions for access licences and approvals contained in Part 12 of this Plan.

Note. The rules in this Plan include environmental water rules, system operation rules, access licence dealing rules, rules for granting and managing access licences, rules for water supply work approvals, rules for the making of available water determinations, water allocation account rules and daily access rules.

8 Interpretation

- (1) Words and expressions that are defined in the Dictionary in Schedule 1 of this Plan have the meaning set out in that Schedule.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the *Water Management (General) Regulation 2004* (hereafter ***the Regulation***) have the same meaning in this Plan.
- (3) Schedules to this Plan form part of this Plan.
- (4) Notes in the text of this Plan do not form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.
- (6) Unless otherwise specified in this Plan, a clause that applies to a category of access

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

licence also applies to any subcategories of that category of access licence.

Part 2 Vision, objectives, strategies and performance indicators

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

9 Vision statement

The vision of this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and equitable water sharing among users in the Richmond River Area Unregulated, Regulated and Alluvial Water Sources.

10 Objectives

The objectives of this Plan are to:

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

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

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

11 Strategies

The strategies of this Plan are to:

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

12 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of the Plan:

- (a) change in low flow regime;
- (b) change in moderate to high flow regime;
- (c) change in groundwater extraction relative to the long-term average annual extraction limit;
- (d) change in local water utility access;
- (e) change in, or maintenance of, ecological value of key water sources and their dependent ecosystems;
- (f) the extent to which basic landholder rights requirements have been met;
- (g) the extent to which local water utility requirements have been met;
- (h) the extent to which native title rights requirements have been met;
- (i) the change in economic benefits derived from water extraction and use; and
- (j) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Part 3 Bulk access regime

13 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
 - (a) the environmental water rules established in Division 1 of Part 4 of this Plan;
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan;
 - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan; and
 - (d) the access licence dealing rules established in Part 11 of this Plan.

- (2) The bulk access regime established in this Plan for these water sources:
 - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Division 1 of Part 7 of this Plan;
 - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 8 and 9 of this Plan, and available water determinations to be made contained in Division 2 of Part 7 of this Plan;
 - (c) recognises the effect of climatic variability on the availability of water as described in clause 14;
 - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 of this Plan;
 - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences, contained in Division 1 of Part 12 of this Plan; and

- (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

14 Climatic variability

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

- (a) manage the sharing of water in these water sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 7 of this Plan; and
- (b) manage the sharing of water in specified water sources on a daily basis in the Richmond River Area Unregulated, Regulated and Alluvial Water Sources, contained in Division 3 of Part 9 of this Plan.

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

Part 4 Environmental water provisions

Note. This Part is made in accordance with sections 8, 8A, 8B, 8C, 8D, 8E and 20 of the Act.

Division 1 Planned environmental water

15 General

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

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

16 Commitment and identification of planned environmental water

- (1) Planned environmental water is committed and identified in these water sources as set out in this clause.
- (2) Water is committed and identified as planned environmental water in these water sources in the following ways:
 - (a) by reference to the commitment of the physical presence of water in the water source; and
 - (b) 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.

17 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established and maintained in these water sources as set out in this clause.
- (2) Planned environmental water in these water sources is:
 - (a) the physical presence of water:

- (i) in the Richmond Regulated Water Source that results from the environmental release rules from Toonumbar Dam as specified in clause 31 and the limitations on access to uncontrolled flows for regulated river (general security) access licences as specified in clause 57;
- (ii) in water sources, excluding the Richmond Regulated Water Source, that results from the access rules specified in Division 3 of Part 9 of this Plan;

Notes.

- 1 The rules in clause 31 set water aside in Toonumbar Dam for the purpose of making releases later in the water year for environmental purposes. The rules in clause 57 (4) protect 50% of uncontrolled flow event volumes for the environment.
- 2 The rules in Division 3 of Part 9 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (b) the water remaining after water has been taken pursuant to basic landholder rights and access licences in accordance with the rules specified in Part 7 and Part 9.
- (3) The planned environmental water established under subclause (2) (a) is maintained in:
- (a) the Richmond Regulated Water Source by the environmental release rules from Toonumbar Dam as specified in clause 31 and the limitations on access to uncontrolled flows for regulated river (general security) access licences as specified in clause 57;
 - (b) these water sources excluding the Richmond Regulated Water Source, by the rules specified in Division 3 of Part 9 of this Plan.
- (4) The planned environmental water established under subclause (2) (b) is maintained by the rules specified in Division 1 of Part 7, Division 2 of Part 9 and Division 3 of Part 9 of this Plan.

Note. The rules in Division 1 of Part 7 ensure that there will be water remaining in these water sources over the long-term by maintaining compliance with the long-term average annual extraction limit. The rules in Division 1 of Part 7 provide for the reduction in available water determinations when the long-term average annual extraction limit has been exceeded in any water year.

Division 2 Adaptive environmental water

18 Adaptive environmental water provisions

- (1) A holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the whole or a part of the access licence, in accordance with section 8B of the Act.
- (2) An access licence may be granted in these water sources in accordance with section 8C of the Act.
- (3) An access licence surrendered by its holder may be kept by the Minister, or transferred, or changed to a different category or subcategory, in accordance with section 8D of the Act.

Part 5 Requirements for water

Division 1 General

19 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources, and the total volumes or unit shares to be specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that share water within the limits of water availability, as provided for in Division 1 of Part 7 of this Plan.

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

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

Division 2 Requirements for water for basic landholder rights

20 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 29.3 megalitres per day (hereafter *ML/day*), distributed as follows:

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

- (a) 0.9 ML/day in the Alstonville Area Water Source;
- (b) 1.5 ML/day in the Bangalow Area Water Source;
- (c) 0.5 ML/day in the Broadwater Area Water Source;
- (d) 2 ML/day in the Coraki Area Water Source;
- (e) 0.8 ML/day in the Double Duke Area Water Source;
- (f) 1.2 ML/day in the Doubtful Creek Water Source;
- (g) 0.8 ML/day in the Eden Creek Water Source;
- (h) 0.3 ML/day in the Evans River Water Source;
- (i) 1 ML/day in the Gradys Creek Water Source;
- (j) 3.2 ML/day in the Kyogle Area Water Source;
- (k) 0.4 ML/day in the Lennox Area Water Source;
- (l) 2 ML/day in the Leycester Creek Water Source;
- (m) 0.5 ML/day in the Myall Creek Water Source;
- (n) 1.7 ML/day in the Myrtle Creek Water Source;
- (o) 1 ML/day in the Sandy Creek Water Source;
- (p) 3.2 ML/day in the Shannon Brook Water Source;
- (q) 2.1 ML/day in the Terania Creek Water Source;
- (r) 0.4 ML/day in the Toonumbar Area Water Source;
- (s) 0.9 ML/day in the Tuckean Area Water Source;
- (t) 1.3 ML/day in the Upper Richmond River Water Source;
- (u) 2.3 ML/day in the Wyrallah Area Water Source;

- (v) 1.1 ML/day in the Richmond Regulated Water Source; and
- (w) 0.2 ML/day in the Richmond Regulated Alluvial Water Source.

Notes.

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

21 Native title rights

At the commencement of this Plan, the requirement for water for native title rights is the water native title holders are entitled to take pursuant to their native title rights under section 55 of the Act.

Note. A change in native title rights may occur pursuant to the provisions of the *Native Title Act 1993* (Cth).

22 Harvestable rights

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

Division 3 Requirements for water for extraction under access licences

23 Share components of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to take water from these water sources will total 871 ML/year, distributed as follows:

- (a) 178 ML/year in the Alstonville Area Water Source;
 - (b) 104 ML/year in the Bangalow Area Water Source;
 - (c) 0 ML/year in the Broadwater Area Water Source;
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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

- (d) 31 ML/year in the Coraki Area Water Source;
- (e) 1 ML/year in the Double Duke Area Water Source;
- (f) 3 ML/year in the Doubtful Creek Water Source;
- (g) 7 ML/year in the Eden Creek Water Source;
- (h) 1 ML/year in the Evans River Water Source;
- (i) 10 ML/year in the Gradys Creek Water Source;
- (j) 67 ML/year in the Kyogle Area Water Source;
- (k) 0 ML/year in the Lennox Area Water Source;
- (l) 101 ML/year in the Leycester Creek Water Source;
- (m) 0 ML/year in the Myall Creek Water Source;
- (n) 7 ML/year in the Myrtle Creek Water Source;
- (o) 0 ML/year in the Sandy Creek Water Source;
- (p) 11 ML/year in the Shannon Brook Water Source;
- (q) 251 ML/year in the Terania Creek Water Source;
- (r) 0 ML/year in the Toonumbar Area Water Source;
- (s) 68 ML/year in the Tuckean Area Water Source;
- (t) 15 ML/year in the Upper Richmond River Water Source;
- (u) 8 ML/year in the Wyrallah Area Water Source;
- (v) 8 ML/year in the Richmond Regulated Water Source; and
- (w) 0 ML/year in the Richmond Regulated Alluvial Water Source.

24 Share components of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to take water from these water sources will total 25,457 ML/year, distributed as follows:

- (a) 2,620 ML/year in the Alstonville Area Water Source;
- (b) 545 ML/year in the Bangalow Area Water Source;
- (c) 0 ML/year in the Broadwater Area Water Source;
- (d) 0 ML/year in the Coraki Area Water Source;
- (e) 0 ML/year in the Double Duke Area Water Source;
- (f) 0 ML/year in the Doubtful Creek Water Source;
- (g) 0 ML/year in the Eden Creek Water Source;
- (h) 0 ML/year in the Evans River Water Source;
- (i) 0 ML/year in the Gradys Creek Water Source;
- (j) 3,991 ML/year in the Kyogle Area Water Source;
- (k) 0 ML/year in the Lennox Area Water Source;
- (l) 0 ML/year in the Leycester Creek Water Source;
- (m) 0 ML/year in the Myall Creek Water Source;
- (n) 0 ML/year in the Myrtle Creek Water Source;
- (o) 0 ML/year in the Sandy Creek Water Source;
- (p) 0 ML/year in the Shannon Brook Water Source;
- (q) 12,481 ML/year in the Terania Creek Water Source;
- (r) 0 ML/year in the Toonumbar Area Water Source;

- (s) 420 ML/year in the Tuckean Area Water Source;
- (t) 0 ML/year in the Upper Richmond River Water Source;
- (u) 5,400 ML/year in the Wyrallah Area Water Source;
- (v) 0 ML/year in the Richmond Regulated Water Source; and
- (w) 0 ML/year in the Richmond Regulated Alluvial Water Source.

25 Share components of unregulated river access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to take water from these water sources will total 55,107 unit shares, distributed as follows:

- (a) 5,020 unit shares in the Alstonville Area Water Source;
- (b) 5,470 unit shares in the Bangalow Area Water Source;
- (c) 363 unit shares in the Broadwater Area Water Source;
- (d) 10,078 unit shares in the Coraki Area Water Source;
- (e) 11 unit shares in the Double Duke Area Water Source;
- (f) 186 unit shares in the Doubtful Creek Water Source;
- (g) 524 unit shares in the Eden Creek Water Source;
- (h) 0 unit shares in the Evans River Water Source;
- (i) 2,276 unit shares in the Gradys Creek Water Source;
- (j) 9,394 unit shares in the Kyogle Area Water Source;
- (k) 162 unit shares in the Lennox Area Water Source;
- (l) 1,194 unit shares in the Leycester Creek Water Source;
- (m) 0 unit shares in the Myall Creek Water Source;

- (n) 1,867 unit shares in the Myrtle Creek Water Source;
- (o) 386 unit shares in the Sandy Creek Water Source;
- (p) 484 unit shares in the Shannon Brook Water Source;
- (q) 2,716 unit shares in the Terania Creek Water Source;
- (r) 0 unit shares in the Toonumbar Area Water Source;
- (s) 4,997 unit shares in the Tuckean Area Water Source;
- (t) 3,199 unit shares in the Upper Richmond River Water Source;
- (u) 6,780 unit shares in the Wyrallah Area Water Source; and
- (v) 0 unit shares in the Richmond Regulated Alluvial Water Source.

26 Share components of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to take water from these water sources will total 4,146 unit shares, distributed as follows:

- (a) 0 unit shares in the Alstonville Area Water Source;
- (b) 18 unit shares in the Bangalow Area Water Source;
- (c) 0 unit shares in the Broadwater Area Water Source;
- (d) 2,733 unit shares in the Coraki Area Water Source;
- (e) 69 unit shares in the Double Duke Area Water Source;
- (f) 0 unit shares in the Doubtful Creek Water Source;
- (g) 0 unit shares in the Eden Creek Water Source;
- (h) 0 unit shares in the Evans River Water Source;
- (i) 11 unit shares in the Gradys Creek Water Source;

- (j) 276 unit shares in the Kyogle Area Water Source;
- (k) 2 unit shares in the Lennox Area Water Source;
- (l) 65 unit shares in the Leycester Creek Water Source;
- (m) 0 unit shares in the Myall Creek Water Source;
- (n) 6 unit shares in the Myrtle Creek Water Source;
- (o) 23 unit shares in the Sandy Creek Water Source;
- (p) 153 unit shares in the Shannon Brook Water Source;
- (q) 32 unit shares in the Terania Creek Water Source;
- (r) 0 unit shares in the Toonumbar Area Water Source;
- (s) 0 unit shares in the Tuckean Area Water Source;
- (t) 257 unit shares in the Upper Richmond River Water Source;
- (u) 491 unit shares in the Wyrallah Area Water Source;
- (v) 0 unit shares in the Richmond Regulated Water Source; and
- (w) 10 unit shares in the Richmond Regulated Alluvial Water Source.

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

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

- (a) 0 unit shares in the Bangalow Area Water Source;
- (b) 0 unit shares in the Eden Creek Water Source;
- (c) 0 unit shares in the Gradys Creek Water Source;
- (d) 0 unit shares in the Kyogle Area Water Source;

- (e) 0 unit shares in the Leycester Creek Water Source;
- (f) 0 unit shares in the Myrtle Creek Water Source;
- (g) 0 unit shares in the Shannon Brook Water Source;
- (h) 0 unit shares in the Terania Creek Water Source; and
- (i) 0 unit shares in the Upper Richmond River Water Source.

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

28 Share components of regulated river (high security) access licences

It is estimated that at the time of commencement of this Plan, the share components of regulated river (high security) access licences authorised to take water from the Richmond Regulated Water Source will total 127 unit shares.

29 Share components of regulated river (general security) access licences

It is estimated that at the time of commencement of this Plan, the share components of regulated river (general security) licences authorised to take water from the Richmond Regulated Water Source will total 10,203 unit shares.

Part 6 System Operation Rules

30 General

The rules in this Part apply to the Richmond Regulated Water Source.

31 Environmental release rules for Toonumbar Dam

- (1) From the first year in which this Plan has effect until the end of the fifth water year, an environmental contingency allowance (hereafter *ECA*) is to be set aside in Toonumbar Dam water storage and managed in accordance with the following rules:
 - (a) an account of the water credited to and debited from the ECA is to be kept;
 - (b) whenever an available water determination for regulated river (high security) access licences is made, the ECA account shall be credited with a volume that is equal to the lesser of:
 - (i) 1000 megalitres multiplied by the number of megalitres per unit share specified in that available water determination; or
 - (ii) 1000 megalitres minus the volume currently in the account;
 - (c) water in the ECA account shall be released for, but is not limited to, any of the following purposes:
 - (i) to assist in the management of critical environmental events, such as algal blooms and chemical spills; and
 - (ii) to maintain aquatic ecosystem health;
 - (d) the ECA account shall be debited with a volume of water equal to the amount released from Toonumbar Dam under paragraph (c);
 - (e) any unused water remaining in the ECA account at the end of the water year cannot be carried over to the following water year;
 - (f) an ECA Release Program shall be prepared for each water year and shall establish guidelines for the release of water from the ECA account for the

purposes listed in paragraph (c);

- (g) the guidelines established in each ECA Release Program should be aimed at maximising the environmental benefit of the available ECA volume;
- (h) an ECA Operations Advisory Committee should be established for the purpose of providing advice regarding:
 - (i) the annual ECA Release Program under paragraph (f);
 - (ii) the making of releases during the course of a water year; and
 - (iii) the development of a long-term river and wetland health plan;
- (i) the ECA Operations Advisory Committee should consist of:
 - (i) a member from the NSW Office of Water or its subsequent organisation;
 - (ii) a member from the Department of Environment, Climate Change and Water or its subsequent organisation;
 - (iii) a member from Industry and Investment NSW or its subsequent organisation;
 - (iv) a member from State Water or its subsequent organisation;
 - (v) a member representing the interests of licence holders in the Richmond Regulated Water Source; and
 - (vi) a member representing the interest of landholders in the Richmond Regulated Water Source;
- (j) the ECA Operations Advisory Committee should be chaired by the Department of Environment, Climate Change and Water representative; and
- (k) until such time as the ECA Release Program has been developed, releases of water from the ECA account shall be made for the purposes listed in paragraph (c) and should be aimed at maximising the environmental benefit of the available ECA volume.

- (2) The Toonumbar Dam water storage and the Richmond Regulated Water Source shall be managed to maintain a visible flow immediately downstream of the last water supply work nominated by an access licence in the Richmond Regulated Water Source.
- (3) Water is to be released from Toonumbar Dam when required to achieve subclause (2).
- (4) Sufficient volumes of water are to be held in Toonumbar Dam water storage to ensure the releases made under subclause (3) can be made through a repeat of the worst period of low inflows to this water source, as represented in flow information held by the NSW Office of Water.

Note. Part 13 allows for amendments to be made to clause 31.

32 Water delivery and channel capacity constraints

Where necessary for determining numerical extraction components, managing water releases or providing water under access licences, the maximum water delivery or operating channel capacity in this water source, or in any section of this water source, shall be determined and specified in accordance with procedures established by the Minister, taking into account:

- (a) inundation of private land or interference with access;
- (b) the effects of inundation on the floodplain and associated wetlands;
- (c) the transmission losses expected to occur; and
- (d) capacities of water management structures controlled by the Minister.

Note. There are no defined channel constraints at the commencement of this Plan.

33 Rates of change to storage releases

Rules regarding rates of change to releases from water storages should be specified in accordance with any procedures established by the Minister and should take into account:

- (a) relevant environmental considerations;

- (b) damage to river banks; and
- (c) public safety.

34 Supply of orders when remaining allocations are low

- (1) If, in the opinion of the Minister, the total remaining 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, and water ordering has been imposed on access licence holders, water orders may be grouped and released periodically.
- (2) The Minister should consult with irrigation industry representatives regarding the circumstances under which action under subclause (1) should be taken and the manner of management.

Note. During the course of an extended drought, the implementation of the above provisions may result in short term ordering delays.

35 Dam operation during floods and spills

- (1) The operation of Toonumbar Dam during times of flood and spilling of water is to be undertaken in a manner that maintains the safety of dam infrastructure.
- (2) Providing it is consistent with subclause (1), operation:
 - (a) should leave the storage at full supply level at the completion of the flood or spilling of water; and
 - (b) should aim to lessen the downstream flood damage where possible.

36 Supply for domestic and stock and native title rights

- (1) The Toonumbar Dam water storage and the Richmond Regulated Water Source shall be managed so that it would be capable of maintaining supply of water to those exercising domestic and stock rights and native title rights in the water source through a repeat of the worst period of low inflows to the Richmond Regulated River Water Source, as represented by flow information held by the NSW Office of Water.
- (2) To achieve subclause (1), sufficient volumes of water must be set aside from assured

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

inflows into the Richmond Regulated Water Source and in reserves held in Toonumbar Dam.

Part 7 Limits to the availability of water

Division 1 Long-term average annual extraction limit

37 General

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

38 Volume of the long-term average annual extraction limits

- (1) This clause establishes long-term average annual extraction limits by reference to the EMUs specified in clause 6.
- (2) The long-term average annual extraction limit for the Evans River Catchment Extraction Management Unit is the sum of:
 - (a) the share components of all access licences in the Evans River Catchment Extraction Management Unit at the commencement of this Plan; plus
 - (b) the estimated annual water requirements pursuant to basic landholder rights in the Evans River Water Source at the commencement of this Plan; plus
 - (c) the share components of access licences granted under the Regulation and clause 50 of this Plan; plus
 - (d) any additional local water utility access licence share component issued under section 66 of the Act.
- (3) The long-term average annual extraction limit for the Richmond River Extraction Management Unit is the sum of:
 - (a) the share components of all access licences at the commencement of this Plan in the:
 - (i) Alstonville Area Water Source;
 - (ii) Bangalow Area Water Source;

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

- (iii) Broadwater Area Water Source;
 - (iv) Coraki Area Water Source;
 - (v) Double Duke Area Water Source;
 - (vi) Doubtful Creek Water Source;
 - (vii) Eden Creek Water Source;
 - (viii) Gradys Creek Water Source;
 - (ix) Kyogle Area Water Source;
 - (x) Lennox Area Water Source;
 - (xi) Leycester Creek Water Source;
 - (xii) Myall Creek Water Source;
 - (xiii) Myrtle Creek Water Source;
 - (xiv) Sandy Creek Water Source;
 - (xv) Shannon Brook Water Source;
 - (xvi) Terania Creek Water Source;
 - (xvii) Toonumbar Area Water Source;
 - (xviii) Tuckean Area Water Source;
 - (xix) Upper Richmond River Water Source;
 - (xx) Wyrallah Area Water Source; and
 - (xxi) Richmond Regulated Alluvial Water Source; plus
- (b) the estimate of annual water requirements pursuant to basic landholder rights in the:
- (i) Alstonville Area Water Source;
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- (ii) Bangalow Area Water Source;
 - (iii) Broadwater Area Water Source;
 - (iv) Coraki Area Water Source;
 - (v) Double Duke Area Water Source;
 - (vi) Doubtful Creek Water Source;
 - (vii) Eden Creek Water Source;
 - (viii) Gradys Creek Water Source;
 - (ix) Kyogle Area Water Source;
 - (x) Lennox Area Water Source;
 - (xi) Leycester Creek Water Source;
 - (xii) Myall Creek Water Source;
 - (xiii) Myrtle Creek Water Source;
 - (xiv) Sandy Creek Water Source;
 - (xv) Shannon Brook Water Source;
 - (xvi) Terania Creek Water Source;
 - (xvii) Toonumbar Area Water Source;
 - (xviii) Tuckean Area Water Source;
 - (xix) Upper Richmond River Water Source;
 - (xx) Wyrallah Area Water Source; and
 - (xxi) Richmond Regulated Alluvial Water Source; plus
- (c) the share components of access licences in the Coopers Creek Water Source at the commencement of the *Water Sharing Plan for the Coopers Creek Water*
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Source 2003; plus

- (d) an estimate of annual water requirements pursuant to basic landholder rights (excluding those exercised via a water bore) in the Coopers Creek Water Source in the *Water Sharing Plan for the Coopers Creek Water Source 2003*; plus
 - (e) the share components of access licences granted under the Regulation, clause 50 of this Plan, clause 32 of the *Water Sharing Plan for the Coopers Creek Water Source 2003* and section 61 (1) (c) of the Act; plus
 - (f) any additional local water utility access licence share component issued under section 66 of the Act.
- (4) The long-term average annual extraction limit for the Richmond Regulated Extraction Management Unit is the sum of:
- (a) the share components of all access licences in the Richmond Regulated Extraction Management Unit at the commencement of this Plan; plus
 - (b) the estimated annual water requirements pursuant to basic landholder rights in the Richmond Regulated Extraction Management Unit at the commencement of this Plan.
- (5) Following the purchase and/or cancellation of an access licence in these water sources, the Minister may vary the respective long-term average annual extraction limit.
- (6) The long-term average annual extraction limit for the Richmond River Extraction Management Unit may be varied upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (7) Any variation made under subclause (6) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

39 Calculation of current levels of annual extraction

- (1) After each water year, the total volume of water extracted during that water year under access licences and pursuant to basic landholder rights shall be calculated for each
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extraction management unit specified in clause 6.

- (2) For the purposes of calculating the total volume of water extracted during a water year, the following shall be taken into account:
 - (a) all water taken by holders of all categories of access licences in the water source, except for those access licences to which section 8C of the Act relates; and
 - (b) all water taken pursuant to basic landholder rights.

40 Assessment of average annual extraction against the long-term average annual extraction limit

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for each extraction management unit.
- (2) For the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit, commencing in the fourth water year in which this Plan has effect, the assessments referred to in subclause (1) shall compare the long-term average annual extraction limit established in clause 38 against the annual extraction averaged over the preceding three water years in the respective extraction management unit.
- (3) For the Richmond Regulated Extraction Management Unit, commencing in the second water year in which this Plan has effect, the assessment referred to in subclause (1) shall compare the long-term average annual extraction limit established in clause 38 against the annual extraction in the preceding water year.

41 Compliance with the long-term average annual extraction limits

- (1) Compliance with the long-term average annual extraction limits established for each extraction management unit specified in clause 6 of this Plan, is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 40 (2) demonstrates that annual extractions in the Evans River Catchment Extraction Management Unit or the Richmond River

Extraction Management Unit, averaged over the preceding three water years, has exceeded the long-term average annual extraction limit for the respective extraction management unit by 5% or more, then the available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences in that extraction management unit are to be reduced in the following water year in accordance with subclause (4).

- (3) Commencing in the second water year in which this Plan has effect, if in the Minister's opinion the assessment under clause 40 (3) demonstrates that annual extractions in the Richmond Regulated Extraction Management Unit, have exceeded the long-term average annual extraction limit for that extraction management unit by 5% or more, then the maximum available water determination that can be made for regulated river (general security) access licences in that extraction management unit shall be reduced in the following water year in accordance with subclause (4).
- (4) The reduction under subclause (2) or (3) shall be of an amount that is, in the Minister's opinion, necessary to return average annual extractions in the respective extraction management unit to the long-term average annual extraction limit established in this Part.

Note. Reductions to available water determinations under subclause (2) will apply to all Richmond River Area Unregulated, Regulated and Alluvial Water Sources within the Richmond River Extraction Management Unit. The same reductions to available water determinations will apply to all other unregulated river water sources within the Richmond River Extraction Management Unit.

Division 2 Available water determinations

42 General

- (1) Available water determinations made for access licences with a share component that specifies one of these water sources are to be expressed as either:
 - (a) a percentage of share component, for access licences which have share components specified as megalitres per year; or
 - (b) megalitres per unit share, for access licences which have share components specified as a number of unit shares.
 - (2) Subject to subclause (3), the sum of available water determinations made for any access licence with a share component that specifies one of these water sources shall
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not, in any water year, exceed:

- (a) 100% of the access licence share component or such lower amount that results from Division 1 of this Part, for all access licences where share components are specified as megalitres per year; or
 - (b) 1 megalitre per unit share of the access licence share component or such lower amount that results from Division 1 of this Part, for all access licences, where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect only, subclause (2) does not apply to access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

43 Available water determinations for domestic and stock access licences

- (1) In making available water determinations under section 59 of the Act for domestic and stock access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 200% of access licence share component should be made for domestic and stock access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of access licence share component should be made for domestic and stock access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (4) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of access licence share component should be made for domestic and stock access licences with a share component that specifies the Richmond Regulated Water Source.
- (5) Sufficient volumes of water should be set aside from assured inflows into the Richmond Regulated Water Source and reserves held in Toonumbar Dam water

storage so that available water determinations of 100% of access licence share component for domestic and stock access licences in that water source, provided for in subclause (4), can be maintained through a repeat of the worst period of inflows into this water source, as represented in flow information held by the NSW Office of Water.

44 Available water determinations for local water utility access licences

- (1) In making available water determinations under section 59 of the Act for local water utility access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 200% of access licence share component should be made for local water utility access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of access licence share component should be made for local water utility access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (4) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of access licence share component should be made for local water utility access licences with a share component that specifies the Richmond Regulated Water Source.
- (5) Sufficient volumes of water should be set aside from assured inflows into the Richmond Regulated Water Source and reserves held in Toonumbar Dam water storage so that available water determinations of 100% of access licence share component for local water utility access licences in that water source, provided for in subclause (4), can be maintained through a repeat of the worst period of inflows into this water source, as represented in flow information held by the NSW Office of Water.

45 Available water determinations for regulated river (high security) access licences

- (1) In making available water determinations under section 59 of the Act for regulated river (high security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit share component should be made, whenever possible, for regulated river (high security) access licences with a share component that specifies the Richmond Regulated Water Source.
- (3) Sufficient volumes of water should be set aside from assured inflows into the Richmond Regulated Water Source and reserves held in Toonumbar Dam water storage so that available water determinations of 1 ML per unit of share component for regulated river (high security) access licences in that water source, provided for in subclause (2), can be maintained through a repeat of the worst period of low inflows into the water source, as represented in flow information held by the NSW Office of Water.
- (4) Subject to the limits in clause 42 (2) (b), additional available water determinations for regulated river (high security) access licences in the Richmond Regulated Water Source may be made after the sum of available water determinations for domestic and stock and local water utility access licences in that water source in that water year equals 100% of share components and there is sufficient water available after making provision for:
 - (a) the environmental release rules established in clause 31;
 - (b) requirements for domestic and stock rights;
 - (c) requirements for native title rights;
 - (d) requirements for domestic and stock access licences;
 - (e) requirements for local water utility access licences;

- (f) allocations remaining in access licence water allocation accounts from previous available water determinations;
- (g) water losses associated with the holding and delivery of water to meet the requirements specified in paragraphs (a) to (f);
- (h) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations; and
- (i) any other relevant matters.

46 Available water determinations for regulated river (general security) access licences

- (1) In making available water determinations under section 59 of the Act for regulated river (general security) access licences, the Minister should consider the rules in this clause.
 - (2) Subject to the limits in clause 42 (2) (b), available water determinations for regulated river (general security) access licences in the Richmond Regulated Water Source may be made after the sum of available water determinations for regulated river (high security) access licences in that water source in that water year equals 1 ML per unit of share component and there is sufficient water available after taking into account:
 - (a) the environmental water provisions established by this Plan;
 - (b) requirements for domestic and stock rights;
 - (c) requirements for native title rights;
 - (d) requirements for domestic and stock access licences;
 - (e) requirements for local water utility access licences;
 - (f) requirements for regulated river (high security) access licences;
 - (g) allocations remaining in access licence water allocation accounts from previous available water determinations;
 - (h) water losses associated with the holding and delivery of water to meet the
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requirements specified in paragraphs (a) to (g);

- (i) an appropriate volume to meet water losses associated with the holding and delivery of water resulting from available water determinations; and
- (j) any other relevant matters.

Note. Where the long-term average annual extraction limit has been exceeded, then the available water determination for regulated river (general security) access licences may be reduced in accordance with Division 1 of this Part.

47 Available water determinations for unregulated river access licences

- (1) In making available water determinations under section 59 of the Act for unregulated river access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that results from Division 1 of this Part, should be made for unregulated river access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

Note. Where the long-term average annual extraction limit has been exceeded, then the available water determination for unregulated river access licences will be reduced in accordance with Division 1 of this Part.

48 Available water determinations for unregulated river (high flow) access licences

- (1) In making available water determinations under section 59 of the Act for unregulated river (high flow) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river (high flow) access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that results from Division 1 of this Part, should be made for unregulated river (high flow) access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

Note. Where the long-term average annual extraction limit has been exceeded, then the available water determination for unregulated river (high flow) access licences will be reduced in accordance with Division 1 of this Part.

49 Available water determinations for aquifer access licences

- (1) In making available water determinations under section 59 of the Act for aquifer access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for aquifer access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that results from Division 1 of this Part, should be made for aquifer access licences with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

Note. Where the long-term average annual extraction limit has been exceeded, then the available water determination for aquifer access licences will be reduced in accordance with Division 1 of this Part.

Part 8 Rules for granting access licences

Note. This Part is made in accordance with sections 20, 61 and 63 of the Act. Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

Note. Part 13 allows for amendments to be made to Part 8.

50 Specific purpose access licences

- (1) A specific purpose access licence shall not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Applications for specific purpose access licences, other than those permitted under the Regulation, may not be made in these water sources, except for an unregulated river (subcategory “Aboriginal community development”) access licence for the taking of water from B Class flows only in any of the following water sources:
 - (a) Eden Creek Water Source;
 - (b) Leycester Creek Water Source;
 - (c) Myrtle Creek Water Source; and
 - (d) Shannon Brook Water Source.
- (3) An unregulated river (subcategory “Aboriginal community development”) access licence shall not be granted in these water sources if the granting of the licence would cause the total of share components of unregulated river (subcategory “Aboriginal community development”) access licences, to exceed:
 - (a) 215 ML/year in the Eden Creek Water Source;
 - (b) 500 ML/year in the Leycester Creek Water Source;
 - (c) 193 ML/year in the Myrtle Creek Water Source; and
 - (d) 132 ML/year in the Shannon Brook Water Source.

Note. An unregulated river (subcategory “Aboriginal community development”) access licence will not be fully transferable. Allocations under these licences will be able to be traded to non-Aboriginal

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

people; however, the license itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase other categories of access licences if they require fully transferable licences.

- (4) An access licence of the subcategory “Aboriginal cultural” shall not be granted in these water sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.

Note. The Regulation will provide for the creation of new access licences that authorise the taking of water between the tidal limit and the mangrove limit in the Wyrallah Area Water Source and the Coraki Area Water Source (for which no entitlement has previously been required under the *Water Act 1912*).

Note. A controlled allocation order under section 65 of the Act will be considered to allow applications to be made for aquifer access licences to take water from the coastal floodplain alluvial aquifers in the Coraki Area, Wyrallah Area, Kyogle Area, Shannon Brook, Sandy Creek and Terania Creek Water Sources, subject to a study being undertaken to identify a total water balance, interactions between groundwater and the tidal pool and future needs (including future specific purpose licences and exempt extraction) in the coastal floodplain alluvial aquifers.

Part 9 Rules for managing access licences

Division 1 Water allocation account management rules

51 General

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

Note. The Act provides for the keeping of water allocation accounts. This Division imposes further limitations on the volume of water that may be taken under the access licences to which this clause applies. It does not authorise the taking of more water than is credited to the respective water allocation accounts for those access licences.

Note. Part 13 allows for amendments to be made to Division 1 of Part 9.

Note. The rules in these clauses impose restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water contained in this Plan. For further clarification, these rules do not authorise the taking of more water than is credited to the respective water allocation account for the access licence at the time water is taken. It is an offence under the Act to take more water than is credited to the water allocation account for an access licence.

52 Individual access licence account management rules for these water sources excluding the Richmond Regulated Water Source

- (1) This clause applies to all access licences with share components which specify one of these water sources, excluding the Richmond Regulated Water Source.
- (2) For the period of the first three water years in which this Plan has effect, the maximum volume of water that may be taken under a domestic and stock access licence, a local water utility access licence, an unregulated river access licence, an unregulated river (high flow) access licence or an aquifer access licence, must not exceed a volume equal to:
 - (a) fifty per cent of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year; plus
 - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years; plus

- (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act, in those years; plus
 - (d) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, the maximum volume of water that may be taken under a domestic and stock access licence, a local water utility access licence, an unregulated river access, an unregulated river (high flow) access licence or an aquifer access licence, must not exceed a volume equal to the lesser of:
- (a) the sum of:
 - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those years;
 - (ii) the water allocations carried over from the water year prior to those three water years under subclause (3);
 - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act, in those years; and
 - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those years; or
 - (b) the sum of:
 - (i) the share component of the access licence at the beginning of the first of those three water years;
 - (ii) the share component of the access licence at the beginning of the second of those three water years;
 - (iii) the share component of the access licence at the beginning of the third of those three water years;
 - (iv) the net amount of any water allocations assigned to or from the water

allocation account for the access licence under section 71T of the Act, in those years; and

- (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act, in those years.
- (4) The maximum water allocation that can be carried over in the water allocation account for a domestic and stock access licence, a local water utility access licence, an unregulated river access licence, an unregulated river (high flow) access licence or an aquifer access licence in these water sources, from one water year to the next is equal to:
- (a) 100% of the access licence share component, for access licences with share components expressed as ML/year; or
 - (b) 1 ML per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.

53 Individual access licence account management rules for the Richmond Regulated Water Source

- (1) This clause applies to all access licences with share components which specify the Richmond Regulated Water Source.
 - (2) In any water year in which this Plan has effect, the maximum volume of water that may be taken under an access licence must not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in those years; plus
 - (b) the amount of water that may be taken under clause 57; plus
 - (c) any water allocations assigned from another access licence under section 71T of the Act, in those years; plus
 - (d) any water allocations re-credited in accordance with section 76 of the Act, in those years; minus
 - (e) any water allocations assigned to another access licence under section 71T of the Act, in those years.
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- (3) Water allocations remaining in a water allocation account of an access licence in the Richmond Regulated Water Source cannot be carried over from one water year to the next.

Division 2 Rules for access licences in the Richmond Regulated Water Source

54 General

The rules in this Division apply to the taking of water under an access licence with a share component that specifies the Richmond Regulated Water Source.

55 General priority of extractions

Where the extraction component of an access licence in the Richmond Regulated Water Source does not specify a rate of extraction as a share of supply capability or a volume per unit time, the following priority of extraction shall apply whenever supply capability is insufficient to satisfy all water requirements in any section of the water source:

- (a) water shall be supplied to domestic and stock access licences, local water utility access licences and regulated river (high security) access licences that have placed orders for water, in that order; and
- (b) then any remaining supply capability shall be shared between regulated river (general security) access licences that have placed an order for water, in proportion to share components specified on the access licences.

Note. During periods of channel capacity constraint, the implementation of the above provisions may result in short term ordering delays.

56 Numerical specification of extraction components

- (1) The extraction components of access licences in the Richmond Regulated Water Source may be amended under section 68A of the Act to specify a volume per unit of time or share of supply capability in order to share the impacts of any future physical supply constraint amongst access licences.
- (2) The rate or shares specified in the amended extraction components of domestic and

stock, local water utility and regulated river (high security) access licences under subclause (1) should where possible be the amount which in the opinion of the Minister is sufficient to satisfy the maximum daily water requirements.

- (3) The rate or shares specified in the amended extraction components of regulated river (general security) access licences under subclause (1) should be in proportion to the share component of each access licence.

57 Taking of uncontrolled flows under access licences in the Richmond Regulated Water Source

- (1) This clause provides for the taking of water from uncontrolled flows in accordance with an order made under section 85A of the Act.
 - (2) An order under section 85A of the Act may authorise the taking of water from uncontrolled flows that arise from unregulated inflows to the Richmond Regulated Water Source that have not been credited to the water allocation account for a regulated river (general security) access licence:
 - (a) with a share component that specifies the Richmond Regulated Water Source; and
 - (b) which nominates a metered work.
 - (3) The following rules apply to the taking of uncontrolled flows that arise from unregulated inflows to the water source specified in subclause (2):
 - (a) water may only be taken from uncontrolled flows in accordance with announcements made by the Minister. Announcements may be made by the Minister for the taking of water from uncontrolled flows in the following sections of the water source only:
 - (i) Iron Pot Creek from downstream of the Toonumbar Dam to the junction with Eden Creek; and
 - (ii) Eden Creek from the junction with Iron Pot Creek to the end of the Richmond Regulated Water Source;
 - (b) water may only be taken from uncontrolled flows using a metered work;
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- (c) the taking of water from uncontrolled flows under paragraph (a) (i) shall:
 - (i) only be permitted to commence when the flows at Iron Pot Creek gauge (203023) at Toonumbar have been greater than 40 ML/day for 12 or more hours; and
 - (ii) cease when the flows at Iron Pot Creek gauge (203023) at Toonumbar are 40 ML/day or less;
 - (d) the taking of water from uncontrolled flows under paragraph (a) (ii) shall:
 - (i) only be permitted to commence when the flows at Eden Creek gauge (203034) at Doubtful have been greater than 40 ML/day for 12 or more hours; and
 - (ii) cease when the flows at Eden Creek gauge (203034) at Doubtful are 40 ML/day or less.
 - (4) In any uncontrolled flow event, total water taken from uncontrolled flows must not exceed an amount that is equal to 50% of the uncontrolled flow volume per day that is in excess of:
 - (i) 40 ML/day of uncontrolled flow as measured at Iron Pot Creek gauge (203023) at Toonumbar for the section of the water source specified in subclause (3) (a) (i); and
 - (ii) 40 ML/day of uncontrolled flow as measured at Eden Creek gauge (203034) at Doubtful are 40 ML/day or less for the section of the water source specified in subclause (3) (a) (ii).
 - (5) In any water year, the total amount of uncontrolled flow that may be taken under a regulated river (general security) access licence is limited to an amount that is equal to the difference between:
 - (a) the sum of available water determinations for that water year for that category of access licence; and
 - (b) the maximum sum of available water determinations that can be made for that category of access licence under Division 2 of Part 7 of this Plan.
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(6) Within 7 days of ceasing to take water from uncontrolled flows, regulated river (general security) access licence holders must supply State Water with meter readings taken immediately prior to and after the taking of uncontrolled flow.

(7) If the total amount of uncontrolled flow taken under an access licence exceeds the limit specified in subclause (5), then a volume equivalent to the exceedence shall be debited from the water allocation account for the access licence in that water year.

Note. It is possible for the limits specified in subclause (5) to be exceeded if available water determinations increase after uncontrolled flows have been taken.

(8) In this clause *metered work* has the same meaning as under section 91I (4) of the Act.

Division 3 Rules for access licences in the these water sources, excluding the Richmond Regulated Water Source

58 General

The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources, excluding the Richmond Regulated Water Source.

Note. Part 13 allows for amendments to be made to Division 3 of Part 9.

59 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B as the basis for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 of Table B, and the reference points specified in Column 6 of Table B, are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table B.
- (3) The flow classes commence on the date specified in Column 4 of Table B.
- (4) A flow class applies in the respective water source or management zone, on the day specified in Column 7 of Table B, when the flow (the flow of water in ML/day) or salinity (parts per thousand, hereafter *ppt*) as measured at the reference point specified in Column 6 of Table B is equal to the flow or salinity specified in Column 5 of Table B.
- (5) The salinity thresholds specified in Column 5 of Table B refer to the average low tide daily reading.
- (6) For the purpose of Table B:
 - (a) ***Year 1 of this Plan*** means from the date of commencement of this Plan; and
 - (b) ***Year 6 of this Plan*** means from 1 July in the sixth water year after this Plan has commenced.

Note. The flow classes, reference points, the water sources or management zones to which a flow class applies, or any other matter listed in Table B may be amended as provided for in Part 13 of this Plan.

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

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

Table B – Flow Classes

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or salinity (ppt)	Column 6 Reference point	Column 7 Day on which flow class applies
Bangalow Area Water Source.		Very Low Flow Class.	From year 1 of this Plan.	12 ML/day or less.	Wilson's River gauge (213014) at Eltham.	Same day.
		Very Low Flow Class.	Year 6 of this Plan.	24 ML/day or less.		Same day.
		A Class.	Year 1 of this Plan.	More than 12 ML/day and 385 ML/day or less.		Same day.
		A Class.	Year 6 of this Plan.	More than 24 ML/day and 385 ML/day or less.		Same day.
		B Class.	Year 1 of this Plan.	More than 385 ML/day.		Same day.
Coraki Area Water Source.	Richmond River Tidal Pool Management Zone.	Very Low Flow Class.	Year 1 of this Plan.	2 ppt or more for five consecutive days or more.	Salinity gauge at Coraki.	Same day.
		A Class.	Year 1 of this Plan.	(1) 1 ppt or more and less than 2 ppt for five consecutive days or more; or (2) above 2 ppt for less than five consecutive days; or (3) 0.3 ppt or more and less than 1 ppt for less than five consecutive days.		Same day.
		B Class.	Year 1 of this Plan.	(1) 1 ppt or more and less than 2 ppt for less than five consecutive days; or (2) 0.3 ppt or more and less than 1 ppt for five consecutive days or more; or (3) less than 0.3 ppt.		Same day.
Gradys Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	15 ML/day or less.	Richmond River gauge (203005) at Wiangaree.	Same day.
		A Class.	Year 1 of this Plan.	More than 15 ML/day and		Same day.

308 ML/day or

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or salinity (ppt)	Column 6 Reference point	Column 7 Day on which flow class applies
				less.		
		B Class.	Year 1 of this Plan.	More than 308 ML/day.		Same day.
Kyogle Area Water Source.	Upper Kyogle Management Zone.	Very Low Flow Class.	Year 1 of this Plan.	15 ML/day or less.	Richmond River gauge (203900) at Kyogle.	Same day.
		A Class.	Year 1 of this Plan.	More than 15 ML/day and 251 ML/day or less.		Same day.
		B Class.	Year 1 of this Plan.	More than 251 ML/day.		Same day.
	Lower Kyogle Management Zone.	Very Low Flow Class.	Year 1 of this Plan.	12 ML/day or less.	Richmond River gauge (203004) at Casino.	Same day.
		A Class.	Year 1 of this Plan.	More than 12 ML/day and 584 ML/day or less.		Same day.
		B Class.	Year 1 of this Plan.	More than 584 ML/day.		Same day.
Leycester Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	1 ML/day or less.	Leycester River gauge (203010) at Rock Valley.	Same day.
		A Class.	Year 1 of this Plan.	More than 1 ML/day and 38 ML/day or less		Same day.
		B Class.	Year 1 of this Plan.	More than 38 ML/day and 80 ML/day or less.		Same day.
		C Class.	Year 1 of this Plan.	More than 80 ML/day.		Same day.
Myall Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	0 ML/day.	Myrtle Creek gauge (203030) at Rappville in the Myrtle Creek Water Source.	Same day.
		A Class.	Year 1 of this Plan.	More than 0 ML/day.		Same day.
Myrtle Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	0 ML/day.	Myrtle Creek gauge (203030) at Rappville.	Same day.
		A Class.	Year 1 of this Plan.	More than 0 ML/day and 4 ML/day or less.		Same day.
		B Class.	Year 1 of this Plan.	More than 4 ML/day and 28 ML/day or less.		Same day.
		C Class.	Year 1 of this Plan.	More than 28 ML/day.		Same day.
Shannon Brook Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	0 ML/day.	Shannon Brook gauge (203041) at Yorklea.	Same day.
		A Class.	Year 1 of this Plan.	More than 0 ML/day and 16 ML/day or less.		Same day.
		B Class.	Year 1 of this Plan.	More than 16 ML/day and 52 ML/day or less.		Same day.

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or salinity (ppt)	Column 6 Reference point	Column 7 Day on which flow class applies
		C Class.	Year 1 of this Plan.	More than 52 ML/day.		Same day.
Terania Creek Water Source.		Very Low Flow Class.	Year 1 of this Plan.	6 ML/day or less.	Coopers Creek gauge (203024) at Ewing Bridge in the Coopers Creek Water Source.	Same day.
		Very Low Flow Class.	Year 6 of this Plan.	8.5 ML/day or less.		Same day.
		A Class.	Year 1 of this Plan.	More than 6 ML/day and 229 ML/day or less.		Same day.
		A Class.	Year 6 of this Plan.	More than 8.5 ML/day and 229 ML/day or less.		Same Day
		B Class.	Year 1 of this Plan.	More than 229 ML/day.		Same day.
Upper Richmond River Water Source.		Very Low Flow Class.	Year 1 of this Plan.	1 ML/day or less at the Richmond River staff gauge.	Richmond River staff gauge at the Lavelles Road crossing and Richmond River gauge (203005) at Wiangaree in the Gradys Creek Water Source.	Same day.
		A Class.	Year 1 of this Plan.	More than 1 ML/day at the Richmond River Staff gauge and 308 ML/day or less at the Richmond River gauge (203005).		Same day.
		B Class.	Year 1 of this Plan.	More than 1 ML/day at the Richmond River staff gauge and more than 308 ML/day at the Richmond River gauge (203005).		Same day.
Wyrallah Area Water Source.	Wilson's River Tidal Pool Management Zone.	Very Low Flow Class.	Year 1 of this Plan.	2 ppt or more for five consecutive days or more.	Salinity gauge at Coraki in the Coraki Area Water Source.	Same day.
		A Class.	Year 1 of this Plan.	(1) 1 ppt or more and less than 2 ppt for five consecutive days or more; or (2) above 2 ppt for less than five consecutive days; or (3) 0.3 ppt or more and less		Same day.

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or salinity (ppt)	Column 6 Reference point	Column 7 Day on which flow class applies
				days.		
		B Class.	Year 1 of this Plan.	(1) 1 ppt or more and less than 2 ppt for less than five consecutive days; or (2) 0.3 ppt or more and less than 1 ppt for five consecutive days or more; or (3) less than 0.3 ppt.		Same day.
		C Class.	Year 1 of this Plan.	2 ppt or more for five consecutive days or more.		Same day.

Notes.

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

1. For the Wilsons River gauge (213014) at Eltham:
 - 12 ML/day corresponds to the estimated 99th percentile flow; and
 - 24 ML/day corresponds to the estimated 95th percentile flow.
2. For the Richmond River gauge (203005) at Wiangaree, 15 ML/day corresponds to the estimated 95th percentile flow.
3. For the Richmond River gauge (203900) at Kyogle, 15 ML/day corresponds to the estimated 93rd percentile flow.
4. For the Richmond River gauge (203004) at Casino, 12 ML/day corresponds to the estimated 94th percentile flow.
5. For the Leycester River gauge (203010) at Rock Valley, 1 ML/day corresponds to the estimated 92nd percentile flow.
6. For the Myrtle Creek gauge (203030) at Rappville, no visible flow corresponds to the estimated 68th percentile flow.
7. For the Shannon Brook gauge (203041) at Yorklea, no visible flow corresponds to the estimated 78th percentile flow.

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

For the Coopers Creek gauge (203024) at Ewing Bridge:

- 6 ML/day corresponds to the estimated 99th percentile flow; and
- 8.5 ML/day corresponds to the estimated 95th percentile flow.

The flow percentiles below refer to average daily flows at the gauge and include all days of record.

1. For the Richmond River gauge (203005) at Wiangaree, 308 ML/day corresponds to the estimated 30th percentile flow.
2. For the Richmond River gauge (203900) at Kyogle, 251 ML/day corresponds to the estimated 30th percentile flow.
3. For the Richmond River gauge (203004) at Casino, 484 ML/day corresponds to the estimated 30th percentile flow.
4. For the Leycester River gauge (203010) at Rock Valley:
 - 38 ML/day corresponds to the estimated 50th percentile flow; and
 - 80 ML/day corresponds to the estimated 30th percentile flow.
5. For the Myrtle Creek gauge (203030) at Rappville:
 - 4 ML/day corresponds to the estimated 50th percentile flow; and
 - 28 ML/day corresponds to the estimated 30th percentile flow.
6. For the Shannon Brook gauge (203041) at Yorklea:
 - 16 ML/day corresponds to the estimated 50th percentile flow; and
 - 52 ML/day corresponds to the estimated 30th percentile flow.
7. For the Coopers Creek gauge (203024) at Ewing Bridge, 229 ML/day corresponds to the estimated 30th percentile flow.

60 Access rules for the taking of surface water from these water sources, excluding the Richmond Regulated Water Source

- (1) This clause applies to the taking of water under an access licence from these water sources excluding:
 - (a) the taking of water from the Richmond Regulated Water Source;
 - (b) the taking of water from these alluvial sediments; and
 - (c) the taking of water under an access licence that nominates an aquifer interference approval.
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- (2) Subject to subclauses (18) and (20), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows are in the Very Low Flow Class. This subclause does not apply to the taking of water under an access licence to which subclause (3) applies.
- (3) Subject to subclauses (18) and (20), where the cease to pump threshold on the entitlement issued under Part 2 of the *Water Act 1912* that was replaced by an access licence under the Act, is higher than the upper limit of the relevant Very Low Flow Class that commenced on the date of commencement of this Plan, then water must not be taken under that access licence when flows are at or less than the cease to pump threshold that was specified on the replaced *Water Act 1912* entitlement.

Note. Those licences and their access rules that have been identified as higher than the upper limit of the relevant Very Low Flow Class are specified in Appendix 3.

- (4) Water must not be taken under an unregulated river (subcategory “Aboriginal community development”) access licence when flows are:
- (a) in the Very Low Flow Class or A Class for the:
 - (i) Leycester Creek Water Source;
 - (ii) Myrtle Creek Water Source; and
 - (iii) Shannon Brook Water Source; or
 - (b) less than 116 ML/day at the Richmond River gauge (203900) at Kyogle for the Eden Creek Water Source.
- (5) Water must not be taken under an unregulated river (high flow) access licence when flows are:
- (a) in the Very Low Flow Class or A Class for the:
 - (i) Bangalow Area Water Source;
 - (ii) Gradys Creek Water Source;
 - (iii) Kyogle Area Water Source;

- (iv) Terania Creek Water Source; and
 - (v) Upper Richmond River Water Source; or
 - (b) in the Very Low Flow Class, A Class or B Class for the:
 - (i) Leycester Creek Water Source;
 - (ii) Myrtle Creek Water Source;
 - (iii) Shannon Brook Water Source; or
 - (c) less than 251 ML/day at the Richmond River gauge (203900) at Kyogle for the Eden Creek Water Source.
- (6) Subject to subclauses (17), (18), (20) and (23), water must not be taken under an access licence if there is no visible flow in the water source at the location at which water is proposed to be taken.
- (7) Water must not be taken from an in-river dam pool unless the in-river dam is passing such inflows as specified on the water supply work approval for the in-river dam.
- (8) The inflows to be specified on the water supply work approval for the in-river dam referred to in subclause (7) are:
- (a) the inflows that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces; or
 - (b) where no inflows were specified, the amount of inflows determined by the Minister.
- (9) Subject to subclauses (11) and (18), water must not be taken from natural pools, lagoons or lakes in water sources or management zones where flow classes have not been established, when the water level in that pool, lagoon or lake is less than 100 per cent of the full containment volume of the respective pool, lagoon or lake, except for those access licences specified in Column A of Schedule 2 that must not take water in contradiction of the access rule specified in Column B of Schedule 2.
- (10) Subject to subclause (18), water must not be taken under an access licence specified in
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Column A of Schedule 2 in contradiction of the access rule specified in Column B of Schedule 2.

- (11) Subclause (9) does not apply to pools, lagoons and lakes in the following management zones:
- (a) Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source; and
 - (b) Richmond River Tidal Pool Management Zone in the Coraki Area Water Source.
- (12) Subject to subclauses (18), (20) and (21), from the second year of this Plan, water must not be taken under an access licence with a share component that specifies the Bangalow Area Water Source:
- (a) until the end of the fifth year of this Plan, for more than:
 - (i) 10 hours per day when the flow of water in the Wilsons River gauge (213014) at Eltham is greater than 24 ML/day and less than or equal to 31 ML/day; and
 - (ii) 6 hours per day when the flow of water in the Wilsons River gauge (213014) at Eltham is greater than 12 ML/day and less than or equal to 24 ML/day;
 - (b) from the sixth year of this Plan for more than 6 hours per day when the flow of water in the Wilsons River gauge (213014) at Eltham is greater than 24 ML/day and less than or equal to 31 ML/day.
- (13) Subject to subclauses (18), (20) and (21), from the second year of this Plan, 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 per day when the flow of water in the Richmond River gauge (203005) at Wiangaree is greater than 22 ML/day and less than or equal to 28 ML/day; and
 - (b) 6 hours per day when the flow of water in the Richmond River gauge (203005)
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at Wiangaree is greater than 15 ML/day and less than or equal to 22 ML/day.

- (14) Subject to subclauses (18), (20) and (21), from the second year of this Plan, 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 per day when the flow of water in the Richmond River gauge (203900) at Kyogle is greater than 21 ML/day and less than or equal to 29 ML/day; and
 - (b) 6 hours per day when the flow of water in the Richmond River gauge (203900) at Kyogle is greater than 15 ML/day and less than or equal to 21 ML/day.
- (15) Subject to subclauses (18), (20) and (21), from the second year of this Plan, water must not be taken under an access licence with a share component that specifies the Terania Creek Water Source:
- (a) until the end of the fifth year of this Plan, for more than 8 hours per day when the flow of water in Coopers Creek gauge (203024) at Ewing Bridge in the Coopers Creek Water Source is greater than 6 ML/day and less than or equal to 15 ML/day; and
 - (b) from the sixth year of this Plan, for more than 8 hours per day when the flow of water in Coopers Creek gauge (203024) at Ewing Bridge in the Coopers Creek Water Source is greater than 8.5 ML/day and less than or equal to 15 ML/day;
- (16) Subject to subclauses (18), (20) and (21), from the second year of this Plan, water must not be taken under an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source or the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source for more than 10 hours per day when flows are in A Class for the respective water source or management zone.
- (17) Subclause (6) does not apply to access licences that replaced entitlements issued under Part 2 of the *Water Act 1912* that had cease to pump thresholds that were higher than the upper limit of the relevant Very Low Flow Class.
- (18) Subclauses (2), (3), (6), (9), (10), (12) to (16) do not apply to the following:
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- (a) the taking of water under an access licence to which clause 1 of Schedule 3 applies, for any of the purposes listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (19):
 - (i) fruit washing;
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene;
 - (iii) poultry watering and misting; or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene;
 - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, for the first 3 years of this Plan;
 - (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first 3 years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day;
 - (d) the taking of water using a run-off harvesting dam or from an in-river dam pool;
 - (e) the taking of water under a local water utility access licence or an unregulated river (subcategory “town water supply”) access licence to which clause 2 of Schedule 3 applies; and
 - (f) the taking of water under an access licence to which clause 3 of Schedule 3 applies, provided that the water is taken while the Alstonville Sewage Treatment Plan is discharging water on a daily basis.
- (19) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (18) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in subclause
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(18) (a).

- (20) Subclauses (2), (3), (6), (12) to (16) do not apply to the taking of water under an access licence specified in Column A of Schedule 2.

Note. The effect of this subclause is that the taking of water under access licences specified in Schedule 2 is subject to the access rules specified in Schedule 2 in accordance with subclauses (9) and (10) and are not subject to any other cease to take conditions specified in clause 60, such as the rule which prevents the taking of water from the Very Low Flow Class.

- (21) Subclauses (12) to (16) do not apply to access licences accredited under subclause (22).

- (22) Access licence holders may be accredited under the Efficient Water Use Accreditation Scheme in the following water sources:

- (a) Gradys Creek Water Source;
- (b) Bangalow Area Water Source;
- (c) Kyogle Area Water Source; or
- (d) Terania Creek Water Source.

Note: Licence holders can become accredited by implementing and maintaining a water efficient irrigation system. By establishing a differential in access rules between accredited and non-accredited licence holders, the Plan aims to encourage licence holders to implement efficient systems and also not penalise licence holders who already run low volume efficient irrigation systems.

- (23) Subclause (6) does not apply to the taking of water from natural pools, lagoons and lakes that are subject to the 100 per cent of the full containment volume cease to take condition specified in subclause (9).

Notes.

1. For the Wilsons River gauge (213014) at Eltham, 31 ML/day corresponds to the estimated 90th percentile flow.
 2. For the Richmond River gauge (203005) at Wiangaree:
 - 22 ML/day corresponds to the estimated 92nd percentile flow;
 - 28 ML/day corresponds to the estimated 86th percentile flow.
 3. For the Richmond River gauge (203900) at Kyogle:
 - 21 ML/day corresponds to the estimated 92nd percentile flow;
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- 29 ML/day corresponds to the estimated 86th percentile flow.
4. The flow percentiles above refer to critical month flows (November) at the gauge and include all days of record.
 5. For the Coopers Creek gauge (203024) at Ewing Bridge, 15 ML/day corresponds to the estimated 90th percentile flow. This flow percentile refers to critical month flows (December) at the gauge and includes all days of record.
 6. For the Richmond River gauge (203900) at Kyogle, 16 ML/day corresponds to the estimated 50th percentile flow. This flow percentile refers to average daily flows at the gauge and includes all days of record.
 7. Part 13 of this Plan allows for amendments to be made to clause 60.

61 Access rules for the taking of water from these alluvial sediments, excluding access licences in the Richmond Regulated Alluvial Water Source

- (1) This clause applies to the taking of water under an access licence from these alluvial sediments using a water supply work that is located at or less than 40 metres from the top of the high bank of a river, excluding the taking of water under an access licence that nominates an aquifer interference approval and access licences with share components that specify the Richmond Regulated Alluvial Water Source.
 - (2) The taking of water under an aquifer access licence which arises from the conversion of an unregulated river access licence under clause 74 of Part 11 shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone.
 - (3) Subject to subclauses (9), (11) and (13), from the start of the sixth water year in which this Plan has effect, the taking of water under an aquifer access licence shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone.
 - (4) Subject to subclauses (7), (8), (9) and (13), the taking of water under a domestic and stock access licence shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone.
 - (5) Subject to subclauses (12) and (13), the taking of water under a local water utility access licence shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone.
 - (6) For the purposes of the taking of water from these alluvial sediments under an access licence to which subclauses (2), (3), (4) or (5) apply, an access rule for an unregulated
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river access licence that requires a visible flow shall be taken to mean a visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken.

- (7) Subclause (4) does not apply to the taking of water for domestic consumption only under domestic and stock access licences or domestic and stock (subcategory “domestic”) access licences that existed at the commencement of this Plan, for the first 3 years of this Plan.
 - (8) Subclause (4) does not apply to the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first 3 years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day.
 - (9) Subclauses (3) and (4) do not apply to the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (10):
 - (a) fruit washing;
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene;
 - (c) poultry watering and misting; or
 - (d) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
 - (10) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclauses (9) and (13) (a), if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in subclauses (9) and (13) (a).
 - (11) Subclause (3) does not apply to the taking of water under an aquifer (subcategory “town water supply”) access licence to which clause 2 of Schedule 4 applies.
 - (12) Subclause (5) does not apply to the taking of water under a local water utility access licence to which clause 2 of Schedule 4 applies.
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- (13) Subclauses (2), (3), (4) or (5) which requires there be a visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken while water is taken do not apply if:
- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies is for any of the purposes listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (10):
 - (i) fruit washing;
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene;
 - (iii) poultry watering and misting; or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene;
 - (b) it is under a local water utility access licence or an aquifer (subcategory “town water supply”) access licence to which clause 2 of Schedule 4 applies;
 - (c) the taking of water is for domestic consumption only under domestic and stock access licences or domestic and stock (subcategory “domestic”) access licences that existed at the commencement of this Plan, for the first 3 years of this Plan; or
 - (d) the taking of water is for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first 3 years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day.

62 Total daily extraction limits

At the commencement this Plan, total daily extraction limits (hereafter *TDELs*) are not established for any access licences in these water sources.

Note. TDELs are an assessment tool only and will be used by the NSW Office of Water to determine which access licences (if any) may require individual daily extraction limits. They do not require any action to be taken by the licence holder. However, continued exceedence of the

TDEL by all water users will trigger the amendment of this Plan to allow for the imposition of individual daily extraction limits under clause 63.

Note. Part 13 of this Plan allows for amendments to be made to establish TDELs.

63 Individual daily extraction limits

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 62 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

Note. Part 13 of this Plan allows for amendments to be made to establish IDELs.

Part 10 Rules for water supply work approvals

Note. This Part is made in accordance with sections 5, 21 and 95 of the Act. Part 13 allows for amendments to be made to Part 10.

Division 1 Rules applying to water supply works that take surface water

64 General

The rules in this Division apply to water supply work approvals for water supply works may be used to take water:

- (a) occurring naturally on the surface of the ground shown on the Registered Map;
and
- (b) in rivers, lakes, estuaries and wetlands in these water sources.

Note. The rules in this Division apply to all water supply works except those water supply works that may be used to take water from these alluvial sediments.

65 Granting or amending water supply work approvals

- (1) An application for the granting or amending of a water supply work approval for an in-river dam on third order or higher streams within these water sources may be considered, consistent with the principles of the Act.

Note. “Stream order” and “in-river dam” are defined in the Dictionary.

- (2) A water supply work approval shall not be granted or amended to authorise a runoff harvesting dam which, in the Minister’s opinion, has a capacity that exceeds the volume of the share component of the access licences that nominate the dam.

Note. “Runoff harvesting dam” is defined in the Dictionary.

Note. Part 13 allows for amendments to be made to clause 65.

Division 2 Rules applying to water supply works that take water from these alluvial sediments

66 General

- (1) The rules in this Division apply only to water supply works that may be used to take

water from these alluvial sediments.

- (2) In this Division, a reference to water supply work is limited to a water supply work that may be used to take water from these alluvial sediments.

67 Rules for amending water supply work approvals for replacement groundwater works

- (1) The Minister may amend a water supply work approval to alter the work to which the approval relates if the Minister is satisfied that the amendment is for a replacement groundwater work.
- (2) For the purposes of this Plan, *replacement groundwater work* means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from an aquifer where:
- (a) the existing water supply work is the subject of a water supply work approval under the Act; and
 - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work; and
 - (c) the replacement groundwater work is to be constructed to extract water from:
 - (i) the same depth as the existing water supply work; or
 - (ii) a depth specified by the Minister if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems; and
 - (d) the replacement groundwater work is to be located within:
 - (i) 20 metres of the existing water supply work; or
 - (ii) a distance greater than 20 metres of the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems; and
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located within:

- (i) 20 metres of the existing water supply work but no closer to the high bank of the river; or
 - (ii) more than 20 metres from the existing water supply work, but no closer to the high bank of the river, if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems; and
- (f) the replacement groundwater work shall not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110 percent of the internal diameter of the existing water supply work it replaces; and
- (g) for the purposes of paragraph (f), *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore and *excavation footprint* means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.
- (3) For the purposes of subclause (2) (c) (ii), the Minister may require the applicant to submit a hydrogeological study, assessed as adequate by the Minister, to demonstrate that the construction of the work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (4) For the purposes of subclauses (2) (d) (ii) or (2) (e) (ii), the Minister may require the applicant to submit a hydrogeological study, assessed as adequate by the Minister, to demonstrate that the location of the work at a greater distance than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

Notes.

- 1 The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.
- 2 Part 13 allows for amendments to be made to clause 67.

68 Rules to minimise interference between water supply works

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located within:
 - (a) 400 metres of a water supply work authorised to take water from the same water source that is nominated by another access licence on another landholding;
 - (b) 200 metres of a water supply work authorised to take water from the same water source pursuant to basic landholder rights on another landholding;
 - (c) 100 metres from the boundary of the land on which the work is located, unless the landholder of the land adjoining the boundary has provided consent in writing;
 - (d) 500 metres of a water supply work authorised to take water from the same water source by a local water utility or a major utility, unless the local water utility or major utility has provided consent in writing; or
 - (e) 100 metres of a NSW Office of Water observation or monitoring bore, unless the Minister has provided consent in writing.

- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is solely for basic landholder rights;
 - (b) the water supply work is a replacement groundwater work;
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works;
 - (d) the location of the water supply work would result in no more than minimal impact on existing extractions within these water sources; or
 - (e) a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, demonstrates that the location of the work at a lesser distance will have no more than minimal impact on existing extraction from the water source.

- (3) An approval granted under subclause (2) (e) shall be subject to a requirement that, when directed by the Minister by notice in writing, the approval holder must carry out all actions required by the Minister and specified in the notice to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

Note. Part 13 allows for amendments to be made to clause 68.

69 Rules for water supply works located near contamination sources

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located:
- (a) within 250 metres of the plume associated with a contamination source listed in Schedule 5;
 - (b) between 250 metres and 500 metres of the plume associated with a contamination source listed in Schedule 5, unless the Minister is satisfied that no draw down of water will occur within 250 metres of the plume associated with the contamination source; or
 - (c) at a distance specified by the Minister that is more than 500 metres from the plume associated with a contamination source listed in Schedule 5, if a greater distance is determined by the Minister to be necessary to protect the water source, the environment or public health or safety.
- (2) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied:
- (a) that the distance is adequate to protect the water source, its dependent ecosystems, and public health and safety; or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.

70 Rules for water supply works located near sensitive environmental areas

- (1) A water supply work approval shall not be granted or amended to authorise the
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construction of a water supply work which, in the Minister's opinion, is located:

- (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work used solely to take water pursuant to basic landholder rights; or
 - (b) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work not used solely to take water pursuant to basic landholder rights; or
 - (c) at a distance specified by the Minister that is more than 200 metres, excluding water supply works used solely to take water pursuant to basic landholder rights, if the Minister is satisfied that the water supply work is likely to cause drawdown at the perimeter of any groundwater dependent ecosystem listed in Schedule 6; or
 - (d) within 40 metres of the top of the high bank of a river.
- (2) The distance restrictions specified in subclauses (1) (a), (b) and (c) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied no drawdown of water will occur at the perimeter of any groundwater dependent ecosystem in Schedule 6.
- (3) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works; or
 - (b) the water supply work replaces an existing water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply; or
 - (c) the water supply work is a replacement groundwater work; or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their dependent groundwater ecosystems.
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Note. Part 13 allows for amendments to be made to clause 70.

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

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located within:
- (a) 100 metres of a groundwater dependent culturally significant site in the case of a water supply work used solely to take water pursuant to basic landholder rights; or
 - (b) 200 metres of a groundwater dependent culturally significant site in the case of a water supply work not used solely to take water pursuant to basic landholder rights.
- (2) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works; or
 - (b) the water supply work replaces an existing water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply; or
 - (c) the water supply work is sealed off to the nearest impervious layer above the slotted intervals of the work with an impermeable seal constructed between the casing and the bore hole as specified by the Minister; or
 - (d) the water supply work is a replacement groundwater work; or
 - (e) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent culturally significant sites.

Note. Culturally significant sites will be identified as a part of the assessment undertaken by the NSW Office of Water during the processing of an application for the granting or amending of a water supply work approval.

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

- (1) Subject to subclauses (2) and (3), a water supply work that is located within a restricted distance specified in clauses 68 to 71 must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.
- (2) Subject to subclause (3), a water supply work that becomes located within a restricted distance specified in clauses 68 to 71, as a result of an amendment to this Plan, must not, in any water year, be used to take more water than the volume of water that is equal to the sum of share components of access licences nominating that water supply work at the time of the amendment.
- (3) Subclauses (1) and (2) do not apply where a restricted distance does not apply in accordance with clauses 68 (2), 69 (2), 70 (2), 70 (3) or 71 (2).

Note. The water quality from any bore can be affected by land use activities and inherent water quality in the aquifer. Water quality cannot be guaranteed and may be unsuitable for human consumption and other uses. The quality of water extracted should be tested before being used and appropriately treated. Such testing and treatment is the responsibility of the licence holder.

Note. Part 13 allows for amendments to be made to clause 72.

Part 11 Access licence dealing rules

73 General

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

Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the *Access Licence Dealing Principles Order 2004* and the access licence dealing rules established in this Part.
- 2 The *Access Licence Dealing Principles Order 2004* prevails over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

74 Conversion of access licence to new category

- (1) This clause relates to dealings under section 71O of the Act in these water sources.
- (2) Dealings under section 71O of the Act are prohibited unless the conversion is from:
 - (a) an unregulated river access licence to an aquifer access licence; or
 - (b) an unregulated river access licence to an unregulated river (high flow) access licence in the following water sources:
 - (i) Bangalow Area Water Source;
 - (ii) Eden Creek Water Source;
 - (iii) Gradys Creek Water Source;
 - (iv) Kyogle Area Water Source;
 - (v) Leycester Creek Water Source;
 - (vi) Myrtle Creek Water Source;
 - (vii) Shannon Brook Water Source;
 - (viii) Terania Creek Water Source; or

- (ix) Upper Richmond River Water Source.
- (3) A dealing under subclause (2) (a) is subject to the share component of the aquifer access licence being equal to the share component of the unregulated river access licence.
- (4) A dealing under subclause (2) (b) is subject to:
 - (a) the share component of the unregulated river (high flow) access licence being 5 times the share component of the unregulated river access licence; and
 - (b) the total amount of unregulated river access licence share component being converted to unregulated river (high flow) access licence not exceeding:
 - (i) 2,131 unit shares in total in the Bangalow Area Water Source, Leycester Creek Water Source and Terania Creek Water Source;
 - (ii) 180 unit shares in the Eden Creek Water Source;
 - (iii) 838 unit shares in the Gradys Creek Water Source;
 - (iv) 1,569 unit shares in the Kyogle Area Water Source;
 - (v) 240 unit shares in the Myrtle Creek Water Source;
 - (vi) 130 unit shares in the Shannon Brook Water Source; and
 - (vii) 341 unit shares in the Upper Richmond River Water Source.

75 Assignment of rights dealings (within water sources)

- (1) This clause relates to dealings under section 71Q of the Act in these water sources.
- (2) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:
 - (a) an access licence with an extraction component that specifies Management Zone 2 in the Richmond Regulated Water Source to an access licence with an extraction component that specifies Management Zone 1 in the Richmond Regulated Water Source, if it would cause the sum of share components of all

access licences with extraction components that specify Management Zone 1 to exceed the sum of share components of all access licences that existed in Management Zone 1 at the date of commencement of this Plan;

- (b) an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Drains Management Zone in the Alstonville Area Water Source;
 - (c) an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source;
 - (d) an access licence with an extraction component that specifies the Alstonville Drains Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source;
 - (e) an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source;
 - (f) an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone, or Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence nominating works in Bungawalbyn Creek in the Coraki Area Water Source;
 - (g) an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if it would cause the sum of share components of all access licences with extraction components that specify the Coraki Non Tidal Management Zone to exceed the sum of share components of all access licences that existed in the Coraki Non Tidal Management Zone at the date of commencement of this Plan; or
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- (h) an access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source to and access licence with an extraction component that specifies the Wyrallah Non Tidal Pool Management Zone in the Wyrallah Area Water Source, if it would cause the sum of share components of all access licences with extraction components that specify the Wyrallah Non Tidal Management Zone to exceed the sum of share components of all access licences that existed in the Wyrallah Non Tidal Management Zone at the date of commencement of this Plan.

76 Amendment of share component dealings (change of water source)

- (1) This clause relates to dealings under section 71R of the Act in these water sources.
- (2) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
 - (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit;
 - (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit;
 - (c) the Richmond Regulated Water Source;
 - (d) an unregulated river (high flow) access licence;
 - (e) the granting of a new access licence with a share component that specifies:
 - (i) Bangalow Area Water Source;
 - (ii) Broadwater Area Water Source;
 - (iii) Double Duke Area Water Source;
 - (iv) Evans River Water Source;

- (v) Lennox Area Water Source;
 - (vi) Leycester Creek Water Source;
 - (vii) Myall Creek Water Source;
 - (viii) Myrtle Creek Water Source;
 - (ix) Sandy Creek Water Source;
 - (x) Terania Creek Water Source;
 - (xi) Toonumbar Area Water Source;
 - (xii) Tuckean Area Water Source;
 - (xiii) Upper Richmond River Water Source; or
 - (xiv) Richmond Regulated Alluvial Water Source.
- (f) the granting of a new access licence with a share component that specifies the Alstonville Area Water Source, unless it is permitted under subclause (3);
- (g) the granting of a new access licence with a share component that specifies the Gradys Creek Water Source, if the share component of the cancelled access licence specified any water source other than the Upper Richmond River Water Source;
- (h) the granting of a new access licence with a share component that specifies the Shannon Brook Water Source, if the dealing would cause the sum of the share components of all access licences, other than unregulated river (high flow) access licences, in the Shannon Brook Water Source to exceed the sum of the share components of all access licences that existed in the Shannon Brook Water Source at the commencement of this Plan minus the share components of those unregulated river access licences that have been converted to unregulated river (high flow) access licences specifying the Shannon Brook Water Source since the commencement of this Plan;
- (i) the granting of a new access licence with a share component that specifies the
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Kyogle Area Water Source, unless:

- (i) it permitted under subclause (4); or
- (ii) the share component of the cancelled access licence specified the:
 - (A) Upper Richmond River Water Source; or
 - (B) Gradys Creek Water Source;
- (j) the granting of a new access licence with a share component that specifies the Doubtful Creek Water Source if:
 - (i) the share component of the cancelled access licence specified a water source other than the:
 - (A) Gradys Creek Water Source;
 - (B) Upper Richmond River Water Source;
 - (C) Eden Creek Water Source;
 - (D) Kyogle Area Water Source; or
 - (E) Toonumbar Area Water Source;
 - (ii) and the dealing would cause the sum of the share components of all access licences in that water source to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan;
- (k) the granting of a new access licence with a share component that specifies the Eden Creek Water Source if:
 - (i) the share component of the cancelled access licence specified a water source other than the:
 - (A) Gradys Creek Water Source;
 - (B) Upper Richmond River Water Source;

- (C) Doubtful Creek Water Source;
 - (D) Kyogle Area Water Source; or
 - (E) Toonumbar Area Water Source;
- (ii) and the dealing would cause the sum of the share components of all access licences in that water source to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan;
- (l) the granting of a new access licence with an extraction component that specifies the Coraki Non Tidal Management Zone of the Coraki Area Water Source, if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Coraki Non Tidal Management Zone of the Coraki Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone at the date of commencement of this Plan;
- (m) the granting of a new access licence nominating works in Bungawalbyn Creek in the Coraki Area Water Source;
- (n) the granting of a new access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone and the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source at the date of commencement of this Plan plus 2000;
- (o) the granting of a new access licence with an extraction component that specifies the Wyrallah Non Tidal Management Zone of the Wyrallah Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Wyrallah Non Tidal Management Zone of the Wyrallah Area Water Source to exceed the sum of the
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- share components of all access licences with extraction components nominating that management zone at the date of commencement of this Plan; or
- (p) the granting of a new access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone and the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source at the date of commencement of this Plan plus 2000.
- (3) Dealings under section 71R of the Act that involve the granting of a new access licence with an extraction component that specifies the Alstonville Management Zone of the Alstonville Area Water Source are permitted from the access licence with a share component that specified the Wyrallah Area Water Source that arose from the *Water Act 1912* licence 30SL066563.
- (4) Dealings under section 71R of the Act that involve the granting of a new access licence with an extraction component that specifies the Lower Kyogle Area Management Zone of the Kyogle Area Water Source are permitted from the access licence with a share component that specified the Coraki Area Water Source that arose from the *Water Act 1912* licence 30SL066950.
- (5) The share component of a new access licence specifying one of these water sources granted in accordance with subclause (2), shall be equal to:
- (a) the share component of the cancelled access licence where a conversion factor has not been established by the Minister under section 71Z of the Act; or
- (b) the share component of the cancelled access licence multiplied by a conversion factor established by the Minister, and published in an order made under section 71Z of the Act.
- (6) The extraction component of a new access licence granted in accordance with a section 71R dealing shall not carry over the extraction component from the cancelled

access licence.

77 Amendment of extraction component dealings

- (1) This clause relates to dealings under section 71S of the Act in these water sources.
 - (2) Dealings under section 71S of the Act are prohibited if the dealing involves an access licence with an extraction component that specifies the:
 - (a) Management Zone 2 in the Richmond Regulated Water Source being varied to specify the Management Zone 1 in the Richmond Regulated Water Source if the share component of the proposed access licence, plus the total share component of all access licences with extraction components that specify the Management Zone 1, exceeds the total share component of all access licences that existed in Management Zone 1 at the commencement of this Plan;
 - (b) Alstonville Management Zone in the Alstonville Area Water Source being varied to specify the Alstonville Drains Management Zone in the Alstonville Area Water Source;
 - (c) Tuckean Management Zone in the Tuckean Area Water Source being varied to specify the Tuckean Drains Management Zone in the Tuckean Area Water Source;
 - (d) Alstonville Drains Management Zone in the Alstonville Area Water Source being varied to specify the Alstonville Management Zone in the Alstonville Area Water Source;
 - (e) Tuckean Drains Management Zone in the Tuckean Area Water Source being varied to specify the Tuckean Management Zone in the Tuckean Area Water Source;
 - (f) Richmond River Tidal Pool Management Zone in the Coraki Area Water Source being varied to specify the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with extraction components that specify the Coraki Non Tidal Management Zone, exceeds the total share component of all access licences that existed in Coraki Non Tidal Management Zone at the commencement of this Plan; or
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- (g) Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source being varied to specify the Wyrallah Non Tidal Pool Management Zone in the Wyrallah Area Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with extraction components that specify the Wyrallah Non Tidal Management Zone, exceeds the total share component of all access licences that existed in Wyrallah Non Tidal Management Zone at the commencement of this Plan.

78 Assignment of water allocations dealings

- (1) This clause relates to dealings under section 71T of the Act in these water sources.
 - (2) Dealings within a water source under section 71T of the Act are prohibited if the dealing involves an assignment of water allocation:
 - (a) from an access licence with an extraction component that specifies Management Zone 2 in the Richmond Regulated Water Source to an access licence with an extraction component that specifies Management Zone 1 in the Richmond Regulated Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify Management Zone 1 from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences with extraction components that specified Management Zone 1 at the date of commencement of this Plan;
 - (b) from an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Drains Management Zone in the Alstonville Area Water Source;
 - (c) from an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source;
 - (d) from an access licence with an extraction component that specifies the
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Alstonville Drains Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source;

- (e) from an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source;
- (f) an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone, or Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence nominating works in Bungawalbyn Creek in the Coraki Area Water Source;
- (g) from an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source to an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify Coraki Non Tidal Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences with extraction components that specified Coraki Non Tidal Management Zone at the date of commencement of this Plan;
- (h) from an access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source to and access licence with an extraction component that specifies the Wyrallah Non Tidal Pool Management Zone in the Wyrallah Area Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify Wyrallah Non Tidal Management Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences with extraction components that specified Wyrallah Non Tidal Management Zone at the date of commencement of this Plan;

- (i) from an unregulated river (high flow) access licence to an access licence of another category; or
 - (j) to an unregulated river (high flow) access licence from an access licence of another category.
- (3) Dealings between water sources under section 71T of the Act are prohibited if the dealing involves any of the following:
- (a) the Richmond Regulated Water Source;
 - (b) an assignment of water allocation from an access licence in one extraction management unit to an access licence in another extraction management unit;
 - (c) an assignment of water allocation to an access licence in one of the following water sources:
 - (i) Alstonville Area Water Source;
 - (ii) Bangalow Area Water Source;
 - (iii) Broadwater Area Water Source;
 - (iv) Double Duke Area Water Source;
 - (v) Evans River Water Source;
 - (vi) Lennox Area Water Source;
 - (vii) Leycester Creek Water Source;
 - (viii) Myall Creek Water Source;
 - (ix) Myrtle Creek Water Source;
 - (x) Sandy Creek Water Source;
 - (xi) Terania Creek Water Source;
 - (xii) Toonumbar Area Water Source;

- (xiii) Tuckean Area Water Source;
 - (xiv) Upper Richmond River Water Source; or
 - (xv) Richmond Regulated Alluvial Water Source;
- (d) an assignment of water allocation to an access licence with a share component that specifies the Gradys Creek Water Source, unless it is from an access licence with a share component that specifies the Upper Richmond River Water Source;
- (e) an assignment of water allocation to an access licence with a share component that specifies the Kyogle Area Water Source, unless it is from an access licence with a share component that specifies the:
- (i) Upper Richmond River Water Source; or
 - (ii) Gradys Creek Water Source;
- (f) an assignment of water allocation to an access licence in the Doubtful Creek Water Source:
- (i) from a water source other than the:
 - (A) Gradys Creek Water Source;
 - (B) Upper Richmond River Water Source;
 - (C) Eden Creek Water Source;
 - (D) Kyogle Area Water Source; or
 - (E) Toonumbar Area Water Source;
 - (ii) and if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences in that water source at the date of commencement of this Plan;
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- (g) an assignment of water allocation into the Eden Creek Water Source:
 - (i) from a water source other than the:
 - (A) Gradys Creek Water Source;
 - (B) Upper Richmond River Water Source;
 - (C) Doubtful Creek Water Source;
 - (D) Kyogle Area Water Source; or
 - (E) Toonumbar Area Water Source;
 - (ii) and if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences in that water source at the date of commencement of this Plan;
- (h) an assignment of water allocation to an access licence with a share component that specifies Shannon Brook Water Source if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences other than unregulated river (high flow) access licences, in the respective water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all access licences in the respective water source at the commencement of this Plan minus the share components of those unregulated river access licences that have been converted to unregulated river (high flow) access licences specifying the respective water source since the commencement of this Plan;
- (i) an assignment of water allocation to an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Coraki Non Tidal Management Zone in the Coraki

Area Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all licences with extraction components that specified the Coraki Non Tidal Management Zone in the Coraki Area Water Source at the commencement of this Plan;

- (j) an assignment of water allocation to an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone in the Coraki Area Water Source, if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify Richmond River Tidal Pool Management Zone in the Coraki Area Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all licences with extraction components that specified the Richmond River Tidal Pool Management Zone in the Coraki Area Water Source and the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source at the commencement of this Plan, plus 2000;
- (k) an assignment of water allocation to an access licence with an extraction component that specifies the Wyrallah Non Tidal Management Zone in the Wyrallah Area Water Source, if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences with extraction components that specify the Wyrallah Non Tidal Management Zone in the Wyrallah Area Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all licences with extraction components that specified the Wyrallah Non Tidal Management Zone in the Wyrallah Area Water Source at the commencement of this Plan;
- (l) an assignment of water allocation to an access licence nominating works in Bungawalbyn Creek in the Coraki Area Water;
- (m) an assignment of water allocation to an access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source, if the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences with

extraction components that specify Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of share components of all licences with extraction components that specified the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source and Richmond River Tidal Pool Management Zone in the Coraki Area Water Source at the commencement of this Plan, plus 2000; or

- (n) an unregulated river (high flow) access licence.

79 Interstate access licence transfer and assignment of water allocation

- (1) This clause relates to dealings under sections 71U or 71V of the Act in these water sources.
- (2) Dealings involving the interstate transfer of an access licence to or from these water sources are prohibited.
- (3) Dealings involving the interstate assignment of water allocations to or from access licences in these water sources are prohibited.

80 Nomination of water supply works dealings

- (1) This clause relates to dealings under section 71W of the Act in these water sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence which nominates a water supply work located in the Management Zone 2 in the Richmond Regulated Water Source being amended to nominate a water supply work located in the Management Zone 1 in the Richmond Regulated Water Source, if it would cause the sum of share components of all access licences nominating water supply works located in the Management Zone 1 to exceed the sum of share components of all access licences that nominated water supply works that existed in Management Zone 1 at the date of commencement of this Plan;
 - (b) an access licence which nominates a water supply work located in the Alstonville Management Zone of the Alstonville Area Water Source being

amended to nominate a water supply work located in the Alstonville Drains Management Zone of the Alstonville Area Water Source;

- (c) an access licence which nominates a water supply work located in the Tuckean Management Zone of the Tuckean Area Water Source being amended to nominate a water supply work located in the Tuckean Drains Management Zone of the Tuckean Area Water Source;
 - (d) an access licence which nominates a water supply work located in the Alstonville Drains Management Zone of the Alstonville Area Water Source being amended to nominate a water supply work located in the Alstonville Management Zone of the Alstonville Area Water Source;
 - (e) an access licence which nominates a water supply work located in the Tuckean Drains Management Zone of the Tuckean Area Water Source being amended to nominate a water supply work located in the Tuckean Management Zone of the Tuckean Area Water Source;
 - (f) an access licence which nominates a water supply work located in one of the following management zones being amended to nominate a water supply work located in Bungawalbyn Creek in the Coraki Area Water Source:
 - (i) Richmond River Tidal Pool Management Zone in the Coraki Area Water Source; or
 - (ii) Coraki Non Tidal Management Zone in the Coraki Area Water Source;
 - (g) an access licence which nominates a water supply work located in the Richmond River Tidal Pool Management Zone in the Coraki Area Water Source being amended to nominate a water supply work located in the Coraki Non Tidal Management Zone of the Coraki Area Water Source, if it would cause the sum of share components of all access licences nominating water supply works located in the Coraki Non Tidal Management Zone to exceed the sum of share components of all access licences that nominated water supply works that existed in Coraki Non Tidal Management Zone at the date of commencement of this Plan; or
 - (h) an access licence which nominates a water supply work located in the Wilsons
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River Tidal Pool Management Zone of the Wyrallah Area Water Source being amended to nominate a water supply work located in the Wyrallah Non Tidal Pool Management Zone of the Wyrallah Area Water Source, if it would cause the sum of share components of all access licences nominating water supply works located in the Wyrallah Non Tidal Management Zone to exceed the sum of share components of all access licences that nominated water supply works that existed in Wyrallah Non Tidal Management Zone at the date of commencement of this Plan.

Part 12 Mandatory conditions

Division 1 Access licences

Note. This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

81 General

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 9 of this Plan for the respective category or subcategory of access licence;
 - (b) that water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken;
 - (c) that the holder of an access licence must keep a Logbook;
 - (d) that the holder of an access licence must record the following in the Logbook:
 - (i) each date on which water was taken under the access licence;
 - (ii) the volume of water taken on that date;
 - (iii) the water supply work approval number of the water supply work used to take the water on that date;
 - (iv) the purpose or purposes for which the water taken on that date was used;
 - (v) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources only, excluding the Richmond Regulated Water Source, the volume of water taken in the first three water years in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 52 (2);

- (vi) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources only, excluding the Richmond Regulated Water Source, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 52 (3);
 - (vii) for domestic and stock, local water utility, regulated river (high security) and regulated river (general security) access licences in the Richmond Regulated Water Source only, the volume of water taken in any water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in that water year under clause 53 (2); and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan.
- (e) that the holder of an access licence must produce the Logbook to the Minister for inspection, when requested;
 - (f) that the holder of an access licence must retain the information required to be recorded in the Logbook for 5 years from the date to which that information relates;
 - (g) that the holder of an access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the licence; and
 - (h) any other condition required to implement the provisions of this Plan.
- (2) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.
 - (3) An access licence for a project under Part 3A of the *Environmental Planning and*
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Assessment Act 1979 must have mandatory conditions where required, to give effect to the relevant access rules for the taking of water specified in Division 3 of Part 9 of this Plan.

Division 2 Water supply work approvals

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

82 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) that the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of surface water or the taking of water from these alluvial sediments as specified in Division 3 of Part 9 of this Plan;
 - (b) unless excepted by the Minister, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work;
 - (ii) the metering equipment must comply with the *NSW Interim Water Meter Standards* as may be updated or replaced from time to time;
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times;
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water into or out of the pipe, channel or conduit between the water source and the metering equipment; and
 - (v) any other requirements as to type, standard or other criteria for the metering equipment, as specified in the notice;

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

- (c) that the holder of a water supply work approval must keep a Logbook;
- (d) that the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date on which water was taken using the water supply work;
 - (ii) the volume of water taken on that date;
 - (iii) the access licence number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights entitlement), the authority under which water was taken;
 - (iv) the purpose or purposes for which the water taken on that date was used;
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting;
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken;
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times, and pump capacity per unit of time; and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan;
- (e) that the holder of a water supply work approval must produce the Logbook to the Minister for inspection, when requested;
- (f) that the holder of a water supply work approval must retain the information required to be recorded in the Logbook for 5 years from the date to which that information relates;

- (g) for all water supply works except those taking water from these alluvial sediments, the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that cease to take conditions do not apply and records that confirmation, and the means of confirmation (such as visual inspection or internet search), in the Logbook. In this paragraph *cease to take conditions* means any condition on the water supply work approval, or on the access licence under which water is proposed to be taken, that prohibits the taking of water in a particular circumstance; and
 - (h) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval for a runoff harvesting dam shall have a mandatory condition which provides that the capacity of the dam shall be no greater than the volume of the share components of the access licences that nominate the dam.
 - (3) A water supply work approval for a replacement groundwater work shall have mandatory conditions to give effect to the requirements for a replacement groundwater work specified in, or specified by the Minister in accordance with, clause 67.

83 Water supply works used to take water from these alluvial sediments

- (1) This clause applies to all water supply work approvals for water supply works may be used to take water contained within these alluvial sediments.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
 - (a) the rules for limiting the taking of water within the distance restrictions as specified in clause 72;
 - (b) the approval holder must ensure that the construction of a new work:
 - (i) complies with the distance restrictions specified in, or specified by the Minister in accordance with clauses 68 to 71;

Note. If the work has been exempted by Minister from one or more distance restriction specified in Division 2 of Part 10 of this Plan, then the approval holder must be able to demonstrate the basis for that exemption, for example if the exemption refers to a hydrogeological study which demonstrates that the location of the work will have no more than minimal impact to the satisfaction of the Minister, then evidence must be able to be provided to that effect.

- (ii) complies with the construction standards prescribed for the relevant type of bore in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards; and
 - (iii) prevents contamination between aquifers through appropriate construction;
- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended or replaced from time to time, unless otherwise directed by the Minister in writing;
- (d) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the work has been decommissioned;
- (e) the approval holder must, within two months of completion of the construction of the water supply work, or within two months after the issue of the approval if the work is existing, submit to the NSW Office of Water the approved form completed with all relevant details, including:
 - (i) the name and licence number of the driller who constructed the bore;
 - (ii) the details of geology and construction on the approved form;
 - (iii) details of the location of the work on a copy of the lot and deposited plan of the land, its geographical reference accurate to ± 5 metres, and the respective distance(s) of the work from the property boundaries; and
 - (iv) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests required by the Minister;
- (f) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:

- (i) notify the Minister within 48 hours of becoming aware of the contaminated water;
 - (ii) take all reasonable steps to minimise contamination and environmental harm;
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the saline or contaminated water from the work, and, if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister; and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing;
- (g) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work;
- (h) that the water supply work approval shall lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval; and
- (i) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted under clause 68 (2) (e), must have a mandatory condition to give effect to clause 68 (3).

Note. Part 13 of this Plan allows for amendments to be made to clause 83.

Part 13 Amendment of this Plan

84 General

- (1) Amendments specified throughout this Plan, and in this Part, are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan which results in a variation of the bulk access regime, is an amendment authorised by this Plan for the purposes of sections 87 (2)(c) and 87AA of the Act.

85 Part 1

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

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

86 Part 6

Clause 31 of Part 6 may be amended to continue the setting aside of an environmental contingency allowance in Toonumbar Dam water storage beyond the fifth water year of this Plan, following a review undertaken by the ECA Operations Advisory Committee by the fifth year of this Plan of the environmental assets in the water source and the events to which the ECA could contribute.

87 Part 8

Part 8 of this Plan may be amended to permit the granting of unregulated river (Subcategory “Aboriginal community development”) access licences in the Alstonville Area and Tuckean Area Water Sources following the installation and calibration of a new flow gauging station in the respective water source.

88 Part 9

- (1) Division 1 of Part 9 of this Plan may be amended if the total volume of water extracted in any water year by access licences in the Richmond Regulated Water Source exceeds 8,800 ML, to allow unused water allocations to be carried over to the following water year subject to:
 - (a) an assessment that the available water determination for regulated river (general security) access licences for the beginning of the next water year will provide an allocation equal to or exceeding 0.5 ML per unit share;
 - (b) the volume carried over not exceeding 0.1 ML per unit of share component of the access licence; and
 - (c) the maximum volume that may be held in the water allocation account at any time being equal to:
 - (i) 1 megalitre per unit of share component specified on the respective access licence;
 - (ii) plus any water allocations assigned from another access licence in that water year;
 - (iii) minus any water allocations assigned to another access licence in that water year.
 - (2) Division 3 of Part 9 of this Plan may be amended to do any of the following:
 - (a) establish new flow classes and flow reference point to specify the newly installed gauging station on Houghlahans Creek in the Alstonville Area Water Source, such that the top of the Very Low Flow Class is at or below 0.5 ML/day;
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- (b) amend the existing flow classes, establish a new or additional flow class or flow classes in the Bangalow Area Water Source after the sixth year of this Plan, if a study indicates that instream environmental requirements are satisfied by a Very Low Flow Class which is less than 24 ML/day, then the Very Low Flow Class may be amended to a lower flow subject to that amendment being no less than 12 ML/day;
- (c) amend the existing flow classes, establish a new or additional flow class or flow classes in the Kyogle Area, the Bangalow Area, Gradys Creek and the Terania Creek Water Sources, such that A Class is defined as flows greater than the Very Low Flow Class and less than the 80th percentile flow at the respective flow reference point, B Class is defined as flows equal to or greater than the 80th percentile flow at the respective flow reference point and less than the 50th percentile flow at the respective flow reference point and C Class is defined as flows equal to or greater than the 50th percentile flow at the respective flow reference point;
Note. The percentile in the paragraph above refers to the critical month flow (November) and includes all days of record.
- (d) amend the existing flow classes, establish a new or additional flow class or flow classes and amend the flow reference point to specify a newly installed gauge in the Goolmangar Creek in the Terania Creek Water Source, for the Terania Creek Water Source;
- (e) amend the existing flow classes, establish a new or additional flow class or flow classes for the Terania Creek Water Source after year 5 of this Plan if the Very Low Flow Class is found to be having significant economic impact on water users;
- (f) establish new flow classes and flow reference point to specify the newly installed gauge on Marom Creek in the Tuckean Area Water Source, such that the top of the Very Low Flow Class is at or below 1 ML/day or the 98th percentile flow, which ever is the larger flow;
- (g) amend the existing flow classes, establish a new or additional flow class or flow classes and amend the flow reference point to specify the newly installed gauge on the Richmond River in the Upper Richmond River Water Source, such that

the top of the Very Low Flow Class is at or below 1 ML/day or the 95th percentile flow, whichever is the larger flow;

- (h) amend the existing flow classes, establish a new or additional flow class or flow classes in the Bangalow Area, Gradys Creek, Kyogle Area, and Upper Richmond River Water Sources to assist with the passage of the Eastern Freshwater Cod, subject to:
 - (i) the availability of new information that identifies the flow requirements of the Eastern Freshwater Cod, the hydrology of the respective water source, levels of water extraction, geomorphological characteristics of the rivers within the respective water source, instream barriers; and
 - (ii) consideration of the socio-economic impacts of any proposed change to licence holder access;
 - (i) establish a new or additional flow class or flow classes in any water source where management zones are added, or in any water source or management zone that is amended, during the term of this Plan as specified in clause 85;
 - (j) amend clause 60:
 - (i) to specify alternate access rules for lagoons, lakes, in-river pools and other lentic water features;
 - (ii) subject to paragraph (v), following an amendment under paragraph (d), to establish pumping restriction rules for the Terania Creek Water Source such that extraction of water is permitted for no more than 8 hours when the flow at the newly installed gauge in the Goolmangar Creek in the Terania Creek Water Source is at or below the 90th percentile flow and above the upper limit of the Very Low Flow Class;
 - (iii) subject to paragraph (v), following an amendment under paragraph (f), to establish pumping restriction rules for the Tuckean Area Water Source, if the difference between the upper limit of the Very Low Flow Class and the 90th percentile is greater than 3 ML/day, such that extraction of water is permitted for no more than 6 hours when the flow at the gauging station on Marom Creek is at or below the 90th percentile and above the
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- upper limit of the Very Low Flow Class;
- (iv) subject to paragraph (v), following an amendment under paragraph (g), to establish pumping restriction rules for the Upper Richmond River Water Source such that extraction of water is permitted for no more than 6 hours when the flow at the newly installed gauge on the Richmond River in the Upper Richmond River Water Source is at or below the 85th percentile and above the upper limit of the Very Low Flow Class;
 - (v) any pumping restrictions imposed through amendments under paragraphs (ii), (iii) or (iv), are not to apply to access licences and works specified in clauses 60 (18), (20), (21) and (22);
 - (vi) following an amendment under paragraphs (iii) or (iv), clause 60 (22) may be amended to include the respective water source specified in paragraphs (iii) or (iv);
 - (vii) to establish rules which restrict the extraction of water in the Bangalow Area, Gradys Creek, Kyogle Area, and Upper Richmond River Water Sources to assist with the passage of the Eastern Freshwater Cod, subject to:
 - (A) the availability of new information that identifies the flow requirements of the Eastern Freshwater Cod, the hydrology of the respective water source, levels of water extraction, geomorphological characteristics of the rivers within the respective water source, instream barriers; and
 - (B) consideration of the socio-economic impacts of any proposed change to licence holder access;
 - (viii) following an amendment under paragraphs (c), (e), (g) and (h) to amend the access rules for unregulated river (subcategory “Aboriginal Community Development”) access licences and unregulated river (high flow) access licences such that:
 - (A) unregulated river (subcategory “Aboriginal Community Development”) access licences may not take water when flows are
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less than the 50th percentile flow at the flow reference point; and

- (B) unregulated river (high flow) access licences may not take water when flows are less than the 30th percentile flow at the flow reference point;

Note. This amendment is required to ensure that unregulated river (subcategory “Aboriginal Community Development”) access licences and unregulated river (high flow) access licences continue to have the same level of access if additional flow classes are established under paragraphs (c), (e), (g) and (h).

- (k) establish or assign new TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes;
- (l) following an amendment under paragraph (c), establish or assign new TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment;
- (m) amend or remove TDELs if TDELs have been established or assigned under paragraphs (k) and/or (l);
- (n) include rules for the establishment, assignment and removal of IDELs if IDELs are to be imposed on licences under clause 63 (2);
- (o) amend clause 60 to remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (l) and/or (n) to protect a proportion of flow within each flow class for the environment;
- (p) amend clause 60 to reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (m) and (n); or
- (q) amend clauses 60 and 61 to modify the volume of water permitted to be taken for stock watering purposes.

89 Part 10

Part 10 may be amended to do any of the following:

- (a) amend clause 65 (1) to specify additional water sources or management zones where applications for in-river dams on third order or higher streams may be considered consistent with the principles of the Act;
- (b) amend the definition of a replacement groundwater work in clause 67;
- (c) add, remove or modify a restricted distance specified in;
 - (i) clause 68 after year 5 of this Plan: or
 - (ii) clause 70 based on the outcomes of further studies of groundwater ecosystem dependency that have been assessed as adequate by the Minister; and
- (d) amend clause 72 to impose further restrictions on the rate and timing of extraction of water from the respective water source to mitigate impacts.

90 Part 11

If the total volume of water extracted in any water year by access licences in the Richmond Regulated Water source exceeds 8,800 ML, clause 74 may be amended to allow dealings under section 71O of the Act between regulated river (general security) access licences and regulated river (high security) access licences.

91 Part 12

Clause 83 may be amended to specify different standards for decommissioning water supply works or construction requirements for water supply works.

92 Schedules

- (1) Schedule 1 may be amended to add, modify and/or remove a definition.
- (2) Schedule 2 may be amended to do any of the following:
 - (a) remove an access licence or entitlement from Column A of Schedule 2 and to remove the corresponding access rule from Column B of Schedule 2;
 - (b) amend the access rule specified in Column B; or

- (c) add an access licence to Column A of Schedule 2 and to specify an access rule in Column B of Schedule 2.
- (3) Schedule 3 may be amended to do any of the following:
- (a) add a new access licence to clause 1 of Schedule 3, provided that a written request has been made to the Minister, and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 60 (18) (a) and that purpose was specified on the former *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions;
 - (b) add a local water utility access licence or an unregulated river (subcategory “town water supply”) access licence to clause 2 of Schedule 3, provided the Minister is satisfied that the water supply system used to extract, store and deliver water has not undergone major augmentation since the commencement of this Plan;
 - (c) remove an access licence or entitlement from Schedule 3 if:
 - (i) an access licence dealing results in the water being extracted under the licence being taken from a different location;
 - (ii) an alternative water supply is obtained; or
 - (iii) the licence is surrendered or cancelled or its purpose ceases to exist;
 - (d) remove a local water utility or an unregulated river (subcategory “town water supply”) access licence or entitlement from clause 2 of Schedule 3 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan; or
 - (e) remove an access licence or entitlement from clause 3 of Schedule 3 if the access licence is subject to a dealing such that it no longer nominates water supply works on Maguires Creek.
- (4) Schedule 3 may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedule 4 may be amended to:
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- (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister, and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 61 (9) and (13) (a) and that purpose was specified on, or referred to in the conditions, of the former *Water Act 1912* entitlement that was replaced by the access licence;
- (b) add a local water utility access licence or an aquifer (subcategory “town water supply”) access licence to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to extract, store and deliver water has not undergone major augmentation since the commencement of this Plan;
- (c) remove a local water utility or an aquifer (subcategory “town water supply”) access licence or entitlement from clause 2 of Schedule 4 if the Minister is satisfied that the water supply system used to extract, store and deliver water has undergone major augmentation since the commencement of this Plan; or
- (d) remove an access licence or entitlement from Schedule 4 if:
 - (i) an access licence dealing results in the water being extracted under the licence being taken from a different location;
 - (ii) an alternative water supply is obtained; or
 - (iii) the licence is surrendered or cancelled or its purpose ceases to exist.
- (6) Schedule 4 may be deleted if the Minister is satisfied that it is no longer required.
- (7) Schedule 5 may be amended to add or remove a contamination source.
- (8) Schedule 6 may be amended to:
 - (a) add or remove a sensitive environmental area; or
 - (b) add a new high priority groundwater dependent ecosystem after year 5 of this Plan, or to remove a high priority groundwater dependent ecosystem.

93 Other

- (1) This Plan may be amended to provide for the management of floodplain harvesting
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within these water sources.

- (2) This Plan may be amended to include rules for any new category of access licence established for the purpose of stormwater harvesting, provided that the amendments do not affect the long-term average annual extraction limit specified in this Plan.
- (3) This Plan may be amended to provide for the interception of runoff from land before it reaches a stream by plantations or other means.
- (4) This Plan may be amended to allow for the granting of aquifer interference approvals and the management of aquifer interference activities.
- (5) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (6) This Plan may be amended to specify rules for water that is currently unassigned water in the Coraki Area, Wyrallah Area, Kyogle Area, Shannon Brook, Sandy Creek and Terania Creek Water Sources.

Schedule 1 Dictionary

Aboriginal person has the same meaning as under section 4 of the *Aboriginal Land Rights Act 1983*.

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

assured inflows are the volumes of water which historic hydrologic information indicates are the minimum which can be expected to flow into this water source.

drawdown means a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

fractured rock means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

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

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

individual daily extraction limit (IDEL) is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

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

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

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

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

mangrove limit is as defined in the *DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2003* (NSW Dept of Commerce, Manly Hydraulics Laboratory).

porous rock means consolidated sedimentary rock containing voids, pores or other openings (joints, cleats, fractures) which are interconnected, in the rock mass and are capable of transmitting water.

Registered Map for these water sources has the same meaning as in clause 4 (2) of this Plan.

replacement groundwater work has the same meaning as in clause 67 (2) of this Plan.

runoff harvesting dam has the same meaning as defined in the *Access Licence Dealing Principles Order 2004*.

slotted intervals means that part of the water bore where slots in the casing occur which are

designed to allow water to enter the bore.

stream order means the stream order defined by the Strahler stream ordering method.

Note. The Strahler stream ordering method is as described in the Order made under section 5 of the *Water Act 1912* published in the NSW Government Gazette No 37 on 24 March 2006 page 1500, or as may be amended or updated from time to time by further Order.

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

transmission losses are any loss of water volume, through natural influences such as evaporation or seepage, which occur as water travels down a river.

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

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

water storage means the water body impounded by a dam, weir or other structure, which is used to regulate and manage river flows in this water source.

water year means a year commencing 1 July.

Schedule 2 Access rules for pools, lagoons and lakes

<p style="text-align: center;">Column A</p> <p><i>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</i></p>	<p style="text-align: center;">Column B</p> <p style="text-align: center;">Access rules</p>
<p style="text-align: center;">30SL065477</p>	<p>Water must not be taken when the water level of the pool in Walshs Creek is more than 7.5 metres below the bench mark established on the cement footing of the shed on Lot 2, DP 7691684, Parish Tomki, County Rous.</p>
<p style="text-align: center;">30SL065549</p>	<p>Water must not be taken when the water level of the pool in Walshs Creek is more than 7.5 metres below the bench mark established on the cement footing of the shed on Lot 2, DP 7691684, Parish Tomki, County Rous.</p>
<p style="text-align: center;">30SL049641</p>	<p>Water must not be taken when the water level of the lagoon on plan WR 232 is more than 0.3 metres below the level at which a visible flow would discharge into Lagoon Creek immediately downstream of the lagoon.</p>
<p style="text-align: center;">30SL052216</p>	<p>Water must not be taken when the water level of the lagoon on plan WR 232 is more than 0.3 metres below the level at which a visible flow would discharge into Lagoon Creek immediately downstream of the lagoon.</p>
<p style="text-align: center;">30SL065884</p>	<p>Water must not be taken when the water level of the unnamed lagoon is more than 1 metre below the high water level of the lagoon.</p>
<p style="text-align: center;">30SL066014</p>	<p>Water must not be taken when the water level of Morgans Lagoon is more than 2.53 metres below the bench mark on the road culvert adjacent to the downstream end of the lagoon.</p>

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Column A <i>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</i>	Column B Access rules
30SL065975	Water must not be taken when the water level of the unnamed lagoon is more than 1 metre below the high water level of the lagoon.
30SL050291	Water must not be taken when the water level of the lagoon on plan WR 232 is more than 0.3 metres below the level at which a visible flow would discharge into Lagoon Creek immediately downstream of the lagoon.

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

1 General

This clause applies to the following:

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
30SL047078
30SL043319
30SL066634
30SL015432
30SL023847
30SL066298
30SL066311
30SL022517
30SL065837
30SL065946
30SL044731
30SL042318
30SL066642
30SL066269
30SL066676
30SL066757
30SL066471
30SL066297
30SL066283
30SL066258

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

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

30SL066664
30SL066287
30SL066638
30SL066302
30SL066474
30SL066250
30SL066108
30SL066646
30SL066207
30SL066259
30SL066214
30SL066305
30SL066266
30SL066640
30SL012569
30SL065220
30SL066543
30SL066756
30SL066263
30SL066641
30SL066278
30SL066301
30SL066774
30SL066232
30SL035864

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

30SL015527

30SL066251

30SL046888

30SL066284

30SL066222

30SL066285

30SL066313

30SL014459

30SL014760

30SA004514

30SL066447

30SL045550

30SL066310

30SL066210

30SL066290

30SL023535

30SL066663

30SL065220

30SL066300

30SL066267

30SL066476

30SL066200

30SL066218

30SL066291

30SA004521

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

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

30SL066270
30SL066202
30SL066639
30SL066212
30SL066203
30SL066282
30SL065966
30SL066797
30SL066652
30SL066699
30SL066635
30SL066514
30SL042969
30SL065599
30SL040428
30SL043500
30SL047646
30SL031879
30SL049643
30SL066211
30SL066759
30SL066295

2 Local water utility and unregulated river (subcategory “town water supply”)

access licences

This clause applies to the following:

<i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or unregulated river (subcategory “town water supply”) access licences on commencement of this Plan
30SL042352
30SL038017
30SL045176
30SL036267
30SL066500
30SL026989
30SL038593
30SL044093
30SL011429
30SL031926
30SL066818
30SL042944

3. Access licences on Maguires Creek

This clause applies to the following:

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
30SA001327
30SA004505
30SA004536

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

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

30SL039925

30SL039939

30SL040085

30SL040868

30SL041443

30SL041573

30SL042486

30SL043619

30SL043815

30SL045600

30SL047462

30SL048405

30SL048426

30SL048452

30SL050121

30SL051392

30SL065619

30SL065779

30SL065793

30SL065855

30SL066595

30SL066596

30SL066610

30SL066627

30SL066784

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

30SL066979

30SL042352

30SL038017

30SL045176

30SL036267

30SL066500

30SL026989

30SL038593

30SL044093

30SL011429

30SL031926

30SL066818

30SL042944

Schedule 4 Access licences used to take water from the alluvial sediments exempt from cease to pump rules

1 General

This clause applies to the following:

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

2 Local water utility and aquifer (subcategory “town water supply”) access licences

This clause applies to the following:

<i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or aquifer (subcategory “town water supply”) access licences on commencement of this Plan

30BL183145

30BL185035

30BL185598

Schedule 5 Contamination sources in these water sources

Contamination sources in these water sources are the following:

- (a) on site sewage disposal systems or septic tanks;
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*;
- (c) any sites with a historical use that is listed in Table 1 of *Managing Land Contamination. Planning Guidelines SEPP 55 – Remediation of Land*; and
- (d) any sites listed in an agency database relating to contamination sources.

Schedule 6 High priority groundwater dependent ecosystems

High priority groundwater dependent ecosystems in these water sources are as specified in Table C.

Table C – High priority groundwater dependent ecosystems

High priority groundwater dependent ecosystem	Easting	Northing	Location
Tuckean Swamp	536326.71	6797681.39	Tuckean Area Water Source

Note. High priority groundwater dependent ecosystems (*GDEs*) are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the NSW Office of Water Register and as a precautionary approach, will be considered by staff in the assessment of any works approval within the Plan area. If verified as high priority groundwater dependent ecosystems, the Schedule will be amended to include further GDEs.

Note. The GDE identified in Table C is shown in Appendix 4.

Appendix 1 Overview of the Registered Map



Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

Appendix 2 Inspection of Registered Map

Copies of the Registered Map may be inspected at the following offices:

NSW Office of Water
Department of Environment, Climate Change and Water
10 Valentine Ave
PARRAMATTA NSW 2150

NSW Office of Water
Department of Environment, Climate Change and Water
135 Main Street
MURWILLUMBAH NSW 2484

Appendix 3 Access licences with cease to pump thresholds that are higher than the upper limit of the relevant Very Low Flow Class

It is expected that at the time of commencement of this Plan, those access licences identified in Column 1 of the tables below, in the water sources specified in Column 2, will have the access rule specified in Column 3 imposed as a mandatory condition to give effect to clause 60 (3) of this Plan.

Column 1 <i>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</i>	Column 2 Water Source	Column 3 Access rules
30SL066632	Bangalow Area Water Source	Water must not be taken when the flow in Barlings Creek at Schielers Road is less than 4 ML/day.

