



Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2013

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*.

Dated this 22nd day of February 2013.

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

This Order is made under section 45 (1) (a) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2013

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Water Management Act 2000

1 Name of Order

This Order is the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2013*.

2 Commencement

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

Schedule 1 Amendment of Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

[1] Clause 4 Water sources to which this Plan applies

Omit clause 4 (2). Insert instead:

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP003_Version 2), Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009* (hereafter *the Plan Map*).

Note. The Plan Map is part of this Plan. Copies of the Plan Map for these water sources may be inspected at offices of the Department listed in Appendix 2 and are available on the NSW Legislation Website.

[2] Clause 4 (3) (a) and (c), Clause 5 (1), Note to Clause 6, Clause 15 (2) and second Note to Clause 16

Omit “registered plan”. Insert instead “Plan Map”.

[3] Clause 5 Management Zones

Omit subclause (1) (g). Insert instead:

- (g) the Hunter Regulated River Alluvial Water Source is divided into the:
- (i) Upstream Glennies Creek Management Zone (hereafter *u/s Glennies Creek Management Zone*),
 - (ii) Downstream Glennies Creek Management Zone (hereafter *d/s Glennies Creek Management Zone*), and
 - (iii) Glennies Creek Management Zone,

[4] Clause 5 (2)

Insert at the end of clause 5.

- (2) The management zones in subclause (1) are as shown on the Plan Map for these water sources.

[5] Clause 11 Strategies

Omit “and” after “may be extracted,” in clause 11 (h).

[6] Clause 11 (j)

Insert “,” after “indicators”.

[7] Clause 16 Flow reference points

Omit clause 16 (1). Insert instead:

- (1) Subject to subclauses (4) and (5), for the purposes of this Plan all flows referred to in clause 17 (1) are measured flows at the flow reference point(s) for each water source or management zone specified in clause 17.

[8] Clause 16 (4) and (5)

Insert after clause 16 (3):

- (4) For flow classes that are determined based on flows at more than one flow measuring gauge, on any day that it is not possible to determine the flow at a flow reference point specified in clause 17 (1) due to flow data not being available from a flow measuring gauge, then the flow class applies for the relevant management zone when flows as measured at the remaining functioning gauge specified in clause 17 (1) are equal to the flows specified in clause 17 (1) for that gauge.
- (5) Subject to subclause (4), if in the Minister's opinion, on any day accurate flow data is not available from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing, the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.

Note. There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Dangar office at the address listed in Appendix 2 or check the Department's website to find out what flow class applies that day and note this as required in the Logbook. In determining whether access to water is permitted that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

[9] **Clause 17 (1) Flow classes for these water sources**

Omit the third note to clause 17 (1). Insert instead:

Note. The following flow classes apply to all access licences extracting from surface water specified for each water source from the commencement date of this Plan, excluding those access licences to which clause 19 (3) (i) applies and access licences that nominate a work that is a runoff harvesting dam.

For those aquifer access licences in the Munmurra River Water Source, the Krui River Water Source, the Bow River Water Source, the Merriwa River Water Source, the Halls Creek Water Source, the Baerami Creek Water Source, the Widden Brook Water Source, the Appletree Flat Management Zone of the Jerrys Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Dart Brook Water Source, the Pages River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source and the Upper Wollombi Brook Water Source, the flow classes in clause 17 (1) will apply.

They will also apply to all existing aquifer access licence holders in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Management Zone of the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source and the Dora Creek Water Source extracting from alluvial aquifers within 40 metres of the top of the high bank of the river from year six of this Plan. For those aquifer access licences extracting outside the 40 metres from the top of the high bank in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source and the Dora Creek Water Source, the flow classes in clause 17 (1) will not apply, except where provided for under clause 68 (3) of this Plan.

[10] **Clause 17 (1) (a), Note**

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[11] Clause 17 (1) (b), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[12] Clause 17 (1) (c), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[13] Clause 17 (1) (d) (ii), Note

Omit the second note. Insert instead:

Note. For the first five years of this Plan, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work and if there is a visible flow in the river in the downstream vicinity of the water supply work, as required under clause 19 (3) (e) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[14] Clause 17 (1) (n), Note

Omit the second note. Insert instead:

Note. In the Petwyn Vale Management Zone from year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[15] Clause 17 (1) (q)

Omit the paragraph. Insert instead:

(q) in the Kewell Creek Management Zone in the Pages River Water Source:

- (i) the Very Low Flow Class is when there is no visible flow as measured at the Pages River upstream of Kewell Creek gauge (210142),
- (ii) A Class is when there is a visible flow as measured at the Pages River upstream of Kewell Creek gauge (210142), and less than 31 ML/day as measured at the Pages River at Gundy Recorder gauge (210052), and

Note. 31 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (iii) B Class is when there is a visible flow as measured at the Pages River upstream of Kewell Creek gauge (210142) and flows are equal to or greater than 31 ML/day, as measured at the Pages River at Gundy Recorder gauge (210052),

Note. Due to the limited period that the Kewell Creek gauge (210142) has been in place an equivalent flow cannot be determined at the commencement of this Plan. The flow reference point and separate management zone may be amended by year ten of this Plan, based on correlations of

the Kewell Creek gauge to the Blandford and Gundy gauges, as set out under clause 17 (2) (e) of this Plan.

[16] Clause 17 (1) (r) (ii)

Omit “is when” where first occurring.

[17] Clause 17 (1) (t) (iii)

Insert “there is a visible flow as measured at Stick-Me-Up gauge (210118) and” after “B Class is when”.

[18] Clause 17 (1) (u) (i)

Omit “Moonan Dam gauge and” wherever occurring. Insert instead “Moonan Dam gauge or”.

[19] Clause 17 (1) (u) (ii)

Omit “at or below”. Insert instead “greater than”.

[20] Clause 17 (1) (v) (i)

Omit “and” after “Garlands Bridge”. Insert instead “or”.

[21] Clause 17 (1) (w) (ii) (2)

Omit the second note. Insert instead:

Note. In addition to the cease to pump rules, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[22] Clause 17 (1) (x), Note

Omit the first note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue. In Sandy Creek there are a number of licences with existing conditions relating to Rouchel Lane Causeway which will be maintained.

[23] Clause 17 (1) (y), Note

Omit the note. Insert instead:

Note. From year six of this Plan, in the Jerrys Management Zone the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[24] Clause 17 (1) (bb)–(dd), Notes

Omit the notes. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[25] Clause 17 (1) (hh), Note

Omit the first note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[26] Clause 17 (1) (ii) and (1) (jj), Notes

Omit notes. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[27] Clause 17 (1) (kk) (i)

Omit “and”. Insert instead “or”.

[28] Clause 17 (1) (kk) (ii)

Omit “less than 58 ML/day” wherever occurring. Insert instead “equal to or less than 25 ML/day”.

[29] Clause 17 (1) (kk) (ii), Notes

Omit the notes. Insert instead:

Note. 25 ML/day corresponds to the estimated 75th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. A1 Class applies to all access licences, excluding unregulated river (high flow) access licences, unregulated river (subcategory “Aboriginal community development” access licences, and local water utility access licences, except where provided for under clause 19 (3) (g) and (i).

[30] Clause 17 (1) (kk) (iii)

Insert “and there is a visible flow at the Allyn River at Flying Fox Lane (210143)” after “58 ML/day”.

[31] Clause 17 (1) (kk) (iii), Note

Omit the first note. Insert instead:

Note. 58 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

[32] Clause 17 (1) (kk) (iv)

Insert “and there is a visible flow at the Allyn River at Flying Fox Lane (210143)” after “58 ML/day”.

[33] Clause 17 (1) (ll), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or

where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[34] Clause 17 (1) (nn) (ii) (2)

Omit “or”. Insert instead “and”.

[35] Clause 17 (1) (nn) (ii) (2)

Omit “and”.

[36] Clause 17 (1) (nn) (iii)

Omit the subparagraph.

[37] Clause 17 (1) (qq) (i)

Omit “for”. Insert instead “within”.

[38] Clause 17 (1) (qq) (ii)

Omit “for all other tributaries”. Insert instead “outside of the Cockle Creek catchment”.

[39] Clause 17 (1) (qq) (ii), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, in all tributaries apart from the Cockle Creek catchment, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[40] Clause 17 (1) (rr), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[41] Clause 17 (1) (ss) (i)

Omit “for”. Insert instead “within”.

[42] Clause 17 (1) (ss) (ii)

Omit “for Stockton Creek, Jigadee Creek, and all other tributaries”. Insert instead “outside of the Dora Creek catchment”.

[43] Clause 17 (1) (ss) (ii), Note

Omit the note. Insert instead:

Note. From year six of this Plan, the taking of water will only be permitted when there is a visible flow in the water source at the location at which water is proposed to be taken, or where water is being taken from a pool, when there is a visible inflow and outflow to and from that pool, in all tributaries apart from the Dora Creek catchment, as required under clause 19 (3) (d) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

[44] Clause 17 (2) (c)

Omit “up to a maximum of the”. Insert instead “such that the top of the Very Low Flow Class is set at a flow equal to or less than the”.

[45] Clause 17 (2) (d)

Omit “amend the Very Low Flow Class up to a maximum of”. Insert instead “such that the top of the Very Low Flow Class is equal to or less than”.

[46] Clause 17 (2) (e)

Omit the paragraph. Insert instead:

- (e) in the Kewell Creek Management Zone in the Pages River Water Source, following an amendment under paragraph (d) and the extension of flow records for the Pages River upstream of Kewell Creek gauge (210142), such that:
- (i) the top of the Very Low Flow Class is equal to the equivalent flow to the top of the Very Low Flow Class for the Gundy Management Zone as measured at the Pages River at Gundy Recorder gauge (210052), or
 - (ii) the top of the Very Low Flow Class and the top of A Class are based on correlation of flows between the Pages River upstream of Kewell Creek gauge (210142), the Pages River at Gundy Recorder gauge (210052) and the Pages River at Blandford gauge (210061),

Note. The correlation of flows for the Kewell Creek Management Zone may result in a change to the flow reference point used for the access rules or the need for a separate management zone for Kewell Creek.

[47] Clause 17 (2) (f)

Omit the paragraph. Insert instead:

- (f) the Upper Hunter Water Source, by year ten of this Plan, following the extension of flow records for the Hunter River at Belltrees gauge (210039) and consultation with water users:
- (i) for the Upper Hunter Management Zone to specify:
 - (1) the top of the Very Low Flow Class being when flows are at or below the equivalent percentile flow at the Hunter River at Belltrees gauge (210039) to flows in the Hunter River at Moonan Damsite gauge (210018) as specified in clause 17 (1) (u), and the bottom of A Class as being when flows are greater than that equivalent percentile flow, or
 - (2) if more appropriate, a new management zone established between Hunter River at Moonan Damsite gauge (210018) with the top of the Very Low Flow Class being when flows are at or below the equivalent percentile flow at the Hunter River at Belltrees gauge (210039) to flows in the Hunter River at Moonan Damsite gauge (210018) as specified in clause 17 (1) (u), and the bottom of A Class as being when flows are greater than that equivalent percentile flow, and
 - (ii) for the Stewarts Brook Management Zone, such that the top of the Very Low Flow Class is when there is no visible flow at the Hunter River at Moonan Damsite gauge (210018) or the flow at Belltrees gauge (210039) is at or below the 95th percentile flow, and such that the bottom of A Class is when there is a visible flow at the Hunter River at Moonan Damsite gauge

(210018) and the flow at Belltrees gauge (210039) is greater than the 95th percentile flow,

[48] Clause 17 (2) (m)

Omit the paragraph. Insert instead:

- (m) the Rouchel Brook Water Source, by the commencement of year six of this Plan, such that the top of the Very Low Flow Class on a falling river is within the range of 0 ML/day and 2 ML/day, subject to consideration of the socio-economic impacts and environmental requirements,

[49] Clause 17 (2) (n)

Omit the paragraph. Insert instead:

- (n) the Isis River Water Source, by the commencement of year six of this Plan, if:
 - (i) separate management zones are not established under clause 6, such that the top of the Very Low Flow Class on a falling river is equal to the 95th percentile flow level or 1.5 ML/day, whichever is the higher, subject to consideration of the socio-economic impacts and environmental requirements, and
 - (ii) separate management zones are established:
 - (1) for an upper management zone, a cease to pump based on studies to determine an appropriate surface water cease to pump level, including consideration of longitudinal connectivity and links between flows in the upper management zone and water levels in remnant pools in the lower management zone, and flow reference points, and
 - (2) for a lower management zone, such that the top of the Very Low Flow Class on a falling river is equal to the 95th percentile flow level or 1.5 ML/day, whichever is the higher, subject to consideration of the socio-economic impacts and environmental requirements, and

Note. In the Isis River Water Source the determination of a cease to pump level should take into the consideration the initial cease and commence to pump levels of 1.5 ML/day and 3 ML/day respectively originally proposed by the Pages River and Tributaries Water Users Association (WUA) as part of the targeted consultation period. In light of concerns raised by water users about the implementation of access rules at this level for the specified five year period, the WUA is encouraged to review the frequency of these flow levels and impacts on the taking of water and livelihood during the first five years of this Plan to help inform the setting of appropriate access rules at year six of this Plan. There is currently insufficient data available from the river gauge on the Isis River to determine the 95th percentile.

[50] Clause 19 Planned environmental water

Omit clause 19 (3). Insert instead:

- (3) Subject to subclause (8), the planned environmental water established in subclause (1) (b) is maintained as follows:
 - (a) subject to paragraph (i), 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 relevant Very Low Flow Class. This paragraph does not apply to a major utility access licence with an extraction component which specifies the Seaham Weir Management Zone in the Williams River Water Source, when:

- (i) flows in the Williams River at the Glen Martin (Mill Dam Falls) gauge (210010) are greater than 600 ML/day, and
- (ii) the water level in the Seaham Weir Pool in the William River Water Source, as measured at the visual gauge board, is greater than 0.32 metres pool height,

Note. The effect of this paragraph is that major utility access licences in the Seaham Weir Management Zone in the Williams River Water Source are permitted to commence pumping when flows are in the Very Low Flow Class when a high flow event is occurring. The system shall be managed such that there will be at least 0.32 metres pool height in Seaham Weir Pool at the end of the event.

- (b) subject to paragraph (i), water must not be taken under an access licence where a cease to take condition that was specified on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, higher than:
 - (i) the upper limit of the relevant Very Low Flow Class (as specified in clause 17), or
 - (ii) the access rules specified in paragraphs (c)–(e),
 when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement,
- (c) subject to paragraph (i), an access licence must not be used to take water in the Rouchel Brook Water Source:
 - (i) if there is no visible flow in the water source at the location at which water is proposed to be taken, or
 - (ii) where water is being taken from a pool, if there is no visible inflow or outflow to and from that pool,
- (d) subject to paragraph (i), from year six of this Plan, an access licence must not be used to take water in the Munmurra River Water Source, the Krui River Water Source, the Bow River Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Paterson River Tributaries Management Zone in the Paterson/Allyn Rivers Water Source, the Petwyn Vale Management Zone in the Dart Brook Water Source, the North Lake Macquarie Water Source excluding Cockle Creek catchment, the South Lake Macquarie Water Source, the Dora Creek Water Source, excluding Dora Creek catchment and the Newcastle Water Source:
 - (i) if there is no visible flow in the water source at the location at which water is proposed to be taken, or
 - (ii) where water is being taken from a pool, if there is no visible inflow and outflow to and from that pool,
- (e) subject to paragraph (i), for the first five years of this Plan, an access licence must not be used to take water from the Merriwa River Water Source if there is no visible flow in the water source at the location at which water is proposed to be taken,
- (f) water must not be taken under any of the following access licences when flows are in the Very Low Flow Class, A Class, A1 Class or A2 Class:
 - (i) an unregulated river (subcategory "Aboriginal community development") access licence,

- (ii) an unregulated river (high flow) access licence,
- (g) water must not be taken under a major utility access licence with an extraction component which specifies the Allyn River Management Zone in the Paterson/Allyn Rivers Water Source when flows are in the Very Low Flow Class or A1 Class, unless the presence of blue green algae at the Gresford Water Treatment Plant offtake prevents the water in the Paterson Regulated River to be treated to a potable standard,
- (h) water must not be taken under an unregulated river access licence with an extraction component which specifies the Williams River Management Zone in the Williams River Water Source when flows are in the:
 - (i) Very Low Flow Class or Low Flow Class if the access licence holder is not accredited under the Williams River Accreditation Scheme,
 - (ii) Very Low Flow Class if the access licence holder is accredited under the Williams River Accreditation Scheme,
- (i) paragraphs (a)–(e) do not apply to the following:
 - (i) the taking of water under an access licence to which Schedule 2 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with paragraph (j):
 - (1) fruit washing,
 - (2) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (3) poultry washing and misting, or
 - (4) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (ii) the taking of water for domestic consumption under a domestic and stock access licence, a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, for the first three years of this Plan,
Note. Domestic consumption is defined in section 52 of the Act.
- (iii) the taking of water using a runoff harvesting dam or from an in-river dam pool,
- (iv) the taking of water under all access licences that nominate a water supply work that may be used to take water from the alluvial sediments in these water sources to which the access rules for unregulated river access licences do not apply as specified in clause 68, and
- (v) the taking of water under a local water utility access licence to which Schedule 2 applies, until such time as the Minister is satisfied that major augmentation of the access licence’s water supply system has occurred, for the purposes of town water supply,
- (j) the Minister may reduce the maximum daily volume limit imposed by the rule under paragraph (i) (i) if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in that subclause,

- (k) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows in such circumstances as specified on the water supply work approval for the in-river dam,
- (l) the flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in paragraph (k) are:
 - (i) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
 - (ii) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister,
- (m) paragraphs (k) and (l) do not apply to a water supply work owned and operated by Hunter Water Corporation in the Seaham Weir Management Zone in the Williams River Water Source,
- (n) the access rules specified in clauses 41A and 68 which apply to access licences that nominate a water supply work that may be used to take water from the alluvial sediments in these water sources as specified in those clauses,
- (o) water must not be taken under one of the following access licences with a share component that specifies a water source where a B Class has not been established under clause 17 of this Plan, unless flows exceed a flow class or level determined by the Minister:
 - (i) a new local water utility access licence granted after the commencement of this Plan pursuant to section 66 (3) or (4) of the Act,
 - (ii) a new major utility (subcategory “Urban water”) access licence granted after the commencement of this Plan that has not replaced a local water utility access licence, and
- (p) water must not be taken under one of the following access licences with a share component that specifies a water source where a B Class has been established under clause 17, when flows are in the Very Low Flow Class or A Class:
 - (i) a new local water utility access licence granted after the commencement of this Plan pursuant to section 66 (3) or (4) of the Act,
 - (ii) a new major utility (subcategory “Urban water”) access licence granted after the commencement of this Plan that has not replaced a local water utility access licence, or
 - (iii) a new access licence with a zero share component granted after the commencement of this Plan.

Note. These rules protect the water for the environment by limiting both water extracted over the long-term and the taking of water, in accordance with the objectives of this Plan. Highly connected water sources may not have such rules in place until year ten of this Plan.

Note. This Plan recognises that the environmental health water provisions provide non-extractive benefits, including traditional Aboriginal spiritual, social, customary, economic, cultural and recreational benefits, and contributes to improved water quality.

[51] Clause 19 (5)–(8)

Omit subclauses (5) and (6). Insert instead:

- (5) The Minister may amend subclause (3) (a) upon completion of studies by Hunter Water Corporation to develop water access rules for the Lower Williams River based on the

outcomes of the ‘Surface Water Access Rules for the Lower Williams River’ Supplementary Study.

- (6) Subject to clause 88, the Minister may amend subclause (3) to identify pools in the rivers in these water sources that require special protection and establish access rules such that extraction of water is not permitted from pools when water levels fall below a control level at a key site.
- (7) Following an amendment under subclause (6), the Minister may amend subclause (3) such that access licences on pools subject to a pool control level rule are not subject to an access rule that requires a visible inflow and outflow to and from that pool.
- (8) Subclause (3) does not apply to the taking of water under an access licence that is used only to account for the taking of water in association with an aquifer interference activity.

[52] Clause 20 Adaptive environmental water

Omit the clause.

[53] Clause 30 Share component of unregulated river access licences

Omit “80,652” in clause 30. Insert instead “80,619”.

[54] Clause 32 Share component of aquifer access licences

Omit “80,391” in clause 32. Insert instead “80,400”.

[55] Clause 34 Rules for granting access licences

Omit “high flow” in the note to clause 34 (2) (a). Insert instead “(high flow)”.

[56] Clause 34 (2) (b) and (c)

Omit the paragraphs. Insert instead:

- (b) 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 only:
 - (i) Pages River Water Source,
 - (ii) Isis River Water Source,
 - (iii) Lower Wollombi Brook Water Source,
 - (iv) Paterson/Allyn River Water Source, and
 - (v) Rouchel Brook Water Source,
- (c) an unregulated river (subcategory “Aboriginal community development”) access licence, must not be granted if the granting of the access licence would cause the total share components of unregulated river (subcategory “Aboriginal community development”) access licences to exceed:
 - (i) the sum of 170 unit shares in both the Pages River Water Source and the Isis River Water Source,
 - (ii) 208 unit shares in the Lower Wollombi Brook Water Source,
 - (iii) 318 unit shares in the Paterson/Allyn River Water Source, and

- (iv) 192 unit shares in the Rouchel Brook Water Source, and

Note. Approval for granting of an unregulated river (subcategory "Aboriginal community development") access licence will be subject to assessment of the application in regard to the level of impact of the proposed extraction. This may include consideration of the potential impact on high flow (e.g. flows greater than the 50th percentile flow) values, and any potential impact on the water source as a whole. An unregulated river (subcategory "Aboriginal community development") access licence will not be granted in management zones where no B Class has been established.

Note. An unregulated river (subcategory "Aboriginal community development") access licence is a specific purpose access licence and as such can only be the subject of limited trade that is consistent with the purpose for which the licence was granted. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase other categories of access licence if they require fully tradable licences.

- (d) a major utility (subcategory "urban water") access licence which replaces a local water utility access licence.

[57] Clause 35 Granting or amending water supply works approvals

Omit clause 35 (2).

[58] Clause 36

Omit the clause. Insert instead:

36 Runoff harvesting dams and in-river dams

If the sum of the share components of access licences nominating that water supply work approval is reduced via:

- (a) a dealing,
- (b) the surrender under section 77 of the Act of an access licence and then the subsequent cancellation of an access licence under 77A (6) of the Act,
- (c) the amendment of the share component of the access licence by the Minister under section 68A, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

Note. *Runoff harvesting dam* and *in-river dam* are defined in the Dictionary.

Note. The taking of water from a runoff harvesting dam requires an access licence and a water supply works approval, except to the extent that the runoff harvesting dam is an owner or an occupier's harvestable right entitlement under section 53 of the Act, in which case it will not require an access licence or water supply work.

[59] Clause 38 Rules for granting or amending approvals for water supply works used to take water from the alluvial sediments in these water sources

Omit "minimum distance conditions" from the note to clause 38. Insert instead "minimum distance restrictions".

[60] Clause 39 Rules for granting water supply works approvals

Omit subclause 39 (1). Insert instead:

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- (1) Subject to subclause (2), a water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

[61] Clause 39 (1), Note

Omit “distance conditions” wherever occurring. Insert instead “distance restrictions”.

[62] Clause 39 (3)

Omit the subclause. Insert instead:

- (3) A water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated only by a local water utility access licence, or an access licence of the subcategory "town water supply" or an access licence of the subcategory "urban water" is located within:
 - (a) 400 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
 - (b) 200 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
 - (c) 200 metres from the property boundary, if the property is greater than 500 metres in the minimum width or depth (whichever is the lesser), and
 - (d) 400 metres of a Departmental observation or monitoring bore.

[63] Clause 39 (4)

Omit the subclause. Insert instead.

- (4) A water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated only by a domestic and stock access licence is located within:
 - (a) 200 metres of an approved water supply work constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
 - (b) 200 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
 - (c) 40 metres from the property boundary, if the property is greater than 100 metres in the minimum width or depth (whichever is the lesser),
 - (d) 200 metres from water supply works being constructed or used to take water from alluvial sediments in these water sources by local water utility or a major utility, or
 - (e) 100 metres of a Departmental observation or monitoring bore.

[64] Clause 39 (6)

Omit “Where the distance restrictions specified in subclauses (1), (3) and (4) cannot be met, a water supply work approval may be granted provided:”.

Insert instead “The distance restrictions specified in subclauses (1), (3) and (4) do not apply where:”.

[65] Clause 40 Rules for granting water supply works approvals near contamination sources

Omit clause 40 (1). Insert instead:

- (1) A water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
 - (a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister’s satisfaction, that:
 - (i) a lesser distance will result in no more than minimal harm to the water source, and
 - (ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or
 - (b) a greater distance than in paragraph (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.

[66] Clause 41 Rules for granting water supply works approvals near sensitive environmental areas

Omit clause 41 (1)–(3). Insert instead:

- (1) Subject to subclauses (4) and (6), a water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, excluding the Lower Goulburn River, the Upper Goulburn River and Hunter Regulated River Alluvial Water Sources, is located within:
 - (a) 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is to be used solely to take water pursuant to basic landholder rights,
 - (b) 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is not to be used solely to take water pursuant to basic landholder rights,
 - (c) 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4,
 - (d) in the bed of a third order of higher stream and perennial rivers, unless assessment indicates that the work will have minimal impact on the river environment or river stability, or

Note. It is acknowledged that there will be some impact from the replacement of works however these must not have a detrimental impact on river bed levels or slope, cause diversion of flows or contribute to bank destabilisation.
 - (e) a distance where there is likely to be drawdown at the outside edge of the distances referred to in subclauses (1) (a) and (b).

Note. Subclause (1) does not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources or to replacement bores. Replacement bore is defined in the Dictionary.

- (2) Subject to subclauses (4) and (6), a water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in the Lower Goulburn River or the Upper Goulburn River Water Sources, where a water supply work being used to take water from the alluvial sediments, is located:

(a) Upstream of Kerrabee:

- (i) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is to be used solely to take water pursuant to basic landholder rights, or
- (ii) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is not to be used solely to take water pursuant to basic landholder rights, or
- (iii) within 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
- (iv) within 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
- (v) within 40 metres of first and second order stream, unless:
 - (1) the water supply work to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, and
 - (2) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, and
- (vi) if there is likely to be drawdown at the outside edge of the distances referred to in subclauses (1) (a) (i) and (a) (ii), and

(b) Downstream of Kerrabee:

- (i) within 100 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is to be used solely to take water pursuant to basic landholder rights, or
- (ii) within 200 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is not to be used solely to take water pursuant to basic landholder rights, or
- (iii) within 500 metres of a high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4,
- (iv) in the bed of a third order or higher stream and perennial rivers, unless assessment indicates that the water supply work will have no more than minimal impact on the river environment or river stability, or

Note. It is acknowledged that there will be some impact from the replacement of works however these must not have a detrimental impact on river bed levels or slope, cause diversion of flows or contribute to bank destabilisation.

- (v) if there is likely to be drawdown at the outside edge of the distances referred to in subclauses (1) (b) (i) and (b) (ii).

Note. Subclause (2) does not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources or to replacement bores.

- (3) Subject to subclauses (4) and (6), a water supply work approval shall not granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work being used to take water from the alluvial sediments in the Hunter Regulated River Alluvial Water Sources, is located:
 - (a) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is to be used solely to take water pursuant to basic landholder rights, or
 - (b) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, where the water supply work is not to be used solely to take water pursuant to basic landholder rights, or
 - (c) within 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
 - (d) within 200 metres of the top of the high bank of the Hunter Regulated River, or any third order or above stream, or lagoon, or
 - (e) within 40 metres of first and second order stream, unless:
 - (i) the water supply work which is to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, and
 - (ii) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, or
 - (f) if there is likely to be drawdown at the outside edge of the buffer zone referred to in subclauses (1) (a) (i) and (a) (ii).

[67] Clause 41 (5)

Omit the subclause.

[68] Clause 41 A

Insert after clause 41:

41A Rules for the use of water supply works within restricted distances

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the alluvial sediments in these water sources.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 39–41, 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.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 39–41, 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 the share components of access licences nominating that water supply work at the date of the amendment.

- (4) Subclauses (2) and (3) do not apply:
 - (a) where a restricted distance does not apply in accordance with clause 39 (2) (a), (c) and (d), (5) (b) or (6), clause 40 (3) (a) or clause 41 (6), or
 - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 39–41 pursuant to clauses 39 (6), 40 (2) and 41 (2) (a) (v), (2) (b) (iv) and (3) (e).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 39 (6), 40 (2) and 41 (2) (a) (v), (2) (b) (iv) and (3) (e).

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.

[69] Clause 44 Long-term average annual extraction limit

Omit clause 44 (2). Insert instead:

- (2) The long-term average annual extraction limit for the Goulburn Extraction Management Unit is equal to the total of:
 - (a) the sum of share components of all access licences in these water sources within the Goulburn Extraction Management Unit at the commencement of this Plan, plus
 - (b) the estimated annual water requirements pursuant to domestic and stock rights and native title rights in these water sources within the Goulburn Extraction Management Unit at the commencement of this Plan, plus
 - (c) the sum of share components of access licences in the Wybong Creek Water Source at the commencement of the *Water Sharing Plan for the Wybong Creek Water Source 2003*, where the share component is expressed as a number of ML/year, plus
 - (d) the sum of share components of access licences in the Wybong Creek Water Source at the commencement of the *Water Sharing Plan for the Wybong Creek Water Source 2003*, where the share component is expressed as a number of unit shares, plus
 - (e) the annual water requirements pursuant to domestic and stock and native title rights in the Wybong Creek Water Source at the commencement of the *Water Sharing Plan for the Wybong Creek Water Source 2003*, plus
 - (f) the share component of access licences granted in the Goulburn Extraction Management Unit under the Regulations and Part 8 of this Plan and Part 8 of the *Water Sharing Plan for the Wybong Creek Water Source 2003*.

[70] Clause 44 (8)

Omit “clauses”. Insert instead “subclauses”.

[71] Clause 46

Omit the clause. Insert instead:

Clause 46 Assessment of the long-term average annual extraction limits

- (1) This clause applies from the fourth year of this Plan. This clause does not apply to the long-term average annual extraction limit for major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit established under clause 44 (3) (b).
- (2) The total water extracted pursuant to domestic and stock rights and native title rights and access licences in these Units will be assessed each water year to determine if the long-term average annual extraction limit established by clause 44 for each extraction management unit has been exceeded.
- (3) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limits established in clause 44 for the respective extraction management unit against the annual extraction averaged over the preceding three water years for that extraction management unit.

[72] Clause 47 Compliance with the long-term average annual extraction limits

Omit clause 47 (1)–(3). Insert instead:

- (1) Commencing in the fourth water year in which this Plan has effect, if, in the Minister’s opinion, the assessment under clause 46 demonstrates that annual extractions in the respective extraction management unit averaged over the preceding three water years have exceeded the long-term average annual extraction limit established under clause 44 for that 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 by 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. This subclause does not apply to the long-term average annual extraction limit for major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit established under clause 44 (3) (b).
- (2) Commencing in the fourth water year in which this Plan has effect, if, in the Minister’s opinion, the assessment under clause 46 demonstrates that annual extractions in the respective extraction management unit averaged over the preceding three water years are less than 95% of the long-term average annual extraction limit established under clause 44 for that 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 increased by 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. This subclause does not apply to the long-term average annual extraction limit for major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit established under clause 44 (3) (b).
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences within an extraction management unit shall be the same.

[73] Clause 47 (6)

Insert “average annual” after “volume equal to the long-term”.

[74] Clause 47 (8)

Insert “long-term average annual” before “extraction limit” wherever occurring.

[75] Clause 47 (9)

Omit “respective extraction limit. Insert instead “long-term average annual extraction limit”.

[76] Clause 47 (9)

Insert “long-term average annual” after “based on a comparison of the”.

[77] Clause 54 Available water determination for aquifer access licences

Omit clause 54 (1). Insert instead:

- (1) An available water determination shall be made at the commencement of each water year for aquifer access licences in these water sources, excluding the Hunter Regulated River Alluvial Water Source, equal to 1 megalitre per unit of access licence share component or such lower amount resulting from clause 47.

[78] Clause 54 (2)

Insert “or such lower amount resulting from clause 47” after “2003”.

[79] Clause 54 (3)

Omit the subclause.

[80] Clause 54 (4) (c), Note

Omit “4”. Insert instead “(4)”.

[81] Clause 56 Individual access licence account management rules

Omit clause 56 (3)–(5). Insert instead:

- (3) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources, excluding those within the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source, in any three consecutive water years after the first water year in which this Plan has effect 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 three water years,
 - (ii) the water allocations carried over from the water year prior to those three water years under subclause (8),
 - (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 three water 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 three water 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 three water 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 three water years.
- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources, excluding those within the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek, the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source, in the first three water years in which this Plan has effect must not exceed a volume equal to:
- (a) 50% 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 water 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 water years.
- (5) In any water year, the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus

- (b) 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 that water year, plus
- (c) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.

[82] Clause 56 (7)

Omit the subclause.

[83] Clause 56 (8)

Omit “high flow”. Insert instead “(high flow)”.

[84] Clause 56 (8) and (10)

Omit “shall be” wherever occurring. Insert instead “is”.

[85] Clause 56 (9)

Omit the subclause. Insert instead:

- (9) The Minister may amend this clause to include water allocation account and carry over rules for major utility access licences for extraction from Seaham Weir Pool and natural inflows to Grahamstown Dam, based on the supplementary study Development of Access Rules for the Lower Williams River.

[86] Clause 56 (11)

Insert “remaining in water allocation accounts” after “allocations”.

[87] Clause 57 Accounting for bulk water transfers to other water utilities

Insert “specified in clause 44 (5)” after “Unit” in clause 57 (1).

[88] Clause 66 Williams River Water Source Accreditation Scheme

Omit “76 (5) and 17 (1) (mm) (ii)” in clause 66. Insert instead “19 (3) (h) and 17 (1) (mm)”.

[89] Clause 67 Access to the Very Low Flow Class in these water sources

Omit “77” in clause 67. Insert instead “19 (3) (a) and (i)”.

[90] Clause 68 Access licences which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources

Omit the paragraph below clause 68 (1) (b). Insert instead:

“shall from year six of this Plan, be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.”

[91] Clause 68 (2)

Omit “Except for an aquifer access licence referred to in subclause (3), all”. Insert instead “All”.

[92] Clause 68 (2)

Omit “shall be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.”

Insert instead “shall, from year six of this Plan, be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.

[93] Clause 68 (3)

Omit the subclause. Insert instead:

- (3) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under Part 12 of this Plan, shall be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.

[94] Clause 68 (4)

Omit the subclause. Insert instead:

- (4) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.

[95] Clause 68 (5)

Omit the subclause. Insert instead:

- (5) An access rule specified in clause 19 for unregulated river access licences that requires a visible flow at the pump site shall be taken to mean a visible flow in the river immediately adjacent to the water supply work being used to take water from the alluvial sediments.

[96] Clause 68 (6)

Insert at the end of clause 68:

- (6) Subclauses (1) to (4) do not apply to the taking of water under an access licence that is used only to account for the taking of water in association with an aquifer interference activity for a development approved under Part 3A, Part 4 if the development was for state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979*.

[97] Clause 70 Rules relating to constraints within these water sources

Omit clause 70 (2) (c). Insert instead:

- (c) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an aquifer access licence that nominates a water supply works which may be used to take water from the alluvial sediments in these water sources, which is located more than 40 metres from the top of the bank of a river to an aquifer access licence that nominates a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located within 40 metres from the top of the bank of a river, in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper

Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source or the Dora Creek Water Source,

[98] Clause 70 (2) (f) (i)

Omit the subparagraph. Insert instead:

- (i) the Upper Goulburn River Water Source, the Rouchel Brook Water Source and the Upper Wollombi Brook Water Source, to another access licence that nominates a water supply work that is upstream from a water supply work nominated by the access licence, unless the dealing relates to access licences for the same property,

[99] Clause 70 (2) (f) (vii) and (viii)

Omit the subparagraphs. Insert instead:

- (vii) the Muswellbrook Water Source, the Jerrys Water Source, the Singleton Water Source, the Luskintyre Water Source or the Newcastle Water Source, to another access licence that nominates a water supply work that is in a different tributary to a water supply work nominated by the access licence in the water source,
- (viii) the Glennies Water Source, if the access licence nominates a water supply work in a stream below Glennies Creek Dam to another access licence that nominates a water supply work in a stream above Glennies Creek Dam,

[100] Clause 70 (2) (f) (x)

Omit the subparagraph. Insert instead:

- (x) the Williams River Water Source, if the access licence nominates a water supply work in a stream below Chichester Dam to another access licence that nominates a water supply work in a stream above Chichester Dam, or

[101] Clause 70 (2) (j) (xii)

Omit the subparagraph. Insert instead:

- (xii) the Downstream Glennies Creek Management Zone and the Glennies Creek Management Zone in the Hunter Regulated River Alluvial Water Source being amended under section 71W of the Act to nominate a water supply work in the Upstream Glennies Creek Management Zone in the Hunter Regulated River Alluvial Water Source, if it would result in the sum of share components of all access licences in the Upstream Glennies Creek Management Zone exceeding the total share components of all access licences in the Upstream Glennies Creek Management Zone at the commencement of this Plan, and

[102] Clause 70 (6)

Omit “subclause (2) (d) (xiii)”. Insert instead “subclause (2) (j) (xii)”.

[103] Part 13

Omit the part. Insert instead:

Part 13 Mandatory conditions

Division 1 General

75 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to one of the addresses listed in Appendix 2 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

Note. The email address for the Department's Licensing Enquiries Information Centre is information@water.nsw.gov.au.

- (b) a *metered water supply work with a data logger* means a water supply work with a data logger and a meter that complies with the *Australian Technical Specification ATS 4747 Meters for non-urban water supply* as may be updated or replaced from time to time, and

Note. The definition of a metered water supply work with a data logger does not include all water supply works that are metered or have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a metered water supply work with a data logger.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Division 2 Access licences

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

76 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 2 of Part 11 of this Plan for the respective category or subcategory of access licence,
 - (b) 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) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during 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 the purposes for which water was taken on that date,
 - (v) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, excluding those within the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source and the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook Water Source and the Upper Wollombi Brook Water Source, the volume of water taken in the first three water years, by comparison to the maximum volume of water permitted to be taken in those years under clause 56 (4),
 - (vi) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences excluding those within the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook and Kingdon Ponds Management Zone in the Lower Dart Brook Water Source and the Upper Wollombi Brook Water Source, the volume of water taken in any three consecutive years after the first water year, by comparison to the maximum volume of water permitted to be taken in those years under clause 56 (3),
 - (vii) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences within in the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source and the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook and Kingdon Ponds Management Zone in the Lower Dart Brook Water Source and the Upper Wollombi Brook Water Source, the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 56 (5), and
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of an access licence must produce the Logbook to the Minister for inspection, when requested, and

- (d) the holder of an access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (4) All major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit must have a mandatory condition to give effect to clauses 47 (6)–(10).
- (5) 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.
- (6) An access licence for a development approved under Part 3A, Part 4 if the development was for state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
 - (a) the relevant access rules for the taking of water specified in Part 4 and Division 3 and 4 of Part 11 of this Plan, and
 - (b) the rules for the use of water supply work located within restricted distances specified in clause 41A.

Division 3 Water supply work approvals

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

77 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) 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 water as specified in Part 4, Division 3 and Division 4 of Part 11 of this Plan,
 - (b) when directed by the Minister by notice in writing, 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 *Australian Technical Specification: ATS 4747 Meters for non-urban water supply* 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 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) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned, 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 water supply work has been decommissioned,
 - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
 - (f) any other conditions required to implement the provisions of the Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date and period of time during 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), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) 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,
 - (c) the holder of the water supply work approval must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.

- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (4) All water supply work approvals for water supply works in these water sources must contain mandatory conditions to require that 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 the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (5) A water supply work approval which authorises the construction or use of a water supply work which is nominated by a local water utility access licence or major utility access licence in these water sources, including all subcategories of major utility access licences, must have mandatory conditions where required to give effect to the relevant release rules for local water utility and major utility storages specified in Part 14 of this Plan.
- (6) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 36.

78 Water supply works used to take water from the alluvial sediments in these water sources

- (1) This clause applies to all water supply work approvals for water supply works that may be used to take water contained within the alluvial sediments in these water sources.
- (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 41A,
 - (b) the approval holder must ensure the new water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the water supply work, and
 - (ii) sealed off from other sources of water,
 - (c) the construction of a new water supply work must:
 - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 39 to 41,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
 - (iii) be constructed appropriately so as to prevent contamination between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
 - (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, unless otherwise directed by the Minister in writing,

- (e) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (f) 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 water supply work approval if the water supply work is existing, submit to the Department in a form approved by the Minister, the details of the work,
 - (g) if, during the construction of the water supply work 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 contaminated water from the water supply work and if specified by the Minister, place an impermeable seal between the casing(s) and the walls of the water supply 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,
 - (h) 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,
 - (i) the water supply work approval will 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
 - (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 39 (6) applies, must have a mandatory condition to give effect to clause 39 (6).

[104] Clause 85 Release rules from major utility storages

Omit clause 85 (1). Insert instead:

- (1) In the Williams River Water Source:
 - (a) subject to paragraphs (b) and (f), when combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage are less than 14 ML/day, a daily release of water equivalent to the combined inflows must be made,
 - (b) releases of water are not required to be made when Chichester Dam is spilling at a rate that equals or exceeds the daily release requirement referred to in paragraph (a),
 - (c) subject to paragraphs (d) and (f), when combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage are equal to or greater than 14 ML/day, and Chichester Dam is not spilling, Hunter Water Corporation must make daily releases from Chichester Dam in the range of 10 ML/day to 30 ML/day in accordance with a release pattern determined by the Minister and specified as a

mandatory condition on the water supply work approval in accordance with paragraph (d),

Note. If the combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage fall below 14 ML/day and then rise again above 14 ML/day, releases are to commence at the start of the release pattern.

- (d) the release pattern specified in paragraph (c) must achieve an average daily release of 14 ML/day if followed for a week,
- (e) when combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage are equal to or greater than 14 ML/day, and Chichester Dam is spilling at a rate that does not equal or exceed the daily release requirement specified in paragraph (c), daily releases of water must be made such that the combination of the volume of water spilled from Chichester Dam and releases equals the daily release requirement referred to in paragraph (c), and
- (f) the Minister may suspend or alter the daily release requirements under paragraphs (a) and (c) for the purpose of an emergency or maintenance activity that has the potential to temporarily affect the flow volume or behaviour of water for periods of more than 24 hours.

[105] Clause 86 Amendment of this Plan

Omit clause 86 (1) and (2). Insert instead:

- (1) Amendments specified throughout this Plan, and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

Note. For example, if Part 1 is amended to add a new management zone, this may require amendment to other parts of this Plan to include rules for that management zone.

- (3) 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 section 87 (2) (c) and 87 AA of the Act.

[106] Clause 87 Amendment of tidal pool provisions

Omit clause 87 (1). Insert instead:

- (1) The Minister may amend this Plan to establish or modify flow classes, establish or modify a flow reference point, or amend access licence dealing rules, in the Wallis Creek Tidal Pool Water Source, the Paterson River Tidal Pool Water Source and the Hunter River Tidal Pool Water Source, following the review of a study referred to in clause 17 (2) (k) and the determination of licence entitlements.

[107] Clause 88 Amendment of pool protection provisions

Omit “subclause (a)” from clause 88 (4) (b). Insert instead “paragraph (a)”.

[108] Clause 93 Amendments in relation to Schedule 2 (Very Low Flow)

Omit clause 93 (a). Insert instead:

- (a) add a *Water Act 1912* entitlement or access licence to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in clause 19 (3) (i) (i) and the purpose existed prior to 1 July 2008,

[109] Clause 93 (b) (i)

Omit “extracted”. Insert instead “taken”.

[110] Clause 93 (b) (iii) and 93 (c)

Omit “licences.”. Insert instead “licences,”.

[111] Clause 93 (d)–(g)

Insert at the end of clause 93 (c):

- (d) remove a *Water Act 1912* entitlement from Schedule 2 that has been converted to a local water utility access licence,
- (e) add a local water utility access licence to Schedule 2, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
- (f) remove a local water utility access licence or former *Water Act 1912* entitlement from Schedule 2 if the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan,
- (g) for the purposes of paragraphs (e) and (f), major augmentation includes anything which enhances or increases the local water utility’s capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility’s existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.

[112] Clause 94 and 95

Insert after clause 93:

94 Amendments in relation to the mandatory conditions

Part 13 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including amendments in relation to requirements for Logbooks, or
- (b) amend clause 77 and 78 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

95 Other amendments to this Plan

This Plan may be amended to allow for the management of aquifer interference activities.

[113] Schedule 1 Dictionary

Insert in alphabetical order:

cease to take condition means any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement that prohibits the taking of water in a particular circumstance.

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 works 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 in this Plan.

Minimum Construction Requirements for Water Bores in Australia means the document published by the National Uniform Drillers Licensing Committee entitled *Minimum Construction Requirements for Water Bores in Australia*, 2012, ISBN 978-0-646-56917-8, as amended or replaced from time to time.

slotted intervals mean that part of a water bore where slots in the casing occur which are designed to allow water to enter the bore.

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

[114] Schedule 1

Omit the definition of “drawdown”. Insert instead:

drawdown means a lowering of the level to which water will rise in cased bores.

Note. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

[115] Schedule 1

Omit the definition of “runoff harvesting dam”. Insert instead:

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in the harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

[116] Schedule 1

Omit the definition of “registered plan for these water sources”.

[117] Schedule 2

Omit the schedule. Insert instead:

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists *Water Act 1912* licences from which access licences will be derived upon commencement of the Water Sharing Plan and access licences with access to very low flows.

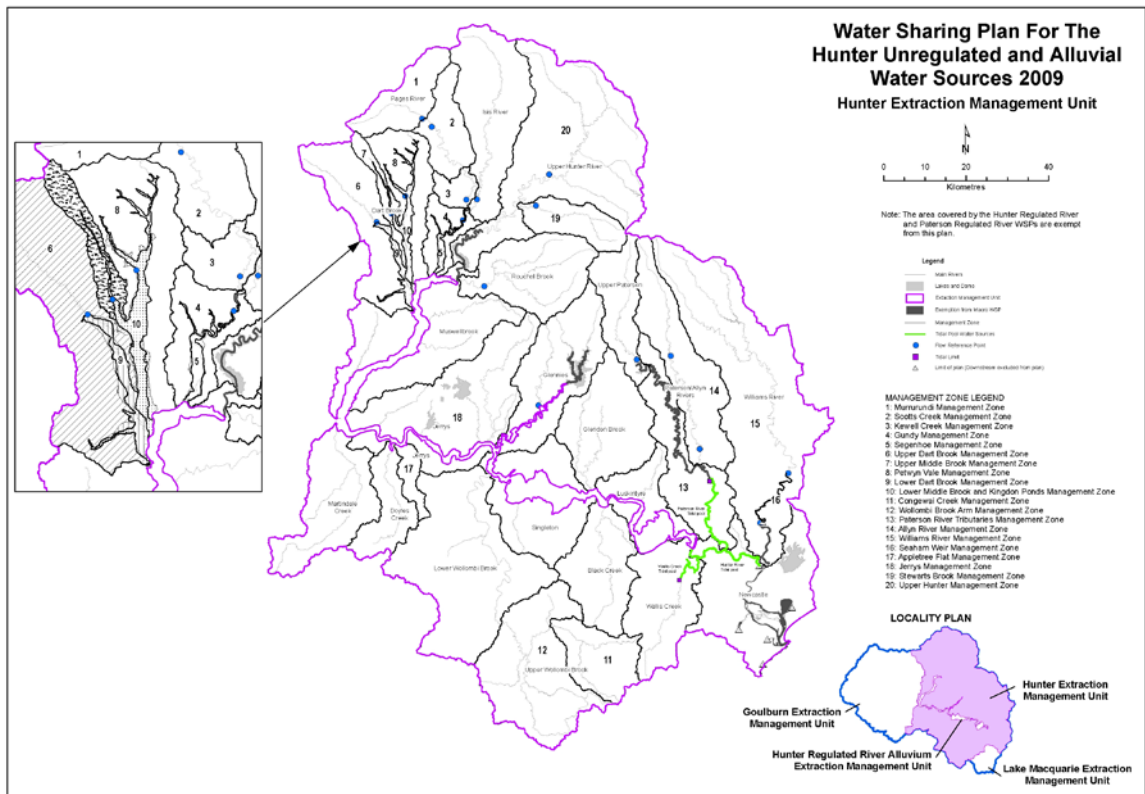
VERY LOW FLOW LICENCES		SURFACE WATER	
20SL007626	20SL029834	20SL046728	20SL060898
20SL012653	20SL030481	20SL046752	20SL060902
20SL013482	20SL033978	20SL047917	20SL060904
20SL014522	20SL034705	20SL047934	20SL060905
20SL014791	20SL035457	20SL047936	20SL060910
20SL015740	20SL037101	20SL047983	20SL060911
20SL016675	20SL037412	20SL048012	20SL060912
20SL018023	20SL037463	20SL048703	20SL060915
20SL019207	20SL037646	20SL048985	20SL060916
20SL019742	20SL037926	20SL048989	20SL060917
20SL019853	20SL037937	20SL050050	20SL060918
20SL020274	20SL038071	20SL050163	20SL060919
20SL021761	20SL040052	20SL050680	20SL060922
20SL022887	20SL040848	20SL051439	20SL060923
20SL022921	20SL042037	20SL060148	20SL060926
20SL023175	20SL044434	20SL060319	20SL060933
20SL024048	20SL044535	20SL060398	20SL060934

2013 No 87

20SL024508 20SL024592 20SL028259 20SL028392 20SL029123 20SL029178	20SL044709 20SL045581 20SL045598 20SL045783 20SL046106 20SL046121	20SL060613 20SL060716 20SL060864 20SL060866 20SL060896 20SL060897	20SL060942 20SL060946 20SL060947 20SL060956 20SL060976 20SL060979
20SL061009 20SL061032 20SL061035 20SL061060 20SL061061 20SL061062 20SL061099 20SL061112 20SL061121 20SL061128 20SL061130 20SL061134 20SL061139 20SL061144 20SL061151 20SL061166 20SL061169 20SL061187 20SL061190 20SL061199	20SL061235 20SL061314 20SL061372 20SL061382 20SL061408 20SL061471 20SL061504 20SL061509 20SL061510 20SL061514 20SL061541 20SL061546 20SL061552 20SL061555 20SL061562 20SL061564 20SL061571 20SL061585 20SL061587 20SL061595	20SL061597 20SL061598 20SL061600 20SL061602 20SL061603 20SL061606 20SL061607 20SL061613 20SL061625 20SL061629 20SL061631 20SL051567 20SL051579 20SL061009 20SL061509 20SL061510	
VERY LOW FLOW LICENCES		GROUNDWATER	
20BL028602 20BL029479 20BL104899 20BL117731 20BL018604 20BL150468 20BL150465 20BL150467 20BL166462	20BL166109 20BL110726 20BL134037 20BL143716 20BL118250 20BL118252 20BL118251 20BL018388 20BL018983 20BL106084		
LOCAL WATER UTILITY LICENCES			
Lower Goulburn	20SL060901 20AL208486	Hunter Alluvial	20BL130308 20BL130310 20BL130312 20BL130313 20BL130315 20BL128781 20BL128782 20BL128783 20BL128784 20AL207908 20AL207950 20AL207982 20AL208090 20AL208146
Pages	20SL030939	Dart	20BL010028 20BL010029 20BL017121 20BL018171 20BL019420 20BL122331 20AL206911
Allyn	20SL028292	Newcastle	20AL209244 20AL209252

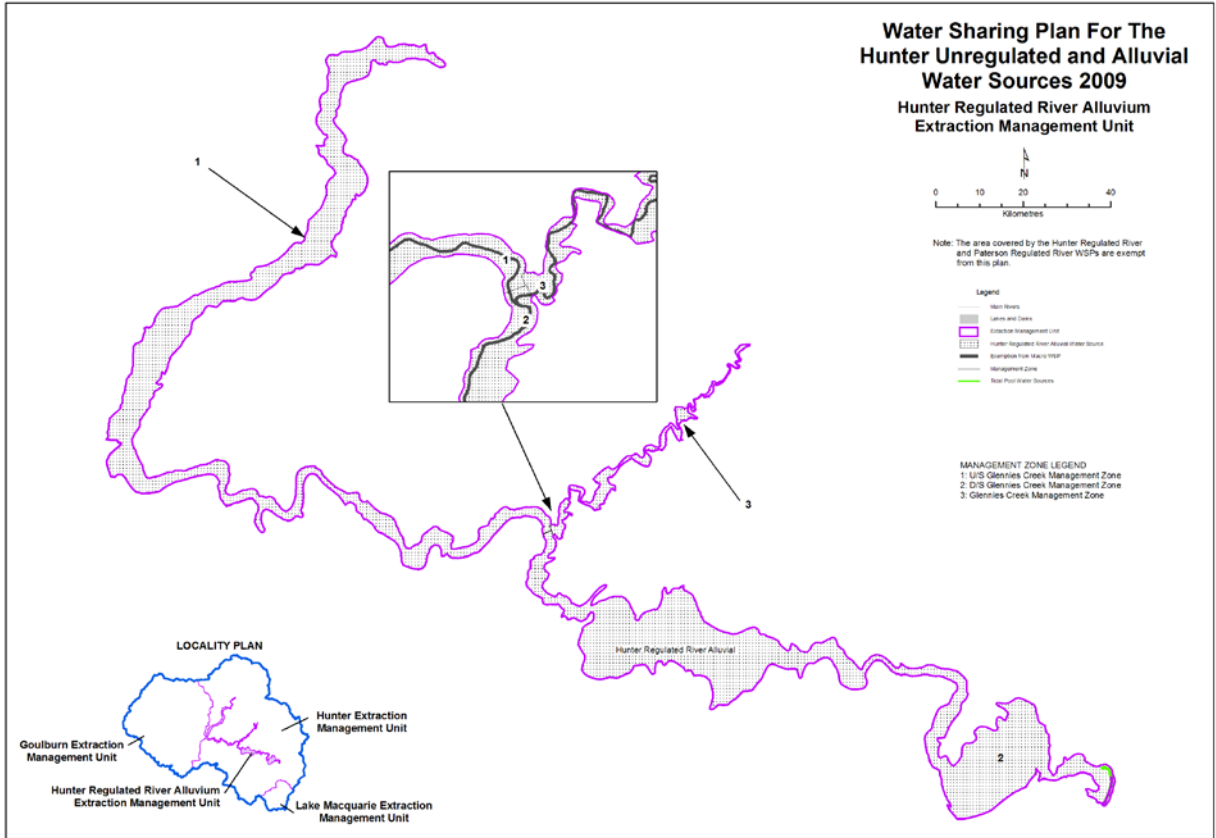
[118] Appendix 1 Hunter Unregulated and Alluvial Water Sources and Hunter, Hunter Regulated River Alluvium, Goulburn and Lake Macquarie Extraction Management Units

Omit the map of the Hunter Extraction Management Unit. Insert instead:



[119] Appendix 1

Insert map at the end of the Appendix:



[120] Appendix 2

Omit the appendix. Insert instead:

Appendix 2 Inspection of the Plan Map for these water sources

Copies of the Plan Map for these water sources may be inspected at the following offices:

NSW Office of Water
 Department of Trade and Investment, Regional Infrastructure and Services
 10 Valentine Ave
 PARRAMATTA NSW 2150

NSW Office of Water
 Department of Trade and Investment, Regional Infrastructure and Services
 Level 3, 26 Honeysuckle Drive
 DANGAR NSW 2309

NSW Office of Water
 Department of Trade and Investment, Regional Infrastructure and Services
 Unit 2A, Alliance St
 EAST MAITLAND NSW 2320

[121] Appendix 3

Insert after Appendix 2:

Appendix 3 Office

Any notifications that may be required to be made to the Minister, as specified in this Plan can be addressed to the following office:

NSW Office of Water

Department of Trade and Investment, Regional Infrastructure and Services
PO Box 2213
DANGAR NSW 2309