



New South Wales

# **Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016**

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the North Coast Coastal Sands Groundwater Sources.

Dated this 29th day of June 2016.

**NIALL BLAIR, MLC**  
**Minister for Lands and Water**

## **Explanatory note**

This Order is made under section 50 of the *Water Management Act 2000*.

The object of this Order is to make the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

## Contents

Part 1	Introduction .....	4
Part 2	Vision, objectives, strategies and performance indicators .....	7
Part 3	Bulk access regime .....	10
Part 4	Planned environmental water provisions .....	12
Part 5	Requirements for water .....	19
	<b>Division 1</b> <b>General</b> .....	19
	<b>Division 2</b> <b>Requirements for water for basic landholder rights</b> .....	19
	<b>Division 3</b> <b>Requirements for water for extraction under access licences</b> .....	21
Part 6	Limits to the availability of water .....	24
	<b>Division 1</b> <b>Long-term average annual extraction limits</b> .....	24
	<b>Division 2</b> <b>Available water determinations</b> .....	27
Part 7	Rules for granting access licences .....	30
Part 8	Rules for managing access licences .....	32
	<b>Division 1</b> <b>Water allocation account management rules</b> .....	32
	<b>Division 2</b> <b>Daily access rules</b> .....	35
Part 9	Rules for water supply work approvals .....	39
	<b>Division 1</b> <b>Rules applying to the granting or amending of water supply work approvals</b> .....	39
	<b>Division 2</b> <b>Rules for the use of water supply works</b> .....	47
Part 10	Access licence dealing rules .....	50
Part 11	Mandatory conditions .....	52
	<b>Division 1</b> <b>General</b> .....	52
	<b>Division 2</b> <b>Access licences</b> .....	52
	<b>Division 3</b> <b>Water supply work approvals</b> .....	54
Part 12	Amendment of this Plan .....	60
	<b>Dictionary</b> .....	66
	<b>Schedule 1</b> <b>Contamination sources in these groundwater sources</b> .....	68

---

<b>Schedule 2</b>	<b>Location of bores to which clause 37 applies.....</b>	<b>69</b>
<b>Appendix 1</b>	<b>Overview of the Plan Map .....</b>	<b>71</b>
<b>Appendix 2</b>	<b>Inspection of the Plan Map .....</b>	<b>73</b>
<b>Appendix 3</b>	<b>Offices .....</b>	<b>74</b>
<b>Appendix 4</b>	<b>Overview of the GDE Map .....</b>	<b>75</b>

# Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016

## Part 1 Introduction

**Note.** Part 12 allows for amendments to be made to this Part.

### 1 Name of Plan

This Plan is the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016 (this Plan)*.

### 2 Nature and status of Plan

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

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

### 3 Commencement

This Plan commences on 1 July 2016.

**Notes.**

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2016.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

### 4 Application of Plan

- (1) This Plan applies to the following groundwater sources known as the North Coast Coastal Sands Groundwater Sources (*these groundwater sources*) within the Central Coast Water Management Area, Hunter Water Management Area, Lower North Coast Water Management Area, Mid North Coast Water Management Area, Northern Rivers Water Management Area and Upper North Coast Water Management Area:
  - (a) the Bellinger-Nambucca Coastal Sands Groundwater Source,
  - (b) the Clarence Coastal Sands Groundwater Source,
  - (c) the Coffs Harbour Coastal Sands Groundwater Source,
  - (d) the Great Lakes Coastal Sands Groundwater Source,
  - (e) the Hastings Coastal Sands Groundwater Source,

- (f) the Hawkesbury to Hunter Coastal Sands Groundwater Source,
- (g) the Macleay Coastal Sands Groundwater Source,
- (h) the Manning-Camden Haven Coastal Sands Groundwater Source,
- (i) the Richmond Coastal Sands Groundwater Source,
- (j) the Stockton Groundwater Source,
- (k) the Stuarts Point Groundwater Source,
- (l) the Tomago Groundwater Source,
- (m) the Tomaree Groundwater Source,
- (n) the Tweed-Brunswick Coastal Sands Groundwater Source.

**Note.** The Central Coast Water Management Area, Hunter Water Management Area, Lower North Coast Water Management Area, Mid North Coast Water Management Area, Northern Rivers Water Management Area and Upper North Coast Water Management Area were constituted by Ministerial order made under section 11 of the Act and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These groundwater sources are shown on the Plan Map called *Plan Map (WSP0034\_Version 1) Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016 (the Plan Map)*.

**Note.** The Plan Map is part of this Plan. An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map may be inspected at the offices listed in Appendix 2 and are available on the NSW legislation website.

- (3) Subject to subclause (4), these groundwater sources include all water contained within all sand formations below the surface of the ground within the boundaries of these groundwater sources shown on the Plan Map.

**Note.** *Sand formation* is defined in the Dictionary.

- (4) These groundwater sources do not include water:
  - (a) contained in any fractured rock or porous rock, or
  - (b) contained in any alluvial sediments.

**Notes.**

- 1 *Alluvial sediments, fractured rock* and *porous rock* are defined in the Dictionary.
- 2 Buried fractured rock or porous rock groundwater sources underlie other types aquifers. Bores drilled through overlying unconsolidated alluvial sediments or sand formations may be drawing water from fractured rock or porous rock groundwater sources.

- (5) This Plan replaces:
    - (a) the *Water Sharing Plan for the Stuarts Point Groundwater Source 2003*, and
    - (b) the *Water Sharing Plan for the Tomago Tomaree Stockton Groundwater*
-

*Sources 2003.*

## **5 Management zones**

(1) For the purposes of this Plan, the Tomago Groundwater Source is divided into the following management zones:

- (a) Tomago Management Zone 1,
- (b) Tomago Management Zone 2,
- (c) Tomago Management Zone 3,
- (d) Tomago Management Zone 4,
- (e) Tomago Management Zone 5.

**Note.** **Management zone** is defined in the Dictionary.

(2) The management zones in subclause (1) are shown on the Plan Map.

## **6 Understanding the rules in this Plan**

This Plan contains various rules. Where appropriate, the rules specified in this Plan are given effect by the mandatory conditions for access licences and water supply work approvals contained in Part 11 of this Plan.

## **7 Interpretation**

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meanings set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

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

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

### 8 Vision statement

The vision for this Plan is to provide for healthy and enhanced water sources and water-dependent ecosystems and for equitable water sharing among users in these groundwater sources.

### 9 Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within these groundwater sources.

### 10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important high priority groundwater-dependent ecosystems of these groundwater sources, and  
**Note.** *Groundwater-dependent ecosystems* is defined in the Dictionary.
- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these groundwater sources, and
- (c) protect basic landholder rights, and
- (d) manage these groundwater sources to ensure equitable sharing between users, and
- (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints, and
- (f) provide water allocation account management rules which allow sufficient flexibility in water use, and
- (g) contribute to the maintenance of water quality, and
- (h) provide recognition of the connectivity between groundwater sources, and
- (i) adaptively manage these groundwater sources, and
- (j) recognise the importance of these groundwater sources to the supply of local water utilities and major utilities, and

- (k) support viable and sustainable water-dependent industries, including agriculture and horticulture, over the long-term, and
- (l) contribute to the “environmental and other public benefit outcomes” identified under the “Water Access Entitlements and Planning Framework” in the *Intergovernmental Agreement on a National Water Initiative (2004) (the NWI)*.  
**Note.** Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:
  - (a) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for, and
  - (b) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
  - (c) if held as a water access entitlement, potentially be made available to be traded (where physically possible) on the temporary market when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

## 11 Strategies

The strategies of this Plan are to:

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

## 12 Performance indicators

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



- (a) the change in groundwater extraction relative to the long-term average annual extraction limits,
- (b) the change in water quality in these groundwater sources,
- (c) the change in water levels in these groundwater sources,
- (d) the change in the ecological condition of these groundwater sources and their dependent ecosystems,
- (e) the change in the extent to which domestic and stock rights and native title rights requirements have been met,
- (f) change in economic benefits derived from water extraction and use,
- (g) change in the extent to which water has been made available in recognition of the Aboriginal, cultural and heritage values of these groundwater sources.

## **Part 3 Bulk access regime**

### **13 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these groundwater sources, having regard to:
  - (a) the environmental water rules established under Part 4 of this Plan, and
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan, and
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
  - (d) the access licence dealing rules established under Part 10 of this Plan.
- (2) The bulk access regime for these groundwater sources:
  - (a) recognises and is consistent with the limits on the availability of water set in relation to these groundwater sources contained in Division 1 of Part 6 of this Plan, and
  - (b) establishes rules, according to which access licences are to be granted and managed, contained in Parts 7 and 8 of this Plan and available water determinations to be made contained in Division 2 of Part 6 of this Plan, and
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 14, and
  - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit contained in Division 1 of Part 6 of this Plan, and
  - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
  - (f) recognises and is consistent with the water management principles set out in section 5 of the Act.

## 14 Climatic variability

This Plan recognises the effects of climatic variability on groundwater levels in these groundwater sources by provisions that manage the sharing of water in these groundwater sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan.

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

## Part 4 Planned environmental water provisions

### Notes.

- 1 This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

### 15 General

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

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

### 16 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these groundwater sources in the following ways:

- (a) by reference to the commitment of the physical presence of water in these groundwater sources,
- (b) by reference to the long-term average annual commitment of water as planned environmental water,
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

### 17 Establishment and maintenance of planned environmental water

(1) Planned environmental water is established in these groundwater sources as follows:

- (a) it is the physical presence of water in:
  - (i) the Bellinger-Nambucca Coastal Sands Groundwater Source that is equal to 95% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and

#### Notes.

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Bellinger-Nambucca Coastal Sands Groundwater Source is estimated to be 21,000 megalitres per year in those areas that are not high environmental value areas and 2,500 megalitres per year in high

environmental value areas.

- 2 **High environmental value areas** and **recharge** are defined in the Dictionary.

- (ii) the Clarence Coastal Sands Groundwater Source that is equal to 95% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 99.9% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Clarence Coastal Sands Groundwater Source is estimated to be 81,000 megalitres per year in those areas that are not high environmental value areas and 110,000 megalitres per year in high environmental value areas.
- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Clarence Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 95% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (iii) the Coffs Harbour Coastal Sands Groundwater Source that is equal to 75% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Coffs Harbour Coastal Sands Groundwater Source is estimated to be 11,000 megalitres per year in those areas that are not high environmental value areas and 7,200 megalitres per year in high environmental value areas.

- (iv) the Great Lakes Coastal Sands Groundwater Source that is equal to 79% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Great Lakes Coastal Sands Groundwater Source is estimated to be 78,000 megalitres per year in those areas that are not high environmental value areas and 83,000 megalitres per year in high environmental value areas.
- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Great Lakes Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental

value areas.

- (v) the Hastings Coastal Sands Groundwater Source that is equal to 88% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Hastings Coastal Sands Groundwater Source is estimated to be 63,000 megalitres per year in those areas that are not high environmental value areas and 39,000 megalitres per year in high environmental value areas.
- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Hastings Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (vi) the Hawkesbury to Hunter Coastal Sands Groundwater Source that is equal to 50% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Hawkesbury to Hunter Coastal Sands Groundwater Source is estimated to be 40,000 megalitres per year in those areas that are not high environmental value areas and 8,900 megalitres per year in high environmental value areas.

- (vii) the Macleay Coastal Sands Groundwater Source that is equal to 75% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Macleay Coastal Sands Groundwater Source is estimated to be 39,000 megalitres per year in those areas that are not high environmental value areas and 31,000 megalitres per year in high environmental value areas.

- (viii) the Manning-Camden Haven Coastal Sands Groundwater Source that is equal to 94% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Manning-Camden Haven Coastal Sands Groundwater Source is estimated to be 56,000 megalitres per year in those areas that

are not high environmental value areas and 42,000 megalitres per year in high environmental value areas.

- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Manning-Camden Haven Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (ix) the Richmond Coastal Sands Groundwater Source that is equal to 90% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Richmond Coastal Sands Groundwater Source is estimated to be 190,000 megalitres per year in those areas that are not high environmental value areas and 28,000 megalitres per year in high environmental value areas.

- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Richmond Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (x) the Stockton Groundwater Source that is equal to 33% of the long-term average annual rainfall recharge, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Stockton Groundwater Source is estimated to be 21,000 megalitres per year.

- (xi) the Stuarts Point Groundwater Source that is equal to 45% of the long-term average annual rainfall recharge, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Stuarts Point Groundwater Source is estimated to be 7,600 megalitres per year.

- (xii) the Tomago Groundwater Source that is equal to 31% of the long-term average annual rainfall recharge, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Tomago Groundwater Source is estimated to be 36,000 megalitres per year.

- (xiii) the Tomaree Groundwater Source that is equal to 40% of the long-term average annual rainfall recharge, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Tomaree Groundwater Source is estimated to be 10,000 megalitres per year.

- (xiv) the Tweed-Brunswick Coastal Sands Groundwater Source that is equal to 77% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

**Notes.**

- 1 At the commencement of this Plan the long-term average annual rainfall recharge for the Tweed-Brunswick Coastal Sands Groundwater Source is estimated to be 84,000 megalitres per year in those areas that are not high environmental value areas and 15,000 megalitres per year in high environmental value areas.
- 2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Tweed-Brunswick Coastal Sands Groundwater Source during the term of this Plan. The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (xv) these groundwater sources that is within the groundwater storage of these groundwater sources over the long term,

**Note.** Groundwater sources generally store large volumes of water, often accumulated over thousands or even tens of thousands of years. The amount of annual recharge is often very small compared to this stored volume. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of these groundwater sources over the long term, ensuring that water within the groundwater storage of these groundwater sources is protected from extraction.

- (b) it is the long-term average annual commitment of water as planned environmental water in:
- (i) the Bellinger-Nambucca Coastal Sands Groundwater Source that is equal to 95% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (ii) the Clarence Coastal Sands Groundwater Source that is equal to 95 % of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 99.9% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (iii) the Coffs Harbour Coastal Sands Groundwater Source that is equal to 75% of the long-term average annual rainfall recharge in areas that are



- not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and
- (iv) the Great Lakes Coastal Sands Groundwater Source that is equal to 79% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (v) the Hastings Coastal Sands Groundwater Source that is equal to 88% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (vi) the Hawkesbury to Hunter Coastal Sands Groundwater Source that is equal to 50% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (vii) the Macleay Coastal Sands Groundwater Source that is equal to 75% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 95% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (viii) the Manning-Camden Haven Coastal Sands Groundwater Source that is equal to 94% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (ix) the Richmond Coastal Sands Groundwater Source that is equal to 90% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and
  - (x) the Stockton Groundwater Source that is equal to 33% of the long-term average annual rainfall recharge, and
  - (xi) the Stuarts Point Groundwater Source that is equal to 45% of the long-term average annual rainfall recharge, and
  - (xii) the Tomago Groundwater Source that is equal to 31% of the long-term average annual rainfall recharge, and
  - (xiii) the Tomaree Groundwater Source that is equal to 40% of the long-term

average annual rainfall recharge, and

(xiv) the Tweed-Brunswick Coastal Sands Groundwater Source that is equal to 77% of the long-term average annual rainfall recharge in areas that are not high environmental value areas and 100% of the long-term average annual rainfall recharge in high environmental value areas, and

(xv) these groundwater sources that is within the groundwater storage of these groundwater sources over the long term,

(c) it is the water remaining in these groundwater sources after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 6 and 8 of this Plan.

**Note.** The water remaining in these groundwater sources over the long term after water has been taken pursuant to basic landholder rights and access licences is equal to the water within the groundwater storage plus all recharge in excess of the long-term average annual extraction limit for each of these groundwater sources.

(2) The planned environmental water established under subclause (1) (a) is maintained in these groundwater sources by the rules specified in Parts 6 and 8 of this Plan.

(3) The planned environmental water established under subclause (1) (b) is maintained in these groundwater sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.

(4) The planned environmental water established under subclause (1) (c) is maintained in these groundwater sources by the rules specified in Parts 6 and 8 of this Plan.

**Note.** The rules in Part 6 of this Plan ensure that there will be water remaining in these groundwater sources over the long term by maintaining compliance with the long-term average annual extraction limits. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limits have been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 18 Application

- (1) This Part identifies the requirements for water from these groundwater sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The volumes of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these groundwater sources and the total volumes or unit shares specified in the share components of all access licences in these groundwater sources. The actual volumes of water available for extraction in these groundwater sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these groundwater sources and the total share components of all access licences authorised to extract water from these groundwater sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

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

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

### Division 2 Requirements for water for basic landholder rights

#### 19 Domestic and stock rights

At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these groundwater sources are estimated to total 1,687 megalitres per year (*ML/year*), distributed as follows:

- (a) 19 ML/year in the Bellinger-Nambucca Coastal Sands Groundwater Source,
- (b) 74 ML/year in the Clarence Coastal Sands Groundwater Source,
- (c) 13 ML/year in the Coffs Harbour Coastal Sands Groundwater Source,

- (d) 41 ML/year in the Great Lakes Coastal Sands Groundwater Source,
- (e) 26 ML/year in the Hastings Coastal Sands Groundwater Source,
- (f) 25 ML/year in the Hawkesbury to Hunter Coastal Sands Groundwater Source,
- (g) 28 ML/year in the Macleay Coastal Sands Groundwater Source,
- (h) 45 ML/year in the Manning-Camden Haven Coastal Sands Groundwater Source,
- (i) 120 ML/year in the Richmond Coastal Sands Groundwater Source,
- (j) 254 ML/year in the Stockton Groundwater Source,
- (k) 20 ML/year in the Stuarts Point Groundwater Source,
- (l) 421 ML/year in the Tomago Groundwater Source,
- (m) 433 ML/year in the Tomaree Groundwater Source,
- (n) 168 ML/year in the Tweed-Brunswick Coastal Sands Groundwater Source.

**Notes.**

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

## **20 Native title rights**

At the commencement of this Plan, native title holders are entitled to take and use water pursuant to their native title rights under section 55 of the Act in the Bellinger – Nambucca Coastal Sands Groundwater Source, the Clarence Coastal Sands Groundwater Source and the Richmond Coastal Sands Groundwater Source in accordance with the following native title determinations:

- (a) NSD6052/1998,
- (b) NSD168/2011,
- (c) NSD6054/1998,
- (d) NSD6034/1998,
- (e) NSD6107/1998.

**Notes.**

- 1 The NSD6052/1998 Native Title Determination provides that the Yaegl People have the right to take and use water for personal, domestic and non-commercial communal purposes, including cultural purposes, in the Clarence Coastal Sands Groundwater Source.
- 2 The NSD168/2011 Native Title Determination provides that the Yaegl People have the right to take and use water for personal, domestic and non-commercial communal purposes, including cultural purposes, in the Clarence Coastal Sands Groundwater Source.
- 3 The NSD6054/1998 Native Title Determination provides that the Gumbaynggirr People have the right to take and use water for personal, domestic and non-commercial communal purposes, including cultural purposes, in the Bellinger - Nambucca Coastal Sands Groundwater Source.
- 4 The NSD6034/1998 Native Title Determination provides that the Bandjalang People have the right to take and use water for personal, domestic and non-commercial communal purposes, including cultural purposes, in the following groundwater sources:
  - (a) Clarence Coastal Sands Groundwater Source,
  - (b) Richmond Coastal Sands Groundwater Source
- 5 The NSD6107/1998 Native Title Determination provides that the Bandjalang People have the right to take and use water for personal, domestic and non-commercial communal purposes, including cultural purposes, in the following groundwater sources:
  - (a) Clarence Coastal Sands Groundwater Source,
  - (b) Richmond Coastal Sands Groundwater Source.
- 6 A change in native title rights may occur pursuant to the provisions of the *Native Title Act 1993* of the Commonwealth.

### **Division 3 Requirements for water for extraction under access licences**

#### **21 Share components of domestic and stock access licences**

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these groundwater sources total 0 ML/year.

#### **22 Share components of local water utility access licences**

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these groundwater sources total 7,027 ML/year, distributed as follows:

- (a) 1,460 ML/year in the Great Lakes Coastal Sands Groundwater Source,
- (b) 1,325 ML/year in the Hawkesbury to Hunter Coastal Sands Groundwater Source,
- (c) 3,312 ML/year in the Macleay Coastal Sands Groundwater Source,
- (d) 630 ML/year in the Richmond Coastal Sands Groundwater Source,

- (e) 300 ML/year in the Stuarts Point Groundwater Source,
- (f) 0 ML/year in all other groundwater sources.

### **23 Share components of major utility access licences**

It is estimated that at the time of commencement of this Plan the share components of major utility access licences authorised to take water from these groundwater sources total 29,000 ML/year, distributed as follows:

- (a) 25,300 ML/year in the Tomago Groundwater Source,
- (b) 3,700 ML/year in the Tomaree Groundwater Source,
- (c) 0 ML/year in all other groundwater sources.

### **24 Share components of aquifer access licences**

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from these groundwater sources total 16,096.5 unit shares, distributed as follows:

- (a) 86 unit shares in the Bellinger-Nambucca Coastal Sands Groundwater Source,
  - (b) 76 unit shares in the Clarence Coastal Sands Groundwater Source,
  - (c) 115 unit shares in the Coffs Harbour Coastal Sands Groundwater Source,
  - (d) 744 unit shares in the Great Lakes Coastal Sands Groundwater Source,
  - (e) 1,143 unit shares in the Hastings Coastal Sands Groundwater Source,
  - (f) 6,355 unit shares in the Hawkesbury to Hunter Coastal Sands Groundwater Source,
  - (g) 21 unit shares in the Macleay Coastal Sands Groundwater Source,
  - (h) 191 unit shares in the Manning-Camden Haven Coastal Sands Groundwater Source,
  - (i) 705 unit shares in the Richmond Coastal Sands Groundwater Source,
  - (j) 1008.5 unit shares in the Stockton Groundwater Source,
  - (k) 3,435 unit shares in the Stuarts Point Groundwater Source,
  - (l) 790 unit shares in the Tomago Groundwater Source,
  - (m) 882 unit shares in the Tomaree Groundwater Source,
  - (n) 545 unit shares in the Tweed-Brunswick Coastal Sands Groundwater Source.
-



## Part 6 Limits to the availability of water

**Note.** Part 12 allows for amendments to be made to this Part.

### Division 1 Long-term average annual extraction limits

#### 25 General

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

#### 26 Volume of the long-term average annual extraction limits

(1) This clause establishes the long-term average annual extraction limits for each of these groundwater sources.

(2) The long-term average annual extraction limit for the Bellinger-Nambucca Coastal Sands Groundwater Source is 1,175 ML/year.

**Note.** The long-term average annual extraction limit for the Bellinger-Nambucca Coastal Sands Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (i).

(3) The long-term average annual extraction limit for the Clarence Coastal Sands Groundwater Source is 4,200 ML/year.

**Notes.**

1 The long-term average annual extraction limit for the Clarence Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.

2 Part 12 allows for the long-term average annual extraction limit for the Clarence Coastal Sands Groundwater Source to be increased up to 9,550 ML/year.

(4) The long-term average annual extraction limit for the Coffs Harbour Coastal Sands Groundwater Source is 3,110 ML/year.

**Note.** The long-term average annual extraction limit for the Coffs Harbour Coastal Sands Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (iii).

(5) The long-term average annual extraction limit for the Great Lakes Coastal Sands Groundwater Source is 16,000 ML/year.

**Notes.**

1 The long-term average annual extraction limit for the Great Lakes Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.

2 Part 12 allows for the long-term average annual extraction limit for the Great Lakes Coastal Sands Groundwater Source to be increased up to 23,650 ML/year.

(6) The long-term average annual extraction limit for the Hastings Coastal Sands

---



Groundwater Source is 7,100 ML/year.

**Notes.**

- 1 The long-term average annual extraction limit for the Hastings Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.
- 2 Part 12 allows for the long-term average annual extraction limit for the Hastings Coastal Sands Groundwater Source to be increased up to 17,700 ML/year.

- (7) The long-term average annual extraction limit for the Hawkesbury to Hunter Coastal Sands Groundwater Source is 20,445 ML/year.

**Note.** The long-term average annual extraction limit for the Hawkesbury to Hunter Coastal Sands Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (vi).

- (8) The long-term average annual extraction limit for the Macleay Coastal Sands Groundwater Source is 11,300 ML/year.

**Note.** The long-term average annual extraction limit for the Macleay Coastal Sands Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (vii).

- (9) The long-term average annual extraction limit for the Manning-Camden Haven Coastal Sands Groundwater Source is 3,300 ML/year.

**Notes.**

- 1 The long-term average annual extraction limit for the Manning-Camden Haven Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.
- 2 Part 12 allows for the long-term average annual extraction limit for the Manning-Camden Haven Coastal Sands Groundwater Source to be increased up to 16,100 ML/year.

- (10) The long-term average annual extraction limit for the Richmond Coastal Sands Groundwater Source is 19,000 ML/year.

**Notes.**

- 1 The long-term average annual extraction limit for the Richmond Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.
- 2 Part 12 allows for the long-term average annual extraction limit for the Richmond Coastal Sands Groundwater Source to be increased up to 48,900 ML/year.

- (11) The long-term average annual extraction limit for the Stockton Groundwater Source is 14,000 ML/year.

**Note.** The long-term average annual extraction limit for the Stockton Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (x).

- (12) The long-term average annual extraction limit for the Stuarts Point Groundwater Source is 4,180 ML/year.

**Note.** The long-term average annual extraction limit for the Stuarts Point Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge

reserved as planned environmental water under clause 17 (1) (a) (xi).

- (13) The long-term average annual extraction limit for the Tomago Groundwater Source is 25,000 ML/year.

**Note.** The long-term average annual extraction limit for the Tomago Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (xii).

- (14) The long-term average annual extraction limit for the Tomaree Groundwater Source is 6,000 ML/year.

**Note.** The long-term average annual extraction limit for the Tomaree Groundwater Source is equal to the estimated long-term average rainfall recharge minus the amount of recharge reserved as planned environmental water under clause 17 (1) (a) (xiii).

- (15) The long-term average annual extraction limit for the Tweed-Brunswick Coastal Sands Groundwater Source is 19,000 ML/year.

**Notes.**

- 1 The long-term average annual extraction limit for the Tweed-Brunswick Coastal Sands Groundwater Source is equal to current entitlement plus estimated future water requirements for the term of this Plan.
- 2 Part 12 allows for the long-term average annual extraction limit for the Tweed-Brunswick Coastal Sands Groundwater Source to be increased up to 21,750 ML/year.

## **27 Calculation of current levels of annual extraction**

After each water year, the total volume of water taken during that water year:

- (a) under all categories of access licences, and
- (b) pursuant to domestic and stock rights and native title rights,

must be calculated for each of these groundwater sources.

## **28 Assessment of average annual extractions against long-term average annual extraction limits**

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for each of these groundwater sources as set out in this clause.
- (2) The assessment referred to in subclause (1) must compare the long-term average annual extraction limit established under clause 26 for each of these groundwater sources against the average of the annual extractions in the preceding three water years as calculated under clause 27 for the respective groundwater source.
- (3) The assessment referred to in subclause (1) for these groundwater sources, excluding the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source, shall commence in the

fourth water year in which this Plan has effect.

- (4) The assessment referred to in subclause (1) for the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source shall commence in the first water year in which this Plan has effect.

**Note.** The effect of subclause (3) and (4) is that for the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source the assessments referred to in subclause (1) will include years prior to the commencement of this Plan.

## **29 Compliance with the long-term average annual extraction limits**

- (1) Compliance with the long-term average annual extraction limit established for each of these groundwater sources is to be managed in accordance with this clause.
- (2) If, in the Minister's opinion, the assessment under clause 28 demonstrates that the average of the annual extractions in the respective groundwater source in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 26 for that groundwater source by 5% or more, then available water determinations for aquifer access licences in that groundwater source are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the long-term average annual extractions in the respective groundwater source to the long-term average annual extraction limit for that groundwater source established under this Part.

## **Division 2 Available water determinations**

### **30 General**

- (1) Available water determinations for access licences with share components that specify any one of these groundwater sources are to be expressed as either:
- (a) a percentage of the share component for access licences where share components are specified as ML/year, or
  - (b) megalitres (**ML**) per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these groundwater sources must not, in any water year, exceed:

- (a) 100% of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as ML/year, or
- (b) 1 ML per unit share of the access licence share component, or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.

**31 Available water determinations for access licences, excluding the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source**

- (1) In making available water determinations for access licences with a share component that specifies one of these groundwater sources, excluding access licences with a share component that specifies the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source or the Tomaree Groundwater Source, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies one of these groundwater sources, excluding access licences with a share component that specifies the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source or the Tomaree Groundwater Source:
  - (a) 100% of the access licence share component for domestic and stock access licences,
  - (b) 100% of the access licence share component for local water utility access licences,
  - (c) 100% of the access licence share component for major utility access licences,
  - (d) 1 ML per unit of share component for aquifer access licences,

or such lower amount that is determined under Division 1 of this Part.

**Note.** Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for any one of these groundwater sources has been assessed to have been exceeded, as per clauses 28 and 29.

**32 Available water determinations for access licences in the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source**

- (1) In making available water determinations for access licences with a share component that specifies the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source or the Tomaree Groundwater Source, the Minister should consider the rules in this clause.
- (2) At the commencement of each water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies the Stockton Groundwater Source, the Stuarts Point Groundwater Source, the Tomago Groundwater Source or the Tomaree Groundwater Source:
  - (a) 100% of the access licence share component for domestic and stock access licences,
  - (b) 100% of the access licence share component for local water utility access licences,
  - (c) 100% of the access licence share component for major utility access licences,
  - (d) 1 ML per unit of share component for aquifer access licences,

or such lower amount that is determined under Division 1 of this Part.

**Note.** Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for any one of these groundwater sources has been assessed to have been exceeded, as per clauses 28 and 29.

## Part 7 Rules for granting access licences

### Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.
- 3 Access licences granted in these groundwater sources will be subject to mandatory conditions and may be subject to discretionary conditions.

### 33 Specific purpose access licences

**Note.** Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan. Only those specific purpose access licences listed in clause 10 of the *Water Management (General) Regulation 2011* can be granted under the regulations. The licences that may be applied for under subclause (2) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the *Water Management (General) Regulation 2011*.

- (1) A specific purpose access licence must not be granted in these groundwater sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Applications may be made for an aquifer (subcategory “Aboriginal community development”) access licence in these groundwater sources, excluding the Tomago Groundwater Source.

**Note.** An access licence of the subcategory “Aboriginal community development” 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.

- (3) Applications may not be made for an access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (4) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note.** *Aboriginal person* is defined in the Dictionary.

### 34 Granting of access licences as a result of controlled allocation

The Minister may grant an access licence where the right to apply for the licence has

been acquired in a manner prescribed by an order made under section 65 of the Act.

## **Part 8 Rules for managing access licences**

### **Division 1 Water allocation account management rules**

#### **Notes.**

- 1 Part 12 of this Plan allows for amendments to be made to this Part.
- 2 The Act provides for the keeping of water allocation accounts for access licences. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

#### **35 Individual access licence account management rules for these groundwater sources, excluding the Stockton Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of these groundwater sources, excluding the Stockton Groundwater Source, the Tomago Groundwater Source and the Tomaree Groundwater Source.
- (2) In any water year in which this Plan has effect, water taken under an access licence 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 recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

#### **36 Individual access licence account management rules for the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source.



- (2) In any water year in which this Plan has effect, water taken under an aquifer access licence must not exceed a volume equal to:
  - (a) the sum of water allocations accrued to the water allocation account for the aquifer access licence from available water determinations in that water year, plus
  - (b) the water allocations carried over in the water allocation account for the aquifer access licence from the water year prior to that water year under subclause (3), plus
  - (c) the net amount of any water allocations assigned to or from the water allocation account for the aquifer access licence under section 71T of the Act in that water year, plus
  - (d) any water allocations recredited to the water allocation account for the aquifer access licence in accordance with section 76 of the Act in that water year.
- (3) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an aquifer access licence is equal to:
  - (a) 20% of the access licence share component for access licences with share components expressed as ML/year, or
  - (b) 0.2 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.
- (4) For the period of any three consecutive water years in which this Plan has effect, water taken under a major utility access licence must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the major utility access licence from available water determinations in those three water years, and
    - (ii) the water allocations carried over in the water allocation account for the major utility access licence from the water year prior to those three water years under subclause (5), and
    - (iii) the net amount of any water allocations assigned to or from the water allocation account for the major utility access licence under section 71T of the Act in those three water years, and

- (iv) any water allocations recredited to the water allocation account for the major utility 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 major utility access licence at the beginning of the first of those three water years, and
  - (ii) the share component of the major utility access licence at the beginning of the second of those three water years, and
  - (iii) the share component of the major utility access licence at the beginning of the third of those three water years, and
  - (iv) the net amount of any water allocations assigned to or from the water allocation account for the major utility access licence under section 71T of the Act in those three water years, and
  - (v) any water allocations recredited to the water allocation account for the major utility access licence in accordance with section 76 of the Act in those three water years.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for a major utility access licence is equal to:
  - (a) 200% of the major utility access licence share component with share components expressed as ML/year, or
  - (b) 1 ML per unit share of the major utility access licence with share components expressed as a number of unit shares.
- (6) In any water year in which this Plan has effect, water taken under a domestic and stock access licence or a local water utility access licence 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 recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.

- (7) Water allocations remaining in the water allocation account of a domestic and stock access licence or a local water utility access licence cannot be carried over from one water year to the next.

## **Division 2 Daily access rules**

### **37 Access rules for the taking of groundwater**

- (1) The rules in this clause apply to the taking of water by Hunter Water Corporation under a major utility access licence with a share component that specifies the Tomago Groundwater Source or the Tomaree Groundwater Source.
- (2) Subject to subclauses (3), (4) and (6), water must not be taken under a major utility access licence held by Hunter Water Corporation with an extraction component that specifies a management zone listed in Column 1 of Table A when the groundwater level as measured in metres Australian Height Datum (*m AHD*) at the reference point specified in Column 4 of Table A is less than or equal to the level specified in Column 2 of Table A.
- (3) Subject to subclauses (5) and (6), the Minister may, by written notice to Hunter Water Corporation, authorise the taking of water when the access rule in subclause (2) applies, subject to the following conditions:
- (a) that the authorisation for the taking of water be for a period of no more than three months,
  - (b) the Minister may extend such an authorisation for additional periods of no more than three months, up to a maximum period of 12 months from the date when the groundwater level as measured in m AHD at the reference point specified in Column 4 of Table A was first observed to be less than or equal to the level specified in Column 2 of Table A for each management zone specified in Column 1 of Table A,
  - (c) the Minister is satisfied that taking water at this time will not result in:
    - (i) more than minimal drawdown of a groundwater-dependent ecosystem, or
    - (ii) an unacceptable level of risk to public health and safety.
- (4) Subject to subclause (5), the Minister may, by written notice, direct Hunter Water Corporation to cease taking water under a major utility access licence with a share component that specifies the Tomago Groundwater Source or the Tomaree Groundwater Source if extraction is causing water stress or there is evidence of saline
-

intrusion.

- (5) The Minister, in determining whether to take action under subclause (3) or (4) may have regard to the following:
- (a) the results of the Hunter Water Corporation’s Water Stress Monitoring Program, which is part of the Hunter Water Corporation’s Sustainable Groundwater Extraction Strategy;
  - (b) climatic conditions and outlook,
  - (c) groundwater levels in the Tomago Groundwater Source or the Tomaree Groundwater Source, and
  - (d) the ability of Hunter Water Corporation to balance water supply and demand including social and economic impacts arising from an inability to extract groundwater.

**Notes.**

- 1 The objective of the Hunter Water Corporation’s Sustainable Groundwater Extraction Strategy is to specify a groundwater extraction regime that will:
    - (i) avoid water level drawdown that results in a detrimental impact on Groundwater-Dependent Ecosystems,
    - (ii) avoid saline water intrusion;
    - (iii) avoid exposure of pyritic material within the aquifer to oxidation, and
    - (iv) minimise water quality impacts from mined areas.
  - 2 Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.
- (6) Water must not be taken under subclause (3) under a major utility access licence held by Hunter Water Corporation with an extraction component that specifies a management zone listed in Column 1 of Table A when the groundwater level as measured in m AHD at the reference point specified in Column 4 of Table A is less than or equal to the level specified in Column 3 of Table A.

**Table A – Cease to Take in Tomago Groundwater Source**

Column 1	Column 2	Column 3	Column 4
Management zone	Groundwater level (m AHD)	Groundwater level (m AHD)	Reference point
Tomago Management Zone 1	0.57	.300	Groundwater monitoring bore 40A
Tomago Management Zone 2	1.27	1.102	Groundwater monitoring bore (SK3534)

Column 1 Management zone	Column 2 Groundwater level (m AHD)	Column 3 Groundwater level (m AHD)	Column 4 Reference point
Tomago Management Zone 3	3.67	3.10	Groundwater monitoring bore (IP109)
Tomago Management Zone 4	3.48	2.30	Groundwater monitoring bore (SK3491)
Tomago Management Zone 5	5.22	4.62	Groundwater monitoring bore (284)

**Notes.**

- 1 The locations of the groundwater monitoring bores specified in Column 4 of Table A are provided under clause 3 of Schedule 2.
  - 2 The groundwater levels specified in Column 2 of Table A correspond to the 100<sup>th</sup> percentile water level in each management zone.
  - 3 The groundwater levels specified in Column 3 of Table A correspond to the level known as 'empty' in each management zone.
  - 4 **Cease to take condition** is defined in the Dictionary.
- (7) Subject to subclause (8), the taking of water under a major utility access licence held by Hunter Water Corporation in a management zone specified in Column 1 of Table B must not commence, following a period in which access was restricted under the access rules in subclauses (4) or (6), until the groundwater level as measured in m AHD at the reference point specified in Column 3 of Table B are equal to or more than that specified in Column 2 of Table B.

**Table B — Commence to Take in Tomago Groundwater Source**

Column 1 Management zone	Column 2 Groundwater level (m AHD)	Column 3 Reference point
Tomago Management Zone 1	0.77 m AHD	Groundwater monitoring bore (40A)
Tomago Management Zone 2	2.36 m AHD	Groundwater monitoring bore (SK3534)
Tomago Management Zone 3	4.08 m AHD	Groundwater monitoring bore (IP109)
Tomago Management Zone 4	4.28 m AHD	Groundwater monitoring bore (SK3491)
Tomago Management Zone 5	6.25 m AHD	Groundwater monitoring bore (284)

**Notes.**

- 1 The locations of the groundwater monitoring bores specified in Column 3 of Table B are provided under clause 3 of Schedule 2.
- 2 The groundwater levels specified in Column 2 of Table B correspond to the 95<sup>th</sup> percentile water level in each management zone.

- (8) Following a period in which access was authorised under subclause (3), the taking of water under a major utility access licence held by Hunter Water Corporation in a management zone specified in Column 1 of Table B must not commence until the groundwater level as measured in m AHD at the reference point specified in Column 3 of Table B is equal to or more than that specified in Column 2 of Table B for a period that is equal to the period for which access was authorised under subclause (3).
- (9) Hunter Water Corporation must not take more than 150 ML/year from the Fingal Bay Bores AB12 – AB16 within the Tomaree Groundwater Source if:
- (a) any electrical conductivity ( $\mu\text{Scm}^{-1}$ ) measurement taken by Hunter Water Corporation from monitoring bores SW5 or SW7, as listed under clause 3 of Schedule 2, excluding any measurement taken within 2 metres of the aquifer basement material, is greater than or equal to 10,000  $\mu\text{Scm}^{-1}$ , or
  - (b) any water table level measurement taken by Hunter Water Corporation from monitoring bore SK3917 is equal to or less than 1.3 m AHD.
- Note.** Schedule 2 sets out the location of the Fingal Bay Bores AB12 – AB16 and the monitoring bores SW5, SW7 and SK3917.
- (10) Hunter Water Corporation must not take more than 150 ML/year from the Anna Bay Bores AB1–AB11 within the Tomaree Groundwater Source if any water table level measurement:
- (a) taken from monitoring bore SK3913 is equal to or less than 1.4 m AHD, or
  - (b) taken from monitoring bore SK5059d is equal to or less than 0.9 m AHD.
- Note.** Schedule 2 sets out the location of the Anna Bay Bores AB1 – AB11 and the monitoring bores SK3913 and SK5059d.
- (11) The annual period for subclauses (9) or (10) is calculated from the date when the measurements referred to under subclauses (9) (a) or (b) or (10) (a) or (b) were first detected.

## **Part 9 Rules for water supply work approvals**

### **Notes.**

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

### **Division 1 Rules applying to the granting or amending of water supply work approvals**

#### **38 General**

- (1) The rules in this Division apply to water supply work approvals for water supply works that are authorised to take water from these groundwater sources.
- (2) In this Division, a reference to a water supply work is limited to a water supply work that is authorised to take water from these groundwater sources.

#### **39 Rules to minimise interference between water supply works**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
    - (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the same groundwater source and is nominated by another access licence, or
    - (b) 50 metres of a water supply work located on another landholding that is authorised to take water from the same groundwater source pursuant to basic landholder rights only, or
    - (c) 50 metres of the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing, or
    - (d) 300 metres of a water supply work that is authorised to take water from the same groundwater source and is nominated by a local water utility access licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or
    - (e) 200 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
-

- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is solely for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these groundwater sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these groundwater sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

#### **40 Rules for water supply works located near contamination sources**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
  - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 1,
  - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 1, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

**Note.** *Drawdown* is defined in the Dictionary.
- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 1 that is likely to be insufficient to protect the



groundwater source or public health and safety.

- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the proposed distance is adequate to protect the groundwater source, the environment and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (c) the water supply work is a replacement groundwater work that is located within the Stuarts Point Groundwater Source.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the groundwater source, the environment and public health and safety.

#### **41 Rules for water supply works located near groundwater-dependent ecosystems**

- (1) High priority groundwater-dependent ecosystems within these groundwater sources are shown on the map called *High Priority Groundwater-Dependent Ecosystem Map (GDE003\_Version 1)*, *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016 (the GDE Map)* held by the Department.

**Note.** The GDE Map is part of this Plan. An overview of the GDE Map is shown in Appendix 4. Copies of the GDE Map may be inspected at the offices listed in Appendix 2 and are available on the NSW legislation website.

- (2) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
  - (a) 100 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map, or
  - (b) 400 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map, unless:
    - (i) the water supply work is authorised to take water pursuant to basic landholder rights only, or
    - (ii) the water supply work approval includes a condition providing that the water supply work must not be used to take more than 20 ML in any

- water year, or
- (c) 800 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map, unless:
    - (i) the water supply work is authorised to take water pursuant to basic landholder rights only, or
    - (ii) the water supply work approval includes a condition providing that the water supply work must not be used to take more than 100 ML in any water year, or
  - (d) 40 metres of the top of the high bank of a river.
- (3) In addition to subclause (2), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater-dependent ecosystem shown on the GDE Map if the construction or use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater-dependent ecosystem. This subclause does not apply to water supply works that take or that are proposed to take water pursuant to basic landholder rights only.
- (4) The distance restrictions specified in subclause (2) (a) - (c) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater-dependent ecosystem shown on the GDE Map.
- (5) The distance restrictions specified in subclauses (2) and (3) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
  - (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance would result in no greater impact on these groundwater sources and their groundwater-dependent ecosystems.

- (6) The Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that:
  - (a) for the purpose of subclause (4), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater-dependent ecosystem shown on the GDE Map, or
  - (b) for the purpose of subclause (5) (d), the location of the water supply work at a lesser distance will result in no greater impact on these groundwater sources and their groundwater-dependent ecosystems.

#### **42 Rules for water supply works located near lands reserved under the *National Parks and Wildlife Act 1974***

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
  - (a) 100 metres of the boundary of lands reserved under the *National Parks and Wildlife Act 1974*, or
  - (b) 400 metres of the boundary of lands reserved under the *National Parks and Wildlife Act 1974*, unless the water supply work approval includes a condition providing that the water supply work must not be used to take more than 20 ML in any water year, or
  - (c) 800 metres of the boundary of lands reserved under the *National Parks and Wildlife Act 1974*, unless the water supply work approval includes a condition providing that the water supply work must not be used to take more than 100 ML in any water year.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is authorised to take water pursuant to basic landholder rights only, or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (c) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or

- (d) the water supply work is a replacement groundwater work, or
  - (e) the location of the water supply work at a lesser distance would result in no greater impact to any dependent ecosystem within lands reserved under the *National Parks and Wildlife Act 1974*, or
  - (f) the water supply work is part of the Hunter Water Corporation's bore network and is to be located within, or within a restricted distance of, land to which section 185A of the *National Parks and Wildlife Act 1974* applies.
- (3) For the purpose of subclause (2) (e), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact to any dependent ecosystem within lands reserved under the *National Parks and Wildlife Act 1974*.

#### **43 Rules for water supply works located near potential acid sulfate soils**

- (1) A water supply work approval must not be granted or amended within an area classed as having a high probability of occurrence of acid sulfate soils on an Acid Sulfate Soil Risk Map maintained by the NSW Office of Environment and Heritage.
- (2) The restriction specified in subclause (1) does not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the location of the water supply work would not result in a significant risk of acidification of these groundwater sources, or
  - (b) the water supply work is a replacement groundwater work that is authorised to take water pursuant to basic landholder rights only.
- (3) For the purposes of subclause (2), the Minister may require the applicant to submit a hydrogeological study to demonstrate that construction of a water supply work within an area classed as having a high probability of occurrence of acid sulfate soils would not, in the Minister's opinion, result in acidification of these groundwater sources.

##### **Notes.**

- 1 **Acid sulfate soils** is defined in the dictionary.
- 2 At the commencement of this Plan, information on Acid Sulfate Soil Risk Maps could be found at the following address on the website of the NSW Office of Environment and Heritage: <http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm>.

#### **44 Rules for water supply works located near groundwater-dependent culturally significant sites**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
  - (a) 100 metres of a groundwater-dependent culturally significant site, in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only, or
  - (b) 200 metres of a groundwater-dependent culturally significant site, in the case of a water supply work that will be nominated by an access licence.

**Note.** Groundwater-dependent culturally significant sites are currently under investigation and may be identified during the term of this Plan. The full list of potential groundwater-dependent culturally significant sites will be identified in the Aboriginal Water Initiative System (AWIS) and, as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan.

- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
  - (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these groundwater sources and their groundwater-dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact on these groundwater sources and their groundwater-dependent culturally significant sites.

#### **45 Replacement groundwater works**

- (1) For the purposes of this Plan, ***replacement groundwater work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from these groundwater sources where:

- (a) the existing water supply work is authorised by a water supply work approval under the Act, and
- (b) the replacement groundwater work is to be constructed to extract water from the same groundwater source as the existing water supply work, and
- (c) the replacement groundwater work is to be constructed to extract water from:
  - (i) the same depth as the existing water supply work, or
  - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a groundwater source or its dependent ecosystems, and
- (d) the replacement groundwater work is to be located:
  - (i) within 20 metres of the existing water supply work, or
  - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a groundwater source or its dependent ecosystems, or,
  - (iii) within 50 metres of the existing water supply work if the existing authorised water supply work is part of the Hunter Water Corporation's bore network, and
- (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
  - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
  - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a groundwater source or its dependent ecosystems, and
- (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore and *excavation footprint* means the

authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.

- (2) For the purpose of subclause (1) (c) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a groundwater source or its dependent ecosystems.
- (3) For the purpose of subclause (1) (d) (ii) or (e) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a groundwater source or its dependent ecosystems.

**Note.** The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

## **Division 2 Rules for the use of water supply works**

### **46 Rules for the use of water supply works located 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 these groundwater sources.
- (2) Subject to subclauses (3), and (5), a water supply work that is located within a restricted distance specified in clause 39, 40, 41 (2) (a) and (d), 42 (1) (a), 43 or 44 must not, in any water year, be used to take more water than the volume of water that is equal to:
  - (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
  - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with:
    - (i) clause 36 (3) of this Plan for aquifer access licences with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source, or
    - (ii) clause 36 (5) of this Plan for major utility access licences with a share component that specifies the Stockton Groundwater Source, Tomago

Groundwater Source and the Tomaree Groundwater Source.

- (3) Subject to subclause (5), a water supply work that becomes located within a restricted distance specified in clause 39, 40, 41 (2) (a) and (d), 42 (1) (a), 43 or 44 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:
- (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
  - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with:
    - (i) clause 36 (3) of this Plan for aquifer access licences with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source, or
    - (ii) clause 36 (5) of this Plan for major utility access licences with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source.
- (4) Subject to subclause (5), a water supply work that is located within a restricted distance specified in clause 41 (2) (b) or (c) or 42 (1) (b) or (c) at the commencement of this Plan must not, in any water year, be used to take more water than the volume of water that is equal to the greater of:
- (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with:
    - (i) clause 36 (3) of this Plan for aquifer access licences with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source, or
    - (ii) clause 36 (5) of this Plan for major utility access licences with a share component that specifies the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source, or
  - (b) 20 ML/year if the water supply work is located within 400 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map or the boundary of lands reserved under the *National Parks and Wildlife Act 1974*, or



- (c) 100 ML/year if the water supply work is located within 800 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map or the boundary of lands reserved under the *National Parks and Wildlife Act 1974*.
- (5) Subclauses (2), (3) and (4) do not apply:
  - (a) where a restricted distance does not apply in accordance with clauses 39 (2) (a), (c) and (d), 40 (3), 41 (4), 41 (5) (a), (b) and (d), 42 (2) (a) - (c) and (e), 43 (2) and 44 (2) (a), (b) and (d), or
  - (b) to the taking of water pursuant to basic landholder rights.
- (6) The Minister may specify a daily rate or an annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 39–44 pursuant to clauses 39 (2) (d), 40 (3) (a), 41 (4) or (5) (d), 42 (2) (e), 43 (2) or 44 (2) (d).
- (7) The daily rate or annual volumetric limit specified under subclause (6) will be as determined by the Minister to meet the relevant criteria specified in clauses 39 (2) (d), 40 (3) (a), 41 (4) or (5) (d), 42 (2) (e), 43 (2) or 44 (2) (d).

## **Part 10 Access licence dealing rules**

### **47 General**

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

#### **Notes.**

- 1 Access licence dealings in these groundwater sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established under this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

### **48 Conversion of access licence to new category**

Dealings under section 71O of the Act are prohibited in these groundwater sources.

### **49 Assignment of rights dealings**

Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these groundwater sources.

### **50 Amendment of share components dealings (change of groundwater source)**

Dealings under section 71R of the Act are prohibited in these groundwater sources.

### **51 Assignment of water allocations dealings**

Dealings under section 71T of the Act between different groundwater sources are prohibited in these groundwater sources.

### **52 Interstate access licence transfer and assignment of water allocation**

- (1) Dealings under section 71U of the Act involving the interstate transfer of access licences to or from these groundwater sources are prohibited.
- (2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these groundwater sources are prohibited.

### **53 Nomination of water supply works dealings**

- (1) Dealings under 71W of the Act are prohibited if the dealing involves an access licence being amended to nominate a water supply work located in a different groundwater source to that specified in the share component of the access licence.
- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than New South Wales, by an access licence in these

groundwater sources are prohibited.

- (3) Dealings under section 71W of the Act that involve the nomination of a water supply work in these groundwater sources, by an access licence from a State other than New South Wales, are prohibited.

## Part 11 Mandatory conditions

**Note.** Part 12 allows for amendments to be made to this Part.

### Division 1 General

#### 54 General

In this Part:

- (a) a requirement to notify the Minister in writing will only be satisfied by writing to one of the addresses listed in Appendix 3 of this Plan or to the email address for the Department's Advisory Service, Water Regulation, and

**Note.** At the commencement of this Plan, the email address for the Department's Advisory Service, Water Regulation is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with:

- (i) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and
- (ii) a data logger, and

- (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, it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

**Note.** *Logbook* is defined in the Dictionary.

### Division 2 Access licences

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

#### 55 General

- (1) Access licences in these groundwater sources must have mandatory conditions where required to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,

- (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach, and
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these groundwater sources, excluding access licences that nominate only metered water supply works 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 start and end 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 purposes for which the water was taken on that date,
    - (v) for domestic and stock access licences, local water utility access licences and aquifer access licences with share components that specify one of these groundwater sources, excluding the Stockton Groundwater Source, Tomago Coastal Source or Tomaree Groundwater Source, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 35 (2),
    - (vi) for aquifer access licences with share components that specify the Stockton Groundwater Source, Tomago Groundwater Source or Tomaree Groundwater Source, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 36 (2),
    - (vii) for major utility access licences with share components that specify the Stockton Groundwater Source, Tomago Groundwater Source or Tomaree Groundwater Source, the volume of water taken in any three consecutive
-

water years by comparison to the volume of water permitted to be taken in those water years under clause 36 (4),

(viii) for domestic and stock access licences and local water utility access licences with share components that specify the Stockton Groundwater Source, Tomago Groundwater Source or Tomaree Groundwater Source, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 36 (6),

(ix) any other information required to be recorded in the Logbook under the rules of this Plan,

(c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested,

(d) the holder of the 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 the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).

(4) An access licence for an approved EP&A Act development must have mandatory conditions where required to give effect to the rules for the use of water supply works located within the restricted distances specified in clause 46.

**Note.** *Approved EP&A Act development* is defined in the Dictionary.

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

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

#### **56 General**

(1) Water supply work approvals for water supply works in these groundwater sources must have mandatory conditions where required to give effect to the following:

(a) 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 Standard AS

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 groundwater source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the groundwater source and the metering equipment,
- (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,

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

- (b) the rules for limiting the taking of water within the restricted distances specified in clause 46,
- (c) the approval holder must ensure the 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 work, and
  - (ii) sealed off from all other groundwater sources,
- (d) 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 39–44, and
  - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2012*, and

**Note.** *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.

- (iii) be constructed 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,
- (e) if a water supply work is to no longer be used permanently, then the approval holder of that work must provide the Minister with notice in writing that the approval holder intends to decommission the water supply work, at least 90

days prior to the date of commencement of decommissioning and include a work plan for decommissioning in accordance with the *Minimum Construction Requirements for Water Bores in Australia*,

- (f) upon receiving notice of the intention to decommission from the approval holder under paragraph (e), the Minister may by notice in writing, require that the water supply work not be decommissioned, or that the water supply work be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,

**Note.** If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (f) being sent.

- (g) if the approval holder receives a notice from the Minister under paragraph (f), the approval holder must proceed in accordance with any requirements in that notice,
- (h) if the approval holder does not receive a notice from the Minister under paragraph (f) within 60 days of providing notice of the intent to decommission under paragraph (e), the approval holder must decommission the water supply work in accordance with the work plan,
- (i) within 60 days of the water supply work being decommissioned under paragraphs (g) or (h), the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work,
- (j) the approval holder must, within 60 days of completion of the construction of the water supply work, or within 60 days after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
- (k) 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, and
  - (ii) take all reasonable steps to minimise contamination and environmental harm, and
  - (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 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,
  - (l) 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,
  - (m) the authority to construct a water supply work under a water supply work approval will expire if the construction of that water supply work is not completed within three years of the issue of the water supply work approval,
  - (n) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
  - (o) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these groundwater sources, excluding a water supply work that is a metered water supply work with a data logger or is used for the purpose of taking water under basic landholder rights only, 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 start and end time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the 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,
  - (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,
  - (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 of subclause (2).
  - (4) All water supply work approvals 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 granted in circumstances where clause 39 (2) (d) applies must have a mandatory condition where required to give effect to clause 39 (4).
  - (6) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 45.

- (7) A water supply work approval that specifies a monitoring bore listed under clause 3 of Schedule 2 must have a mandatory condition that requires Hunter Water Corporation to notify the Minister in writing as soon as practicable upon becoming aware that the specified monitoring bore has become unsuitable for the taking of measurements as required under clause 37.

## Part 12 Amendment of this Plan

### 57 General

- (1) Amendments specified throughout this Plan and in this Part are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is 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 amendments 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 sections 87 (2) (c) and 87AA of the Act.

### 58 Part 1

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

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

### 59 Part 4

- (1) Subject to subclause (2), Part 4 may be amended to vary the amount of recharge reserved as planned environmental water in these groundwater sources as a result of:
  - (a) recharge studies undertaken or assessed as adequate by the Minister, and
  - (b) increases made to the long-term average annual extraction limits for any of these groundwater sources.
- (2) Part 4 may be amended to decrease the amount of recharge reserved as planned environmental water to no less than the following:
  - (a) 95% of recharge in high environmental value areas in the following

groundwater sources:

- (i) Clarence Coastal Sands Groundwater Source,
  - (ii) Great Lakes Coastal Sands Groundwater Source,
  - (iii) Hastings Coastal Sands Groundwater Source,
  - (iv) Manning-Camden Haven Coastal Sands Groundwater Source,
  - (v) Richmond Coastal Sands Groundwater Source,
  - (vi) Tweed-Brunswick Coastal Sands Groundwater Source,
- (b) 75% of recharge in areas that are not high environmental value areas in the following groundwater sources:
- (i) Great Lakes Coastal Sands Groundwater Source,
  - (ii) Hastings Coastal Sands Groundwater Source,
  - (iii) Manning-Camden Haven Coastal Sands Groundwater Source,
  - (iv) Richmond Coastal Sands Groundwater Source,
  - (v) Tweed-Brunswick Coastal Sands Groundwater Source.
- (c) 95% of recharge in areas that are not high environmental value areas in the Clarence Coastal Sands Groundwater Source.

## 60 Part 6

(1) Subject to subclauses (2) and (3), Part 6 may be amended to modify the long-term average annual extraction limits for these groundwater sources as a result of:

- (a) recharge studies undertaken or assessed as adequate by the Minister, or
- (b) socio-economic information assessed as adequate by the Minister.

**Note.** If during the term of this Plan, total entitlement reaches 100% of the long-term average annual extractions limit for the Stuarts Point Groundwater Source, a review of the Yarrahapinni runoff recharge may be undertaken by the Department to determine if the long-term average annual extraction limit should be modified.

(2) Subject to subclause (3), the long-term average annual extraction limit for the following groundwater sources may be increased up to:

- (a) 9,550 ML/year for the Clarence Coastal Sands Groundwater Source,

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 95% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (b) 23,650 ML/year for the Great Lakes Coastal Sands Groundwater Source,

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (c) 17,700 ML/year for the Hastings Coastal Sands Groundwater Source,

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (d) 16,100 ML/year for the Manning-Camden Haven Coastal Sands Groundwater Source,

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (e) 48,900 ML/year for the Richmond Coastal Sands Groundwater Source,

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

- (f) 21,750 ML/year for the Tweed-Brunswick Coastal Sands Groundwater Source.

**Note.** The maximum allowable increase in the long-term average annual extraction limit would result in a minimum of 75% of rainfall recharge being protected as planned environmental water over the long term in areas that are not high environmental value areas and 95% of rainfall recharge being protected as planned environmental water over the long term in high environmental value areas.

**Note.** If during the term of this Plan, total entitlement reaches 80% of the long-term average annual extractions limit for the above groundwater sources, a review may be undertaken by the Department to determine if the long-term average annual extraction limit should be increased. The types of information that could be considered in the review are more recent recharge studies and socio-economic information.

- (3) Any amendment to a long-term average annual extraction limit made under subclause (2) should maintain the protection of these groundwater sources and their dependent ecosystems and should ensure consistency with the objectives outlined in this Plan.
- (4) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these groundwater sources, the Minister may amend clause 26 to vary the long-term average annual extraction limit that applies to that groundwater source.

## 61 Part 7

Part 7 may be amended to establish or amend a limit for the granting of aquifer “Aboriginal community development” access licences in these groundwater sources.

## 62 Part 8

Part 8 of this Plan may be amended to do any of the following:

- (a) amend individual access licence account management rules for major utility access licences after Year 5 of this Plan,  
**Note.** *Year 5 of this Plan* is defined in the Dictionary.
- (b) subject to paragraph (c), amend access rules for major utility access licences in the Tomago Groundwater Source or the Tomaree Groundwater Source after Year 5 of this Plan to:
  - (i) avoid water level drawdowns that result in a detrimental impact on groundwater-dependent ecosystems, or
  - (ii) avoid saline intrusion to the groundwater sources, or
  - (iii) avoid exposure of pyritic layers to oxidating conditions, or
  - (iv) minimise water quality impacts from mined areas,
- (c) in determining whether an amendment under paragraph (b) is to be made, the Minister may have regard to the results of the monitoring programs Hunter Water Corporation undertakes in accordance with its access licences and water supply work approvals,  
**Note.** Monitoring programs undertaken by Hunter Water Corporation may include monitoring of the early indicators of water stress in groundwater dependent ecosystems and any other relevant studies and information such as the *Lower Hunter Water Plan* or similar long-term water supply plan adopted by the NSW Government
- (d) where any groundwater source or management zone is amended (including where management zones are added) during the term of this Plan as specified in clause 58, establish new cease to take or commence to take groundwater levels in any groundwater source, excluding the Stockton Groundwater Source, Stuarts Point Groundwater Source, Tomago Groundwater Source and Tomaree Groundwater Source provided that the Minister is satisfied that the amendments will not have significant adverse impact on the access of licence holders in the affected groundwater source or management zone.

### **63 Part 9**

Part 9 may be amended to do any of the following:

- (a) add, remove or modify a restricted distance specified in:
  - (i) clause 39 after Year 5 of this Plan, or
  - (ii) clauses 41 or 42 based on the outcomes of further studies of groundwater-dependent ecosystems that are to the Minister's satisfaction,
- (b) amend the definition of a replacement groundwater work in clause 45,
- (c) amend clause 46 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts,
- (d) amend the GDE Map.

### **64 Part 11**

Part 11 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including in relation to requirements for Logbooks,
- (b) amend clause 56 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

### **65 Dictionary**

The Dictionary may be amended to add, modify or remove a definition.

### **66 Schedule 1**

Schedule 1 may be amended to add or remove a contamination source.

### **67 Other**

- (1) This Plan may be amended to include rules for the following:
  - (a) managed aquifer recharge,
  - (b) any new category of access licence established for the purpose of urban stormwater harvesting,
  - (c) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (d) the management of salt interception schemes,



- (e) the management of aquifer interference activities, including the granting of aquifer interference approvals.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (3) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* of the Commonwealth to give effect to an entitlement granted under that claim.
- (4) This Plan may be amended after Year 5 of this Plan to provide rules for the protection of water-dependent Aboriginal cultural assets to do any of the following:
  - (a) identify water-dependent Aboriginal cultural assets,
  - (b) amend the access rules to protect water-dependent Aboriginal cultural assets,
  - (c) restrict the granting and amending of water supply work approvals to protect water-dependent Aboriginal cultural assets,
  - (d) amend the dealing rules to protect water-dependent Aboriginal cultural assets.
- (5) Any amendment under subclause (4) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the groundwater source.
- (6) Before making an amendment pursuant to subclause (4) the Minister should consult with relevant Government agencies and stakeholders.

## Dictionary

**Note.** Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations have the same meaning in this Plan.

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

**acid sulfate soils** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

**alluvial sediments** means unconsolidated fluvio-lacustrine sediments.

**Anna Bay Bores AB1 – AB11** means those bores at the locations set out in Schedule 2 of this Plan.

**approved EP&A Act development** means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.

**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.

**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.

**Fingal Bay Bores AB12 – AB16** means those bores at the locations set out in Schedule 2 of this Plan.

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

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

**high environmental value areas** means national parks, nature reserves, historic sites, Aboriginal areas, state conservation areas and karst conservation areas.

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

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

**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.

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

**recharge** means the addition of water, usually by infiltration, to an aquifer.

**sand formation** means a succession of small loose grains of sand, often of made quartz.

*Year 5 of this Plan* means from the date of 1 July 2021 to 30 June 2022.

### **Schedule 1 Contamination sources in these groundwater sources**

Contamination sources in these groundwater sources comprise the following:

- (a) on-site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time,
- (d) any sites listed in an agency database relating to contamination sources,
- (e) Stuarts Point Waste Transfer Station, located on Fishermans Reach Road, Stuarts Point, New South Wales.

## Schedule 2 Location of bores to which clause 37 applies

### 1 Fingal Bay Bores

Bore	Latitude	Longitude
AB12	-32 ° 45 ' 5.17878 "	146 ° 8 ' 48.03254 "
AB13	-32 ° 45 ' 6.45777 "	146 ° 8 ' 59.43357 "
AB14	-32 ° 45 ' 5.01384 "	146 ° 9 ' 11.59059 "
AB15	-32 ° 45 ' 2.79390 "	146 ° 9 ' 24.29282 "
AB16	-32 ° 45 ' 1.03670 "	146 ° 9 ' 33.41675 "

### 2 Anna Bay Bores

Bore	Latitude	Longitude
AB1	-32 ° 44 ' 50.37299 "	146 ° 8 ' 38.79766 "
AB2	-32 ° 44 ' 49.11757 "	146 ° 8 ' 35.65872 "
AB3	-32 ° 44 ' 49.22485 "	146 ° 8 ' 32.35303 "
AB4	-32 ° 44 ' 49.56204 "	146 ° 8 ' 29.42940 "
AB5	-32 ° 44 ' 49.66532 "	146 ° 8 ' 25.54735 "
AB6	-32 ° 44 ' 53.25960 "	146 ° 8 ' 19.32613 "
AB7	-32 ° 44 ' 55.56844 "	146 ° 8 ' 15.07694 "
AB8	-32 ° 44 ' 59.15447 "	146 ° 8 ' 12.39089 "
AB9	-32 ° 44 ' 45.79356 "	146 ° 8 ' 48.21737 "
AB10	-32 ° 45 ' 0.09533 "	146 ° 8 ' 2.85178 "
AB11	-32 ° 44 ' 58.28661 "	146 ° 7 ' 54.87640 "

### 3 Monitoring Bores

Groundwater Monitoring Bore	Latitude	Longitude
40A	-32 ° 47 ' 51.59543 "	145 ° 44 ' 37.60352 "
284	-32 ° 44 ' 37.05186 "	145 ° 57 ' 40.52273 "
IP109	-32 ° 47 ' 13.52864 "	145 ° 48 ' 56.46669 "
SK3491	-32 ° 46 ' 31.77739 "	145 ° 54 ' 3.67122 "
SK3534	-32 ° 47 ' 52.79069 "	145 ° 47 ' 18.44592 "

---

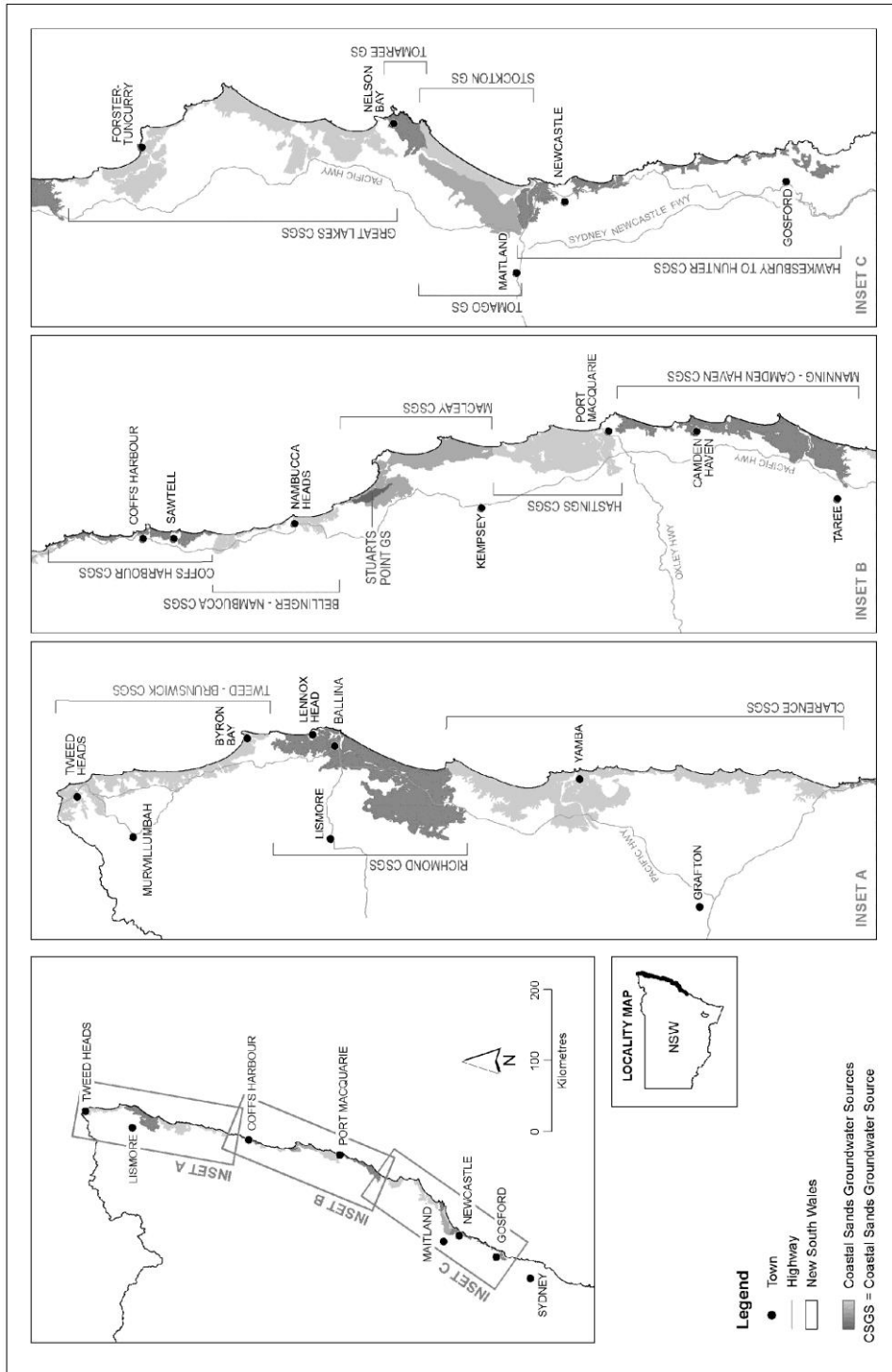
Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016

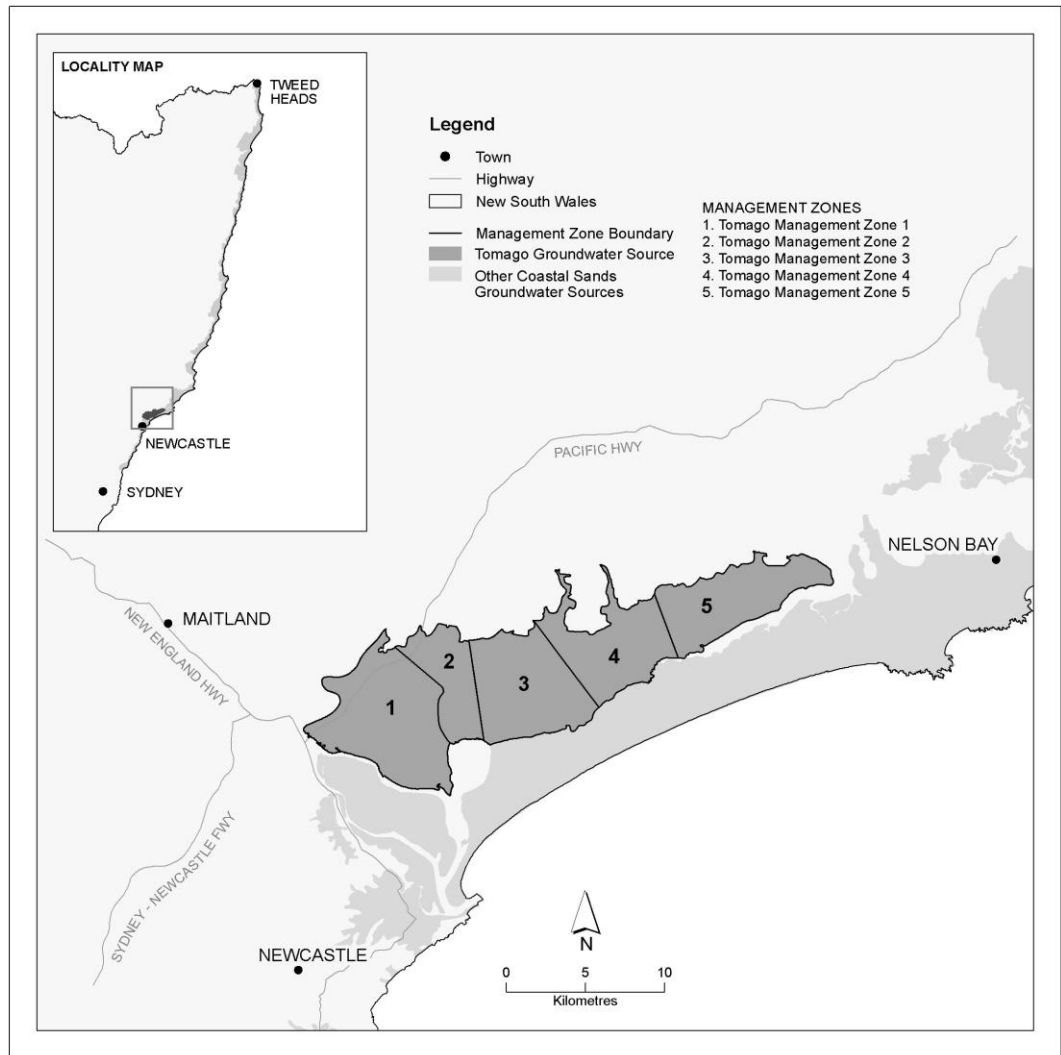
---

SK3913	-32 ° 45 ' 33.84610 "	146 ° 6 ' 54.73196 "
SK3917	-32 ° 45 ' 9.10052 "	146 ° 7 ' 17.64950 "
SK5059d	-32 ° 44 ' 51.89386 "	146 ° 9 ' 45.29962 "
SW5	-32 ° 44 ' 54.04691 "	146 ° 10 ' 11.17923 "
SW7	-32 ° 44 ' 41.11622 "	146 ° 10 ' 10.22326 "

## Appendix 1 Overview of the Plan Map

### Overview of the Plan Map (WSP0034\_Version 1) Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016







## **Appendix 2    Inspection of the Plan Map**

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

DPI Water  
10 Valentine Ave  
PARRAMATTA NSW 2150

DPI Water  
41 Belgrave St  
KEMPSEY NSW 2440

DPI Water  
49 Victoria St  
GRAFTON NSW 2460

DPI Water  
Level 3, 26 Honeysuckle Drive  
NEWCASTLE NSW 2300

### **Appendix 3 Offices**

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

DPI Water  
PO Box 2213  
DANGAR NSW 2309

DPI Water  
Locked Bag 10  
GRAFTON NSW 2460

## Appendix 4 Overview of the GDE Map

### Overview of the GDE Map (GDE003\_Version 1) Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016

**Note.** High priority groundwater-dependent ecosystems (*GDEs*) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Appendix will be amended to include the GDE.

