New South Wales

Water Sharing Plan for the North Coast Fractured and Porous Rock 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 Fractured and Porous Rock 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 Fractured and Porous Rock Groundwater Sources 2016*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Published LW 1 July 2016 (2016 No 375)

Contents

Water Sharing Plan for the North Coast Fractured and Porous Rock 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 Fractured and Porous Rock 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 Fractured and Porous Rock Groundwater Sources (***these groundwater sources***) within the Central Coast Water Management Area, Hawkesbury Nepean 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 Alstonville Basalt Plateau Groundwater Source,

(b) the Bulahdelah Sandstone Groundwater Source,

(c) the Clarence Moreton Basin Groundwater Source,

(d) the Comboyne Basalt Groundwater Source,

(e) the Dorrigo Basalt Groundwater Source,

(f) the Gloucester Basin Groundwater Source,

(g) the Kulnura Mangrove Mountain Groundwater Source,

(h) the Liverpool Ranges Basalt Coast Groundwater Source,

(i) the Lorne Basin Groundwater Source,

(j) the New England Fold Belt Coast Groundwater Source,

(k) the North Coast Volcanics Groundwater Source,

(l) the Oxley Basin Coast Groundwater Source,

(m) the Sydney Basin–North Coast Groundwater Source.

Note. The Central Coast Water Management Area, Hawkesbury Nepean 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 (WSP033_Version 1) Water Sharing Plan for the North Coast Fractured and Porous Rock 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 (16), the Alstonville Basalt Plateau Groundwater Source includes

all water contained in all volcanic rock sequences of Tertiary age below the surface of the ground within the boundary of the Alstonville Basalt Plateau Groundwater Source shown on the Plan Map.

(4) Subject to subclause (16), the Bulahdelah Sandstone Groundwater Source includes all water contained in all sedimentary rock sequences of Permian age below the surface of the ground within the boundary of the Bulahdelah Sandstone Groundwater Source shown on the Plan Map.

(5) Subject to subclause (16), the Clarence Moreton Basin Groundwater Source includes all water contained in:

(a) all rocks of Triassic to Tertiary age below the surface of the ground within the outcropped areas, and

(b) all sedimentary rock sequences of Triassic to Cretaceous age below the surface of the ground within the buried areas,

within the boundary of the Clarence Moreton Basin Groundwater Source shown on the Plan Map.

Notes.

1 ***Buried*** and ***outcropped*** are defined in the Dictionary.

2 Buried groundwater sources underlie other groundwater sources. Bores may be drilled through overlying groundwater sources to draw water from underlying deeper groundwater sources.

(6) Subject to subclause (16), the Comboyne Basalt Groundwater Source includes all water contained in all volcanic rock sequences of Tertiary age below the surface of the ground within the boundary of the Comboyne Basalt Groundwater Source shown on the Plan Map.

(7) Subject to subclause (16), the Dorrigo Basalt Groundwater Source includes all water contained in all volcanic rock sequences of Tertiary age below the surface of the ground within the boundary of the Dorrigo Basalt Groundwater Source shown on the Plan Map.

(8) Subject to subclause (16), the Gloucester Basin Groundwater Source includes all

water contained below the surface of the ground within the outcropped and buried areas within the boundary of the Gloucester Basin Groundwater Source shown on the Plan Map.

(9) Subject to subclause (16), the Kulnura Mangrove Mountain Groundwater Source includes all water contained in all sedimentary rock sequences of the Hawkesbury Sandstone formation below the surface of the ground within the boundary of the Kulnura Mangrove Mountain Groundwater Source shown on the Plan Map.

(10) Subject to subclause (16), the Liverpool Ranges Basalt Coast Groundwater Source includes all water contained in all volcanic rock sequences of Tertiary age below the surface of the ground within the boundary of the Liverpool Ranges Basalt Coast Groundwater Source shown on the Plan Map.

(11) Subject to subclause (16), the Lorne Basin Groundwater Source includes all water contained in all rock sequences of Triassic and Permian age below the surface of the ground within the boundary of the Lorne Basin Groundwater Source shown on the Plan Map.

(12) Subject to subclauses (3), (4), (5), (6), (7), (11), (13) and (16), the New England Fold Belt Coast Groundwater Source includes all water below the surface of the ground within the outcropped and buried areas within the boundary of the New England Fold Belt Coast Groundwater Source shown on the Plan Map.

(13) Subject to subclause (16), the North Coast Volcanics Groundwater Source includes all water contained in all volcanic rock sequences of Tertiary age below the surface of the ground within the boundary of the North Coast Volcanics Groundwater Source shown on the Plan Map.

(14) Subject to subclause (16), the Oxley Basin Coast Groundwater Source includes all water contained in all sedimentary rock sequences of Jurassic age below the surface of the ground within the outcropped and buried areas within the boundary of the Oxley Basin Coast Groundwater Source shown on the Plan Map.

(15) Subject to subclauses (16) and (17), the Sydney Basin–North Coast Groundwater Source includes all water below the surface of the ground within the outcropped and buried areas within the boundary of the Sydney Basin–North Coast Groundwater

Source shown on the Plan Map.

(16) These groundwater sources do not include unconsolidated sediments of Quaternary and Tertiary age.

(17) The Sydney Basin–North Coast Groundwater Source does not include water contained in the Kulnura Mangrove Mountain Groundwater Source, the Oxley Basin Coast Groundwater Source and the Liverpool Ranges Basalt Groundwater Source.

(18) This Plan replaces:

(a) the *Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003*, and

(b) the *Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003*, and

(c) the *Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003.*

Note. The surface water sources previously covered by the *Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Sources 2003* will be included in the *Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016.*

5 Management zones

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

(a) Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone,

(b) Alstonville Basalt Plateau (Bangalow–Wyrallah) Management Zone.

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 surface water and groundwater, and

(i) adaptively manage these groundwater sources, and

(j) contribute to the "environmental and other public benefit outcomes" identified under the "Water Access Entitlements and Planning Framework" in the *Intergovernmental Agreement on a National Water Initiative (2004)* (***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 extraction limits,

(b) the change in water quality in these groundwater sources,

(c) the change in the ecological condition of these groundwater sources and their dependent ecosystems,

(d) the change in the extent to which domestic and stock rights and native title rights requirements have been met,

(e) the change in economic benefits derived from water extraction and use,

(f) the 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 climatic variability within a water 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:

(i) in the Alstonville Basalt Plateau Groundwater Source that is equal to

82% of the long-term average annual rainfall recharge, and

Notes.

1 At the commencement of this Plan the long-term average annual rainfall recharge for the Alstonville Basalt Plateau Groundwater Source is estimated to be 50,079 megalitres per year.

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

(ii) in the Bulahdelah Sandstone 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 100% 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 Bulahdelah Sandstone Groundwater Source is estimated to be 510 megalitres per year in those areas that are not high environmental value areas and 47 megalitres per year in high environmental value areas.

(iii) in the Clarence Moreton Basin Groundwater Source that is equal to 40% 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

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Clarence Moreton Basin Groundwater Source is estimated to be 500,000 megalitres per year in those areas that are not high environmental value areas and 76,000 megalitres per year in high environmental value areas.

(iv) in the Comboyne Basalt Groundwater Source that is equal to 78% 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 Comboyne Basalt Groundwater Source is estimated to be 12,000 megalitres per year in those areas that are not high environmental value areas and 960 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 Comboyne Basalt 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(v) in the Dorrigo Basalt Groundwater Source that is equal to 91% 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 Dorrigo Basalt Groundwater Source is estimated to be 53,300 megalitres per year.

(vi) in the Gloucester Basin Groundwater Source that is equal to 30% of the long-term average annual rainfall recharge in areas that are not high environmental value areas , and

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Gloucester Basin Groundwater Source is estimated to be 2,900 megalitres per year in those areas that are not high environmental value areas. There are no areas of high environmental value within the Gloucester Basin Groundwater Source.

(vii) in the Kulnura Mangrove Mountain Groundwater Source that is equal to 82% of the long-term average annual rainfall recharge, and

Notes.

1 At the commencement of this Plan the long-term average annual rainfall recharge for the Kulnura Mangrove Mountain Groundwater Source is estimated to be 33,000 megalitres per year

2 Part 12 allows for amendments to be made to increase the long-term average annual extraction limit for the Kulnura Mangrove Mountain 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 81% of rainfall recharge being protected as planned environmental water over the long term.

(viii) in the Liverpool Ranges Basalt Coast Groundwater Source that is equal to 83% 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 Liverpool Ranges Basalt Coast Groundwater Source is estimated to be 71,000 megalitres per year in those areas that are not high environmental value areas and 2,600 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 Liverpool Ranges Basalt Coast 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(ix) in the Lorne Basin 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 100% 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 Lorne Basin Groundwater Source is estimated to be 38,000 megalitres per year in those areas that are not high environmental value areas and 7,700 megalitres per year in high environmental value areas.

(x) in the New England Fold Belt Coast Groundwater Source that is equal to 96% 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 New England Fold Belt Coast Groundwater Source is estimated to be 1,500,000 megalitres per year in those areas that are not high environmental value areas and 480,000 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 New England Fold Belt Coast 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(xi) in the North Coast Volcanics 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 North Coast Volcanics Groundwater Source is estimated to be 220,000 megalitres per year in those areas that are not high environmental value areas and 90,000 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 North Coast Volcanics 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(xii) in the Oxley Basin Coast Groundwater Source that is equal to 40% 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

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Oxley Basin Coast Groundwater Source is estimated to be 16,000 megalitres per year in those areas that are not high environmental value areas and 3,900 megalitres per year in high environmental value areas.

(xiii) in the Sydney Basin–North Coast Groundwater Source that is equal to 50% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas and 99.998% of the long-term groundwater storage, and

Note. At the commencement of this Plan the long-term average annual rainfall recharge for the Sydney Basin–North Coast Groundwater Source is estimated to be 180,000 megalitres per year in those areas that are not high environmental value areas and 132,700 megalitres per year in high environmental value areas.

(xiv) in these groundwater sources, excluding the Sydney Basin–North Coast Groundwater Source, 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. This Plan also allows access to a very small percentage of the storage component in some of these groundwater sources over the long-term.

(b) it is the long-term average annual commitment of water as planned

environmental water in:

(i) the Alstonville Basalt Plateau Groundwater Source that is equal to 82% of the long-term average annual rainfall recharge, and

(ii) the Bulahdelah Sandstone 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 100% of the long-term average annual rainfall recharge in high environmental value areas, and

(iii) the Clarence Moreton Basin Groundwater Source that is equal to 40% 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

(iv) the Comboyne Basalt Groundwater Source that is equal to 78% 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 Dorrigo Basalt Groundwater Source that is equal to 91% of the long-term average annual rainfall recharge, and

(vi) the Gloucester Basin Groundwater Source that is equal to 30% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, and

(vii) the Kulnura Mangrove Mountain Groundwater Source that is equal to 82% of the long-term average annual rainfall recharge, and

(viii) the Liverpool Ranges Basalt Coast Groundwater Source that is equal to 83% 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 Lorne Basin 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 100% of the long-term average annual

rainfall recharge in high environmental value areas, and

(x) the New England Fold Belt Coast Groundwater Source that is equal to 96% 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

(xi) the North Coast Volcanics 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

(xii) the Oxley Basin Coast Groundwater Source that is equal to 40% 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

(xiii) the Sydney Basin–North Coast 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 100% of the long-term average annual rainfall recharge in high environmental value areas,

(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 minus the small percentage that is allowed under supplementary water (subcategory "storage") access licences 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 extraction limits. The rules in Part 6 provide for a reduction in available water determinations when the long-term 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 amounts 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

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domestic and stock rights in these groundwater sources are estimated to total 26,707 megalitres per year (***ML/year***), distributed as follows:

(a) 2,014 ML/year in the Alstonville Basalt Plateau Groundwater Source,

(b) 3 ML/year in the Bulahdelah Sandstone Groundwater Source,

(c) 2,341 ML/year in the Clarence Moreton Basin Groundwater Source,

(d) 61 ML/year in the Comboyne Basalt Groundwater Source,

(e) 490 ML/year in the Dorrigo Basalt Groundwater Source,

(f) 106 ML/year in the Gloucester Basin Groundwater Source,

(g) 1,950 ML/year in the Kulnura Mangrove Mountain Groundwater Source,

(h) 1,238 ML/year in the Liverpool Ranges Basalt Coast Groundwater Source,

(i) 255 ML/year in the Lorne Basin Groundwater Source,

(j) 9,605 ML/year in the New England Fold Belt Coast Groundwater Source,

(k) 3,402 ML/year in the North Coast Volcanics Groundwater Source,

(l) 155 ML/year in the Oxley Basin Coast Groundwater Source,

(m) 5,087 ML/year in the Sydney Basin – North Coast 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, there are no native title rights in these

groundwater sources. Therefore the water requirements for native title rights are 0 ML/year.

Note. 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 18,919 ML/year, distributed as follows:

(a) 1,230 ML/year in the Alstonville Basalt Plateau Groundwater Source,

(b) 31 ML/year in the Clarence Moreton Basin Groundwater Source,

(c) 50 ML/year in the Gloucester Basin Groundwater Source,

(d) 150 ML/year in the Kulnura Mangrove Mountain Groundwater Source,

(e) 14,840 ML/year in the New England Fold Belt Coast Groundwater Source,

(f) 818 ML/year in the Oxley Basin Coast Groundwater Source,

(g) 1,800 ML/year in the Sydney Basin – North Coast Groundwater Source,

(h) 0 ML/year in all other groundwater sources.

23 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

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112,029 unit shares, distributed as follows:

(a) 5,835 unit shares in the Alstonville Basalt Plateau Groundwater Source,

(b) 0 unit shares in the Bulahdelah Sandstone Groundwater Source,

(c) 2,190 unit shares in the Clarence Moreton Basin Groundwater Source,

(d) 748 unit shares in the Comboyne Basalt Groundwater Source,

(e) 279 unit shares in the Dorrigo Basalt Groundwater Source,

(f) 1,871 unit shares in the Gloucester Basin Groundwater Source,

(g) 3,324 unit shares in the Kulnura Mangrove Mountain Groundwater Source,

(h) 4,268 unit shares in the Liverpool Ranges Basalt Coast Groundwater Source,

(i) 102 unit shares in the Lorne Basin Groundwater Source,

(j) 11,023 unit shares in the New England Fold Belt Coast Groundwater Source,

(k) 2,505 unit shares in the North Coast Volcanics Groundwater Source,

(l) 224 unit shares in the Oxley Basin Coast Groundwater Source,

(m) 79,660 unit shares in the Sydney Basin – North Coast Groundwater Source.

24 Share components of supplementary water (subcategory "storage) access licences

It is estimated that at the time of commencement of this Plan the share components of supplementary water (subcategory "storage") access licences authorised to take water from these groundwater sources total 0 ML.

Notes.

1 At the commencement of this Plan no supplementary water (subcategory "storage") access licences have been issued.

2 An application for a supplementary water (subcategory "storage") access licence that specifies the Sydney Basin – North Coast Groundwater Source will only be granted if the applicant has acquired the right to apply for the licence by auction, tender or other means specified in a controlled allocation order made under section 65 of the Act.

3 Controlled allocation orders may be made at the Minister's discretion. These orders will only make provision for applications to be made for supplementary water (subcategory "storage") access licences after:

(a) the long-term average annual extraction limit for the Sydney Basin – North Coast Groundwater Source has been assessed to have been reached, as per clauses 28 and 29, and

(b) it is determined that there is insufficient opportunity to purchase water allocations or share component under an access licence dealing.

Part 6 Limits to the availability of water

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

Division 1 Long-term 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 extraction limits

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

(2) The long-term average annual extraction limit for the Alstonville Basalt Plateau Groundwater Source is 8,895 ML/year.

Note. The long-term average annual extraction limit for the Alstonville Basalt Plateau 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 Bulahdelah Sandstone Groundwater Source is 130 ML/year.

Note. The long-term average annual extraction limit for the Bulahdelah Sandstone 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) (ii).

(4) The long-term average annual extraction limit for the Clarence Moreton Basin Groundwater Source is 300,000 ML/year.

Note. The long-term average annual extraction limit for the Clarence Moreton Basin 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 Comboyne Basalt Groundwater Source is 2,600 ML/year.

Notes.

1 The long-term average annual extraction limit for the Comboyne Basalt 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 Comboyne Basalt Groundwater Source to be increased to 3,000 ML/year. At the commencement of this Plan the long-term average annual extraction limit is equal to 87% of this maximum limit.

(6) The long-term average annual extraction limit for the Dorrigo Basalt Groundwater Source is 5,000 ML/year.

Note. The long-term average annual extraction limit for the Dorrigo Basalt 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) (v).

(7) The long-term average annual extraction limit for the Gloucester Basin Groundwater Source is 2,030 ML/year.

Note. The long-term average annual extraction limit for the Gloucester Basin 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 Kulnura Mangrove Mountain Groundwater Source is 5,700 ML/year.

Notes.

1 The long-term average annual extraction limit for the Kulnura Mangrove Mountain 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 Kulnura Mangrove Mountain Groundwater Source to be increased to 6.300 ML/year. At the commencement of this Plan the long-term average annual extraction limit is equal to 90% of this maximum volume.

(9) The long-term average annual extraction limit for the Liverpool Ranges Basalt Coast Groundwater Source is 12,000 ML/year.

Notes.

1 The long-term average annual extraction limit for the Liverpool Ranges Basalt Coast 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 Liverpool Ranges Basalt Coast Groundwater Source to be increased to 17,750 ML/year. At the commencement of this Plan the long-term average annual extraction limit is equal to 68% of this maximum volume.

(10) The long-term average annual extraction limit for the Lorne Basin Groundwater

Source is 9,500 ML/year.

Note. The long-term average annual extraction limit for the Lorne Basin 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) (ix).

(11) The long-term average annual extraction limit for the New England Fold Belt Coast Groundwater Source is 60,000 ML/year.

Notes.

1 The long-term average annual extraction limit for the New England Fold Belt Coast 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 New England Fold Belt Coast Groundwater Source to be increased to 375,000 ML/year. At the commencement of this Plan the long-term average annual extraction limit is equal to 16% of this maximum limit.

(12) The long-term average annual extraction limit for the North Coast Volcanics Groundwater Source is 13,000 ML/year.

Notes.

1 The long-term average annual extraction limit for the North Coast Volcanics 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 North Coast Volcanics Groundwater Source to be increased to 55,000 ML/year. At the commencement of this Plan the long-term average annual extraction limit is equal to 24% of this maximum volume.

(13) The long-term average annual extraction limit for the Oxley Basin Coast Groundwater Source is 9,600 ML/year.

Note. The long-term average annual extraction limit for the Oxley Basin Coast 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 Sydney Basin–North Coast Groundwater Source is 90,000 ML/year.

Note. The long-term average annual extraction limit for the Sydney Basin – North Coast 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 groundwater storage extraction limit for supplementary water (subcategory "storage") access licences is 0.002% of the total storage capacity for the Sydney

Basin–North Coast Groundwater Source.

Notes.

1 The groundwater storage extraction limit for the Sydney Basin – North Coast Groundwater Source is equal to the total storage capacity of the Sydney Basin – North Coast Groundwater Source over the long-term minus the percentage of the total storage capacity reserved as planned environmental water under clause 17 (1).

2 The groundwater storage extraction limit, established under subclause 26 (15), is a total cumulative limit that can only be accessed once the long-term average annual extraction limit, established under subclause 26 (14), has been reached.

3 The volume of water that is equivalent to the groundwater storage extraction limit will be determined as part of the controlled allocation process that will allow applications to be made for the supplementary water (subcategory "storage") access licences in accordance with clause 36.

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 extractions against the long-term 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 subclause (2).

(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 Alstonville Plateau Groundwater Source, the Dorrigo Basalt Groundwater Source and the Kulnura Mangrove Mountain Groundwater Source, shall commence in the fourth water year in which this Plan has effect.

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(4) The assessment referred to in subclause (1) for the Alstonville Plateau Groundwater Source, the Dorrigo Basalt Groundwater Source and the Kulnura Mangrove Mountain 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 Alstonville Plateau Groundwater Source, the Dorrigo Basalt Groundwater Source and the Kulnura Mangrove Mountain Groundwater Source the assessments referred to in subclause (1) will include years prior to the commencement of this Plan.

(5) An annual assessment of cumulative extractions against the groundwater storage extraction limit is to be conducted for supplementary water (subcategory "storage") access licences in the Sydney Basin – North Coast Groundwater Source, as set out in subclause (6).

(6) Commencing in the second water year after the first supplementary water (subcategory "storage") access licence is granted in accordance with clause 36 and at the commencement of each water year thereafter, the assessment referred to in subclause (5) must compare the groundwater storage extraction limit established under clause 26 (15) against the extraction that has occurred since the granting of the first supplementary water (subcategory "storage") access licence.

29 Compliance with the long-term extraction limits

(1) Compliance with the long-term average annual extraction limits established for each of these groundwater sources is to be managed in accordance with subclauses (2) and (3).

(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 in this Part for that groundwater source by 5% or more, then the 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 average annual extractions in the respective groundwater source to the long-term average annual extraction limit for that groundwater source established under this Part.

(4) Compliance with the groundwater storage extraction limits established for the Sydney Basin – North Coast Groundwater Source is to be managed in accordance with subclause (5).

(5) Commencing in the second water year after the first supplementary water (subcategory "storage") access licence is granted in accordance with clause 36, if, in the Minister's opinion, the assessment under clause 28 (5) demonstrates that total extractions under supplementary water (subcategory "storage") access licences in the respective groundwater source has exceeded the groundwater storage extraction limit specified in clause 26 (15) for that groundwater source, then the available water determinations for supplementary water (subcategory "storage") access licences in that groundwater source are to be reduced to 0% of the access licence share component for each water year thereafter.

Notes:

1 Clause 36 limits the granting of supplementary water (subcategory "storage") access licences to within the groundwater storage extraction limit. The effect of this is that non-compliance with the long-term groundwater storage extraction limit is unlikely.

2 If the available water determination for supplementary water (subcategory "storage) access licences is reduced to 0% of the access licence share component within the Sydney Basin – North Coast Groundwater Source, all supplementary water (subcategory "storage") access licences in the Sydney Basin – North Coast Groundwater Source will be cancelled under section 77A of the Act

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) a percentage of the share component for supplementary water (subcategory "storage") access licences where share components are specified as ML, or

(c) megalitres 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 megalitre (***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 domestic and stock access licences

(1) In making available water determinations for domestic and stock access licences, the Minister should consider the rules in this clause.

(2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of these groundwater sources.

32 Available water determinations for local water utility access licences

(1) In making available water determinations for local water utility access licences, the Minister should consider the rules in this clause.

(2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences with a share component that specifies one of these groundwater sources.

33 Available water determinations for aquifer access licences

(1) In making available water determinations for aquifer access licences, the Minister should consider the rules in this clause.

(2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for aquifer access licences with a share component that specifies one of these groundwater sources.

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.

34 Available water determinations for supplementary water (subcategory "storage") access licences

(1) In making available water determinations for supplementary water (subcategory "storage") access licences, the Minister should consider the rules in this clause.

(2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component minus any extraction or assignment of water allocations from the respective water allocation account under section 71T of the Act that has occurred under that supplementary water (subcategory "storage") access licence since it was granted, or such lower amount that is determined under Division 1 of this Part, should be made for supplementary water (subcategory "storage") access licences with a share component that specifies the Sydney Basin – North Coast Groundwater Source.

Notes.

1 Supplementary water (subcategory "storage") access licences will differ from other water access licences in relation to the way the share component is specified. Whilst the share component for a domestic and stock access licence is specified as ML/year, the share component for a supplementary water (subcategory "storage") access licence will be specified as a total volume (ML) with no defined time period. The volume available for extraction with a supplementary water (subcategory "storage") access licence decreases as extraction occurs which is consistent with the groundwater storage extraction limit established under subclause 26 (15).

2 Division 1 of this Part provides for available water determinations for supplementary water (subcategory "storage") access licences to be reduced to 0% where the long-term extraction limit for the Sydney Basin – North Coast Groundwater Source has been assessed to have been exceeded, as per clauses 28 (5) and 29 (5).

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.

35 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) and (3) 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 Alstonville Basalt Plateau Groundwater Source, Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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" in these groundwater sources 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.

36 Granting of access licences as a result of controlled allocation

(1) 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.

(2) A supplementary water (subcategory "storage") access licence must not be granted if:

(a) the supplementary water (subcategory "storage") access licence would have a share component that specifies one of these groundwater sources, other than the Sydney Basin – North Coast Groundwater Source, or

(b) the granting of that access licence would cause the sum of all supplementary water (subcategory "storage") access licences in the Sydney Basin – North Coast Groundwater Source to exceed the groundwater storage extraction limitspecified in clause 26 (15) for that groundwater source.

Notes.

1 An application for a supplementary water (subcategory "storage") access licence that specifies the Sydney Basin – North Coast Groundwater Source will only be granted if the applicant has acquired the right to apply for the licence by auction, tender or other means specified in a controlled allocation order made under section 65 of the Act.

2 Controlled allocation orders may be made at the Minister's discretion. These orders will only make provision for applications to be made for supplementary water (subcategory "storage") access licences after:

(a) the long-term average annual extraction limit for the Sydney Basin – North Coast Groundwater Source has been assessed to have been reached, as per clauses 28 and 29, and

(b) it is determined that there is insufficient opportunity to purchase water allocations or share component under an access licence dealing.

Part 8 Rules for managing access licences

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.

37 Individual access licence account management rules for these groundwater sources, excluding the Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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 Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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 access licence from available water determinations in that water year, plus

(b) the water allocations carried over in the water allocation account for the 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 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 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:

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(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) 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.

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

38 Individual access licence account management rules for the Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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 Gloucester Basin Groundwater Source or the Sydney Basin – North Coast 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

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(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) 100% of the access licence share component for access licences with share components expressed as ML/year, or

(b) 1 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.

(4) 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.

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

(6) In any water year in which this Plan has effect, water taken under a supplementary water (subcategory "storage") 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 for a supplementary water (subcategory "storage") access licence cannot be carried over from one water year to the next.

(8) For the purposes of accounting for supplementary water (subcategory "storage") access licences, water allocations assigned from a water allocation account under section 71T of the Act shall be debited from that water allocation account, and water allocations assigned to a water allocation account under section 71T of the Act shall be credited to that water allocation account.

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

39 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.

40 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 used to take water from the Alstonville Basalt Plateau Groundwater Source, Comboyne Basalt Groundwater Source, Dorrigo Basalt Groundwater Source, Liverpool Ranges Basalt Coast Groundwater Source, New England Fold Belt Coast Groundwater Source or North Coast Volcanics Groundwater Source 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 pursuant to basic landholder rights only, or

(b) 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

(c) 400 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

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another access licence, 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

(d) 100 metres from 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

(e) 500 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 licence holder has provided consent in writing, or

(f) 400 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.

(2) A water supply work approval must not be granted or amended to authorise the construction of a water supply work used to take water from the Bulahdelah Sandstone Groundwater Source, Clarence Moreton Basin Groundwater Source, Gloucester Basin Groundwater Source, Kulnura Mangrove Mountain Groundwater Source, Lorne Basin Groundwater Source, Oxley Basin Coast Groundwater Source or Sydney Basin–North Coast Groundwater Source which, in the Minister's opinion, is or is proposed to be located within:

(a) 100 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

(b) 400 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

(c) 50 metres from 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) 1,000 metres of a water supply work that is authorised to take water from the

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same groundwater source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or

(e) 200 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.

(3) The distance restrictions specified in subclauses (1) and (2) 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.

(4) For the purpose of subclause (3) (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.

(5) The Minister may require the modification of a water supply work authorised under subclause (3) (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.

(6) A water supply work approval that authorises the construction of a water supply work to take water under a supplementary water (subcategory "storage") access licence may be subject to a condition that the water supply work is constructed to a depth determined by the Minister as necessary to protect existing extraction from the groundwater source.

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41 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, or

(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.

(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.

42 Rules for water supply works located near groundwater-dependent ecosystems

(1) High priority groundwater-dependent ecosystems within these groundwater sources

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are shown on the map called *High Priority Groundwater-Dependent Ecosystem Map (GDE002_Version 1), Water Sharing Plan for the North Coast Fractured and Porous Rock 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 3. 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) 200 metres of a high priority groundwater-dependent ecosystem shown on the GDE Map, unless the water supply work is authorised to take water pursuant to basic landholder rights only, or

(c) 500 metres of a high priority karst environment groundwater-dependent ecosystem shown on the GDE Map, or

(d) 100 metres from the top of an escarpment, or

(e) 40 metres of the top of the high bank of a river.

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

(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) and (b) 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 subclause (2) 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.

43 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

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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.

44 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, 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

45 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 (4), a water supply work that is located within a restricted distance specified in clauses 40, 41, 42 (2) (a), (b), (d) and (e) or 43 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 37 (3) of this Plan for aquifer access licences with a share component that specifies one of these groundwater sources, excluding the

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Gloucester Basin Groundwater Source and the Sydney Basin – North Coast Groundwater Source, or

(ii) clause 38 (3) of this Plan for aquifer access licences with a share component that specifies the Gloucester Basin Groundwater Source or the Sydney Basin – North Coast Groundwater Source.

(3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clause 40, 41, 42 (2) (a), (b), (d) and (e) or 43 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 37 (3) of this Plan for aquifer access licences with a share component that specifies one of these groundwater sources, excluding the Gloucester Basin Groundwater Source and the Sydney Basin – North Coast Groundwater Source, or

(ii) clause 38 (3) of this Plan for aquifer access licences with a share component that specifies the Gloucester Basin Groundwater Source or the Sydney Basin – North Coast Groundwater Source.

(4) Subject to subclause (5), a water supply work that is located within the restricted distance specified in clause 40 (1) (c) at the commencement of this Plan must not, in any water year, be used to take more than the volume of water that is equal to the greater of:

(a) the sum of the share components of 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 clause 37

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(3), or

(b) 20 ML/year if the water supply work is located within 400 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.

(5) Subclauses (2) – (4) do not apply:

(a) where a restricted distance does not apply in accordance with clauses 40 (3) (a), (c) and (d), 41 (3), 42 (4) and (5) (a), (b) and (d) and 43 (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 40 – 43 pursuant to clause 40 (3) (d), 41 (4), 42 (4), 42 (5) (d) or 43 (2) (d).

(7) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clause 40 (3) (d), 41 (4), 42 (4), 42 (5) (d) or 43 (2) (d).

Part 10 Access licence dealing rules

46 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.

47 Conversion of access licence to new category

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

48 Assignment of rights dealings

(1) Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from an access licence with an extraction component that specifies the Alstonville Basalt Plateau (Bangalow–Wyrallah) Management Zone in the Alstonville Basalt Plateau Groundwater Source to an access licence with an extraction component that specifies the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone in the Alstonville Basalt Plateau Groundwater Source, if it would cause the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone to exceed the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone at the commencement of this Plan.

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

49 Amendment of share components dealings (change of water source)

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

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50 Amendment of extraction component dealings

Dealings under section 71S of the Act are prohibited if the dealing involves an access licence with an extraction component that specifies the Alstonville Basalt Plateau (Bangalow–Wyrallah) Management Zone in the Alstonville Basalt Plateau Groundwater Source being varied to specify the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone in the Alstonville Basalt Plateau Groundwater Source, if it would cause the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone to exceed the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone at the commencement of this Plan.

51 Assignment of water allocations dealings

(1) Dealings under section 71T of the Act within the same groundwater source are prohibited in these groundwater sources if the dealing involves an assignment of water allocation from an access licence with an extraction component that specifies the Alstonville Basalt Plateau (Bangalow–Wyrallah) Management Zone in the Alstonville Basalt Plateau Groundwater Source, to an access licence with an extraction component that specifies the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone in the Alstonville Basalt Plateau Groundwater Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone, from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone at the commencement of this Plan.

(2) 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 may only be permitted where administrative arrangements have been agreed to and implemented by the States.

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(2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.

53 Nomination of water supply works dealings

(1) Dealings under section 71W of the Act are prohibited if the dealing involves an access licence which nominates a water supply work located in the Alstonville Basalt Plateau (Bangalow–Wyrallah) Management Zone in the Alstonville Basalt Plateau Groundwater Source being amended to nominate a water supply work located in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone of the Alstonville Basalt Plateau Groundwater Source, if it would cause the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone to exceed the sum of the share components of all access licences in the Alstonville Basalt Plateau (Alstonville–Tuckean) Management Zone at the commencement of this Plan.

(2) 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.

(3) Dealings under 71W of the Act that involve a supplementary water (subcategory "storage") access licence being amended to nominate a work within the Sydney Basin – North Coast Groundwater Source may only be permitted if the depth and location of the work is sufficient to protect existing extractions.

(4) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.

(5) Dealings under section 71W of the Act that involve the nomination of water supply works by interstate access licences in these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.

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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 4 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.

(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 Part 8 of this Plan,

(b) 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 seven days of becoming aware of the breach, and

(c) 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 aquifer access licences with share components that specify one of these groundwater sources, excluding the Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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 37 (2),

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(vi) for domestic and stock access licences and local water utility access licences with share components that specify one of these groundwater sources, excluding the Gloucester Basin Groundwater Source and Sydney Basin – North Coast 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 37 (4),

(vii) for aquifer access licences with share components that specify the Gloucester Basin Groundwater Source or Sydney Basin – North Coast 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 38 (2),

(viii) for domestic and stock access licences and local water utility access licences with share components that specify the Gloucester Basin Groundwater Source or Sydney Basin – North Coast 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 38 (4),

(ix) for supplementary water (subcategory "storage") access licences with share components that specify the Sydney Basin – North Coast 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 38 (6),

(x) 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 45.

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 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

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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 45,

(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 water 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 40 – 43, 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 (e) 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) 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,

(k) 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,

(l) 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,

(m) 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,

(n) 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) A water supply work approval granted in circumstances where clause 40 (3) (d) applies must have a mandatory condition where required to give effect to clause 40 (5).

(5) 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 44.

(6) A water supply work approval granted to authorise the construction of a water supply work to take water under a supplementary water (subcategory "storage") access licence must have mandatory conditions to give effect to clause 40 (6).

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 water 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

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(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:

(a) 81% of rainfall recharge in the Kulnura Mangrove Mountain Groundwater Source, and

(b) 75% of rainfall recharge in areas that are not high environmental value areas in the following groundwater sources:

(i) Comboyne Basalt Groundwater Source,

(ii) Liverpool Ranges Basalt Coast Groundwater Source,

(iii) New England Fold Belt Coast Groundwater Source,

(iv) North Coast Volcanics Groundwater Source.

60 Part 6

(1) Subject to subclauses (2) and (3), Part 6 may be amended to increase 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.

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

(a) 3,000 ML/year for the Comboyne Basalt 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(b) 6,300 ML/year for the Kulnura Mangrove Mountain Groundwater Source,

Note. The maximum allowable increase in the long-term average annual extraction limit would

result in a minimum of 81% of rainfall recharge being protected as planned environmental water over the long term.

(c) 17,750 ML/year for the Liverpool Ranges Basalt Coast 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(d) 375,000 ML/year for the New England Fold Belt Coast 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(e) 55,000 ML/year for the North Coast Volcanics 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 a minimum of 100% of rainfall recharge being protected as planned environmental water over the long term in areas that are high environmental value areas.

(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) Part 6 may be amended to establish a groundwater storage extraction limit for the following groundwater sources:

(a) Bulahdelah Sandstone Groundwater Source,

(b) Clarence Moreton Basin Groundwater Source,

(c) Gloucester Basin Groundwater Source,

(d) Lorne Basin Groundwater Source,

(e) Oxley Basin Coast Groundwater Source.

(5) Part 6 may be amended to decrease the groundwater storage extraction limits if monitoring or hydrogeological studies demonstrate that it is necessary to ensure that no more than minimal harm will be done to any groundwater source as a consequence

of water being taken under supplementary water (subcategory "storage") access licences in the relevant groundwater source.

(6) 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:

(a) establish or amend a limit for the granting of aquifer (subcategory "Aboriginal community development") access licences in these groundwater sources, or

(b) allow for the granting of supplementary water (subcategory "storage") access licences as a result of a controlled allocation order that makes available such licences in the following groundwater sources:

(i) Bulahdelah Sandstone Groundwater Source,

(ii) Clarence Moreton Basin Groundwater Source,

(iii) Gloucester Basin Groundwater Source,

(iv) Lorne Basin Groundwater Source,

(v) Oxley Basin Coast Groundwater Source.

62 Part 8

Part 8 may be amended to:

(a) establish individual access licence account management rules for major utility access licences,

(b) establish new or amend existing individual access licence account management rules for supplementary water (subcategory "storage") access licences should the *Access Licence Dealing Principles Order 2004*, be amended to permit

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supplementary water (subcategory "storage") access licences being able to undertake dealings under section 71Q of the Act.

(c) establish access rules for access licences in these groundwater sources. This paragraph does not apply to the Alstonville Basalt Plateau Groundwater Source, Dorrigo Basalt Groundwater Source or Kulnura Mangrove Mountain Groundwater Source.

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 40 after Year 5 of this Plan, or

(ii) clause 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 44,

(c) amend clause 45 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.

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66 Schedules

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,

Note. Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.

(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 water 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*.

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.

buried means a groundwater system that is overlain or partly overlain by another groundwater system.

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.

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.

karst means an area of land, including subterranean land, that has developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

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.

outcropped means a groundwater system that occurs at the earth's surface.

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.

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

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.

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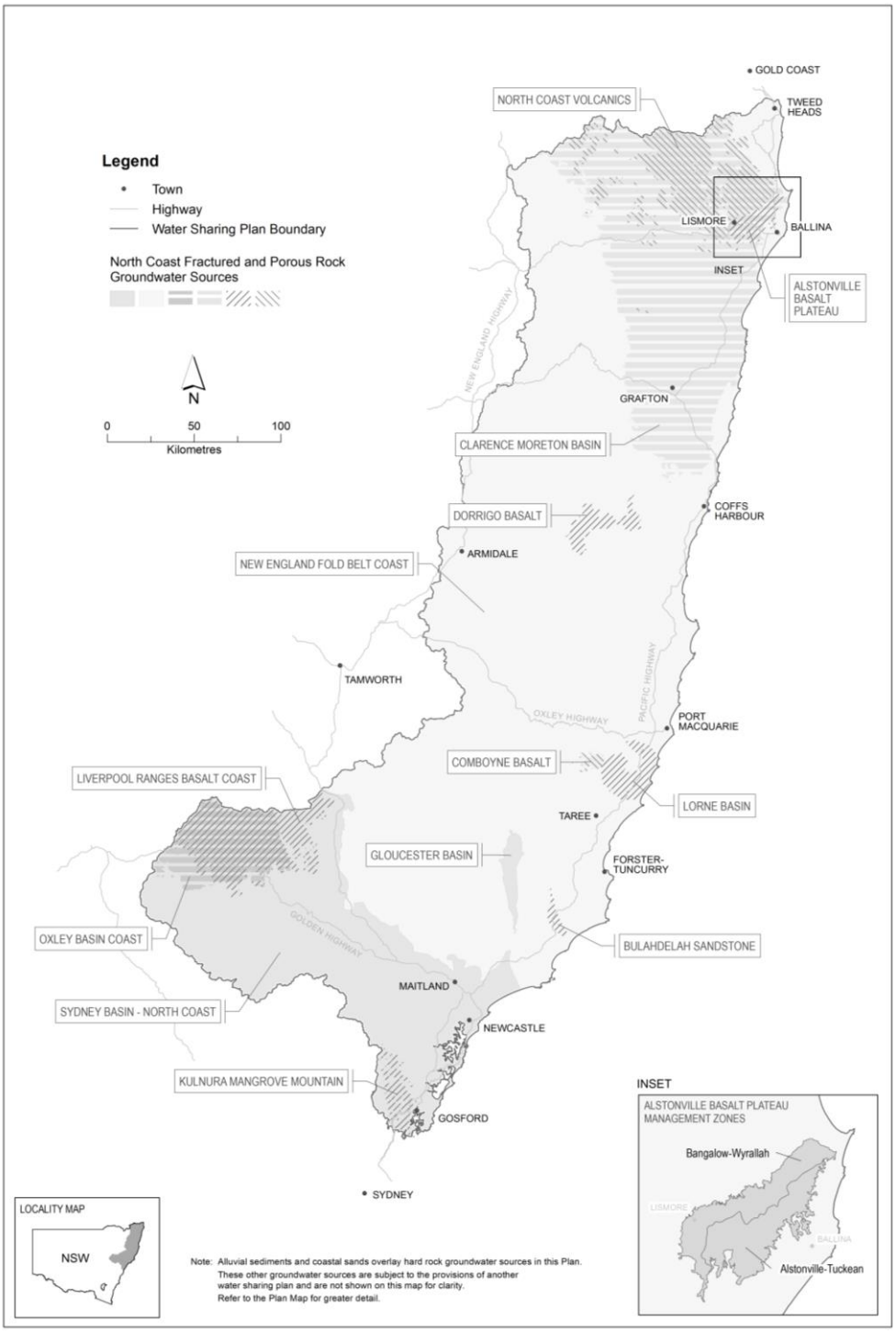
Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP033_Version 1), Water Sharing Plan for the North Coast Fractured and Porous Rock 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

Appendix 3 Overview of the GDE Map

Overview of the GDE Map (GDE002_Version 1), Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016

Note. High priority groundwater-dependent ecosystems (hereafter ***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.

Appendix 4 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