



# Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of sections 45 (1) (a) and 45A of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009*.

Dated this 29th day of June 2016.

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

## **Explanatory note**

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

# **Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016**

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## **1 Name of Order**

This Order is the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016*.

## **2 Commencement**

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

## **Schedule 1 Amendment of Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009**

### **[1] Part 1 Introduction**

Insert after the heading to Part 1:

**Note.** Part 15 allows for amendments to be made to Part 1.

### **[2] Clause 3 Date of commencement**

Insert at the end of the clause:

**Notes.**

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2010.
- 2 The Minister may extend this Plan for a further period of 10 years after the Plan is due to expire, in accordance with section 43A of the Act.

### **[3] Clause 4 Water sources to which this Plan applies**

Omit the clause. Insert instead:

#### **4 Water sources to which this Plan applies**

- (1) This Plan applies to the following water sources known as the Lower North Coast Unregulated and Alluvial Water Sources (hereafter *these water sources*) within the Lower North Coast Water Management Area:
  - (a) the Avon River Water Source,
  - (b) the Lower Barrington/Gloucester Rivers Water Source,
  - (c) the Upper Barrington River Water Source,
  - (d) the Bowman River Water Source,
  - (e) the Cooplacurripa River Water Source,
  - (f) the Dingo Creek Water Source,
  - (g) the Upper Gloucester River Water Source,
  - (h) the Lower Barnard River Water Source,
  - (i) the Manning Estuary Tributaries Water Source,

**Note.** This water source excludes alluvial groundwater downstream of the tidal limits.

- (j) the Manning River Tidal Pool Water Source,

**Note.** This water source excludes alluvial groundwater.

- (k) the Lower Manning River Water Source,

- (l) the Mid Manning River Water Source,

- (m) the Myall Creek Water Source,

- (n) the Nowendoc River Water Source,

- (o) the Rowleys River Water Source,

- (p) the Upper Barnard River Water Source,

- (q) the Upper Manning River Water Source,

- (r) the Myall Lakes Water Source,

**Note.** This water source excludes alluvial groundwater downstream of the tidal limits.

- (s) the Myall River Water Source,

- (t) the Coolongolook River Water Source,

**Note.** This water source excludes alluvial groundwater downstream of the tidal limits.

- (u) the Wallamba River Water Source, and

**Note.** This water source excludes alluvial groundwater downstream of the tidal limits.

- (v) the Karuah River Water Source.

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP001\_Version 2), Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009* (hereafter ***the Plan Map***) held by the Department.

**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 offices listed in Appendix 2 and are available on the NSW legislation website.

- (3) Subject to subclause (4), these water sources include all water:

- (a) occurring naturally on the surface of the ground within the boundaries of these water sources shown on the Plan Map,

- (b) in rivers, lakes, estuaries and wetlands within the boundaries of these water sources shown on the Plan Map, and
- (c) contained within all alluvial sediments below the surface of the ground within the boundaries of these water sources shown on the Plan Map (hereafter *the alluvial sediments in these water sources*).

**Notes.**

- 1 **Alluvial sediments** is defined in the Dictionary.
- 2 This Plan also applies to the alluvial sediments below the surface of the ground within the Karuah River Water Source which were not included in the *Water Sharing Plan for the Karuah River Water Source 2003*.

(4) These water sources do not include:

- (a) any water contained in alluvial sediments downstream of the tidal limit in these water sources,

**Note.** This exclusion applies to the Manning River Tidal Pool Water Source, Myall Lakes Water Source, Coolongolook River Water Source, Wallamba River Water Source and part of the Manning Estuary Tributaries Water Source.

- (b) any water contained in the coastal sands in these water sources,
- (c) any water contained in fractured rock aquifers and basement rocks in these water sources, and
- (d) rivers, lakes, estuaries and wetlands downstream of the mangrove limit, except Khappinghat Creek in the Wallamba River Water Source and Myall Lakes in the Myall Lakes Water Source.

**Note.** The **mangrove limit** is defined in the dictionary.

- (5) This Plan, as amended by the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* replaces the *Water Sharing Plan for the Karuah River Water Source 2003*.

**[4] Clause 5 Management zones**

Omit “and” from clause 5 (l) (iii).

**[5] Clause 5 (n)**

Insert after clause 5 (m) (iii):

- (n) Karuah River Water Source:

- (i) Karuah Upriver Management Zone, and
- (ii) Karuah Estuarine Management Zone.

**[6] Clause 7 Interpretation**

Omit the clause. Insert instead:

**7 Interpretation**

- (1) Words and expressions that are defined in the Dictionary in Schedule 1 to this Plan have the meaning 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.

**[7] Clause 9A Acknowledgement**

Insert after clause 9:

**9A Acknowledgement**

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

**[8] Clause 11 Strategies**

Omit the clause. Insert instead:

**11 Strategies**

The strategies of this Plan are to:

- (a) establish performance indicators,
- (b) establish environmental water rules,

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

**[9] Clause 12 Performance indicators**

Omit the clause. Insert instead:

**12 Performance indicators**

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

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limit,
- (d) change in water quality in these water sources,
- (e) change in the ecological condition of these water sources and their dependent ecosystems,
- (f) the change in the extent to which domestic and stock rights and native title rights requirements have been met,
- (g) the change in economic benefits derived from water extraction and use,
- (h) the change in the extent to which water has been made available in recognition of

the Aboriginal, cultural and heritage values of these water sources.

**[10] Clause 15 Extraction management unit for these water sources**

Omit clause 15 (2). Insert instead:

- (2) The extraction management units for these water sources are the Manning Extraction Management Unit, the Great Lakes Extraction Management Unit and the Karuah River Extraction Management Unit (hereafter *these Units*), and are shown on the Plan Map for these water sources.

**[11] Clause 15 (5)**

Insert after clause 15 (4):

- (5) The Karuah River Extraction Management Unit consists of the Karuah River Water Source.

**[12] Clause 16 Flow reference points**

Omit clause 16 (4) and the notes. Insert instead:

- (4) If, in the Minister's opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- (5) For the purpose of determining the flow class that applies on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

**Note.** On days that accurate flow data is not available, holders of access licences may contact the Department's office at the address listed in Appendix 3 or check the Department's website to find out what flow class applies on that day.

**Note.** The Plan Map for these water sources may be amended as a result of the establishment of, or changes to, flow reference points under this Part.

**Note.** In the event of any failure of a flow reference point in these water sources, flow classes in the water source may be imposed pursuant to an order made under section 324 of the Act.

**[13] Clause 17 Flow classes for these water sources**

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

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



aquifers within 40 metres of the high bank of the river from year six of this Plan, excluding aquifer access licenses in the Karuah River Groundwater Source. For those aquifer access licences outside 40 metres of the high bank, flow classes in clause 17 (1) will not apply except where provided for under clause 67 (3) and (4) of this Plan. For those aquifer access licences in the Karuah River Water Source, the flow classes will not apply until 1 July 2021 as provided for under clause 67 (9) of this Plan.

**[14] Clause 17 (1) (a)**

Omit “908020” from clause 17 (1) (a). Insert instead “208020”.

**[15] Clause 17 (1) (a) (iii)**

Omit clause 17 (1) (a) (iii). Insert instead:

- (iii) B Class is when flows are greater than 23 megalitres per day (hereafter *ML/day*),

**[16] Clause 17 (1) (b) (i)**

Omit clause 17 (b) (i). Insert instead:

- (i) until 1 August 2016, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 39 ML/day on a rising river, or equal to or less than 32 ML/day on a falling river, and

**Note.** The estimated 98th percentile (which is currently estimated to correspond to 2.6 ML/day) will be referred to as the cease to pump on a falling river, and the estimated 97th percentile (which is currently estimated to correspond to 3.0 ML/day), or 2 ML greater than the 98th percentile, whichever is the greater, will be referred to as the commence to pump on a rising river. Further gauging is required to establish the percentile flow values more accurately.

**[17] Clause 17 (1) (b) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[18] Clause 17 (1) (c) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[19] Clause 17 (1) (c) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[20] Clause 17 (1) (d) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[21] Clause 17 (1) (d) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[22] Clause 17 (1) (h) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[23] Clause 17 (1) (h) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[24] Clause 17 (1) (i) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[25] Clause 17 (1) (i) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[26] Clause 17 (1) (j)**

Omit “908020”. Insert instead “208020”.

**[27] Clause 17 (1) (j) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[28] Clause 17 (1) (j) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[29] Clause 17 (1) (o) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[30] Clause 17 (1) (o) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[31] Clause 17 (1) (p) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[32] Clause 17 (1) (p) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[33] Clause 17 (1) (s) (i)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[34] Clause 17 (1) (s) (ii)**

Omit “for the first five years of this Plan”. Insert instead “until 1 August 2016”.

**[35] Clause 17 (1) (z) (ii)**

Omit “and”.

**[36] Clause 17 (1) (aa)**

Omit “.” from the end of the paragraph. Insert instead “, and”.

**[37] Clause 17 (1) (ab)**

Insert after paragraph 17 (1) (aa):

(ab) for the Karuah Upriver Management Zone in the Karuah River Water Source, as measured at Karuah River at Booral gauge (209003):

(i) the very low flow class is when flows are less than 5 ML/day on a rising river or less than or equal to 3.5 ML/day on a falling river,

**Note.** 3.5 ML/day corresponds approximately to the estimated 90<sup>th</sup> percentile for all days of record in November, the critical month, and is referred to as the cease to pump on a falling river. 5 ML/day corresponds approximately to the estimated 89<sup>th</sup> percentile for all days of record in November, the critical month, and is referred to as the commence to pump on a rising river.

(ii) A class is when flows are more than 5 ML/day and less than or equal to 18 ML/day on a rising river, and more than 3.5 ML/day and less than or equal to 18 ML/day on a falling river, and

(iii) B class is when flows are more than 18 ML/day, and

**Note.** The flow classes have been determined based on flow information that inherently includes seasonal effects as well as evaporation and seepage losses.

(ac) for the Karuah Estuarine Management Zone in the Karuah River Water Source, no flow classes are established by this Plan.

**[38] Part 4 Environmental water provisions**

Omit the heading.

Insert instead “**Part 4 Planned environmental water provisions**”.

**[39] Part 4, note**

Insert after the heading to Part 4:

**Note.** This Part is made in accordance with sections 8, 8A and 20 of the Act.

**[40] Clause 18**

Omit the clause. Insert instead:

## 18 General

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

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

### [41] Clause 19 Planned environmental water

Omit “when flows are at or less than the cease to take condition that was specified on the replaced Water Act 1912 entitlement,” from clause 19 (3) (b).

Insert instead: “when flows are at or less than the cease to take condition that was specified on the replaced Water Act 1912 entitlement. This paragraph does not apply to the taking of water under an access licence with a share component that specifies the Karuah River Water Source,”

### [42] Clause 19 (3) (c) (ii)

Omit clause 19 (3) (c) (ii). Insert instead:

- (ii) where water is being taken from a pool, if there is no visible inflow and outflow to and from that pool. This subparagraph does not apply to the taking of water under an access licence with a share component that specifies the Karuah River Water Source,

### [43] Clause 19 (3) (d1) – (d3)

Insert after clause 19 (3) (d):

- (d1) subject to paragraph (f), water must not be taken under an access licence with an extraction component that specifies the Karuah Upriver Management Zone in the Karuah River Water Source for 24 hours after flows first exceed 5 ML/day following a flow of 2 ML/day at the Karuah River at Booral gauge (209003). This paragraph does not apply to the taking of water from an off-river pool,
- (d2) subject to paragraph (f), water must not be taken under an access licence with a share component that specifies the Karuah River Water Source from an off-river pool when the volume of water in that pool is less than the full capacity of the pool,  
**Note.** *Full capacity* is defined in the Dictionary.
- (d3) subject to paragraph (f), in water sources where flow classes have not commenced, water must not be taken under an access licence with a share component that specifies the Karuah River Water Source from an in-river pool when the volume of

water in that pool is less than the full capacity of the pool,

**[44] Clause 19 (3) (f)**

Omit “(d)”. Insert instead: “(d3)”.

**[45] Clause 19 (3) (f) (i)**

Insert “clause 1 of” immediately before “Schedule 2”.

**[46] Clause 19 (3) (f) (ii)**

Omit “for the first 3 years of this Plan”.

Insert instead: “provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day”.

**[47] Clause 19 (3) (f) (iv)**

Omit “68”. Insert instead “67”.

**[48] Clause 19 (3) (f) (v)**

Omit “and” from the end of clause 19 (3) (f) (v).

**[49] Clause 19 (3) (f) (vii)**

Insert at the end of clause 19 (3) (f) (vi):

(vii) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 2 applies.

**[50] Clause 19 (3) (h)**

Omit “41A”. Insert instead: “41B”.

**[51] Clause 19 (8)**

Omit subclause 19 (8). Insert instead:

(8) Subclause (3) does not apply to the taking of water under an access licence that is used:

(a) in association with an aquifer interference activity that is an approved EP&A Act development when:

(i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under subclause (3), and

- (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
  - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
- (b) in association with an aquifer interference activity when:
- (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under subclause (3), and
  - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
  - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.

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

**[52] Clause 22 Domestic and stock rights**

Omit “At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 10.81 megalitres per day (hereafter *ML/day*) and are distributed as follows” from clause 22 (1).

Insert instead: “The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 12.67 ML/day, distributed as follows:”.

**[53] Clause 22 (1) (t)**

Omit “and”.

**[54] Clause 22 (1) (u)**

Omit “.” from the end of the paragraph. Insert instead “;”.

**[55] Clause 22 (1) (v)**

Insert at the end of clause 22 (1) (u):

- (v) 1.86 ML/day in the Karuah River Water Source.

**[56] Clause 22 (2)**

Omit the note. Insert instead:

**Notes.**

- 1 Domestic and stock rights must be exercised in accordance with any mandatory guidelines established under section 336B of the Act with respect to the taking and use of water for domestic consumption or stock watering.
- 2 An increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting rivers and lakes or overlying alluvial groundwater in these water sources and/or as a result of the increase in the exercise of basic landholder rights by existing landholders.
- 3 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 it first being tested and appropriately treated.

**[57] Clause 23 Native title rights**

Omit “At the commencement of this Plan there” from clause 23 (1). Insert instead: “There”.

**[58] Clause 25 Bulk access regime**

Omit “.” from the end of clause 25 (2) (c). Insert instead “, and”.

**[59] Clause 25 (2) (b)**

Omit “and” from the end of clause 25 (2) (b).

**[60] Clause 25 (2) (c)**

Omit “.” from the end of paragraph 25 (2) (c). Insert instead “, and”.

**[61] Clause 25 (2) (d)**

Insert at the end of clause 25 (2) (c):

- (d) the access licence dealing rules established under Part 11 of this Plan.

**[62] Clause 27**

Omit the clause. Insert instead:

**27 Share components of domestic and stock access licences**

It is estimated that the share components of domestic and stock access licences authorised to take water from these water sources will total 125 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 12 ML/year in the Avon River Water Source,

- (b) 39.5 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 0 ML/year in the Upper Barrington River Water Source,
- (d) 8 ML/year in the Bowman River Water Source,
- (e) 0 ML/year in the Cooplacurripa River Water Source,
- (f) 10 ML/year in the Dingo Creek Water Source,
- (g) 3 ML/year in the Upper Gloucester River Water Source,
- (h) 0 ML/year in the Lower Barnard River Water Source,
- (i) 5 ML/year in the Manning Estuary Tributaries Water Source,
- (j) 0 ML/year in the Manning River Tidal Pool Water Source,
- (k) 6 ML/year in the Lower Manning River Water Source,
- (l) 0 ML/year in the Mid Manning River Water Source,
- (m) 0 ML/year in the Myall Creek Water Source,
- (n) 5 ML/year in the Nowendoc River Water Source,
- (o) 0 ML/year in the Rowleys River Water Source,
- (p) 0 ML/year in the Upper Barnard River Water Source,
- (q) 0 ML/year in the Upper Manning River Water Source,
- (r) 0 ML/year in the Myall Lakes Water Source,
- (s) 4.5 ML/year in the Myall River Water Source,
- (t) 0 ML/year in the Coolongolook River Water Source,
- (u) 5 ML/year in the Wallamba River Water Source, and
- (v) 27 ML/year in the Karuah River Water Source.

**[63] Clause 28**

Omit the clause. Insert instead:



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

It is estimated that the share components of local water utility access licences authorised to extract water from these water sources will total 16,986 ML/year, distributed as follows:

- (a) 570 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (b) 12,500 ML/year in the Lower Manning River Water Source,
- (c) 221 ML/year in the Myall River Water Source,
- (d) 3000 ML/year in the Manning River Tidal Pool Water Source,
- (e) 375 ML/year in the Manning Estuary Tributaries Water Source,
- (f) 320 ML/year in the Karuah River Water Source, and
- (g) 0 ML/year in all other water sources.

## **[64] Clause 29 Share components of major utility access licences**

Omit “at the time of commencement of this Plan,”.

## **[65] Clause 30**

Omit the clause. Insert instead:

## **30 Share components of unregulated river access licences**

It is estimated that the share components of unregulated river access licences authorised to extract water from these water sources will total 49,853 unit shares, distributed as follows:

- (a) 1,985 unit shares in the Avon River Water Source,
- (b) 10,301.5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 944 unit shares in the Upper Barrington River Water Source,
- (d) 2,249 unit shares in the Bowman River Water Source,
- (e) 811 unit shares in the Cooplacurripa River Water Source,
- (f) 5,143 unit shares in the Dingo Creek Water Source,

- (g) 6,569 unit shares in the Upper Gloucester River Water Source,
- (h) 1,369 unit shares in the Lower Barnard River Water Source,
- (i) 1,968.5 unit shares in the Manning Estuary Tributaries Water Source,
- (j) 1,176 unit shares in the Manning River Tidal Pool Water Source,

**Note.** Prior to the commencement of this Plan licencing of the taking of water within the tidal pool area was not required. While there are some water users in this area that are already licenced there are likely to be a number of water users who will be identified through a licencing process targeting tidal pool areas to be undertaken by the Department. Entitlement issued to those unlicensed users who have historically not been required to be licenced is likely to be based on a history of extraction. No entitlement will be issued for any new extractions in this area outside of those specified in Part 8 of this Plan.

- (k) 7,339 unit shares in the Lower Manning River Water Source,
- (l) 632 unit shares in the Mid Manning River Water Source,
- (m) 57 unit shares in the Myall Creek Water Source,
- (n) 1,153 unit shares in the Nowendoc River Water Source,
- (o) 257 unit shares in the Rowleys River Water Source,
- (p) 274 unit shares in the Upper Barnard River Water Source,
- (q) 2,219 unit shares in the Upper Manning River Water Source,
- (r) 0 unit shares in the Myall Lakes Water Source,
- (s) 225 unit shares in the Myall River Water Source,
- (t) 374 unit shares in the Coolongolook River Water Source,
- (u) 1,454 unit shares in the Wallamba River Water Source, and
- (v) 3,353 unit shares in the Karuah River Water Source.

**[66] Clause 31 Share components of unregulated river (high flow) access licences**

Omit from the clause title “component”. Insert instead “components”.

**[67] Clause 31**

Omit “at the time of commencement of this Plan,”.

**[68] Clause 32**

Omit the clause. Insert instead:

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

It is estimated that the share components of aquifer access licences authorised to extract water from these water sources will total 517 unit shares, distributed as follows:

- (a) 20 unit shares in the Avon River Water Source,
- (b) 5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 187 unit shares in the Manning Estuary Tributaries Water Source,
- (d) 305 unit shares in the Karuah River Water Source,
- (e) 0 unit share in all other water sources.

### **[69] Clause 33 Changes to total share components**

Omit “13” from clause 33 (b). Insert instead “12”.

### **[70] Clause 34 Rules for granting access licences**

Omit clause 34 (2). Insert instead:

- (2) In addition to those applications for specific purpose access licences permitted under clause 10 of the *Water Management (General) Regulation 2011*, applications may also be made in these water sources, excluding Myall Lakes Water Source, for access licences, as follows:
  - (a) an access licence that may be granted in accordance with a dealing,

**Note.** Dealings include the conversion of unregulated river access licences to unregulated river (high flow) access licences as specified in clause 71 of this Plan.
  - (b) an unregulated river (subcategory “Aboriginal community development”) access licence, to take water from B Class flows only, provided that the grant of any such access licence will cause no more than minimal harm to the water source at the water source level impact assessment and provided that the total share component of all unregulated river (subcategory “Aboriginal community development”) access licence in the water sources listed below do not exceed:
    - (i) 500 ML/year in the Dingo Creek Water Source,
    - (ii) 500 ML/year in the Lower Manning River Water Source,

- (iii) 500 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (iv) 500 ML/year in the Upper Gloucester Water Sources,
- (v) 300 ML/year in the Mid Manning River Water Source, and
- (vi) 500 ML/year in the Karuah River Water Source,

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

- (c) an aquifer (subcategory “Aboriginal community development”) access licence, provided that the grant of any such access licence will cause no more than minimal harm to the water source at the water source level impact assessment and provided that the total share component of all aquifer (subcategory “Aboriginal community development”) access licences in the Karuah River Water Source do not exceed 500 ML/year, and
- (d) a local water utility access licence in the Karuah River Water Source.

**Notes.**

- 1 Section 61 (1) (b) of the Act also allows for a person to apply for an access licence with a zero share component and section 61 (1) (c) of the Act allows for a person to apply for an access licence where the right to apply that access licence has been acquired under section 65 of the Act.
- 2 Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility’s share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.
- 3 The licences that may be applied for under subclause (2) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the *Water Management (General) Regulation 2011*, subject to the restrictions in subclauses (2) and (3).

**[71] Clause 34 (3A)**

Insert after clause 34 (3):

- (3A) 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.

**[72] Clause 34A Granting of access licences as a result of controlled allocation**

Insert after clause 34:

**34A Granting of access licences as a result of controlled allocation**

The Minister may grant an access licence where the right to apply for the licence has been acquired in a manner prescribed by an order made under section 65 of the Act.

**[73] Clause 36 Runoff harvesting dams**

Insert after “reduction in share component.”:

**Note.** The Minister can require the modification of the dam by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

**[74] Clause 37 In-river dams**

Omit the clause. Insert instead:

**37 In-river dams**

A water supply work must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:

- (a) Lower Manning River Water Source,
- (b) Lower Barrington/Gloucester Rivers Water Source,
- (c) Bowman River Water Source,
- (d) Upper Barrington River Water Source,
- (e) Upper Gloucester River Water Source,
- (f) Myall River Water Source,
- (g) Myall Lakes Water Source,
- (h) Coolongolook River Water Source,
- (i) Wallamba River Water Source,
- (j) Rowleys River Water Source,
- (k) Copplacurripa River Water Source,

- (l) Nowendoc River Water Source,
- (m) Myall Creek Water Source,
- (n) Upper Barnard River Water Source,
- (o) Lower Barnard River Water Source,
- (p) Upper Manning River Water Source,
- (q) Mid Manning River Water Source, and
- (r) Karuah River Water Source.

**Note.** Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in this clause, consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

**[75] Clause 38**

Omit the clause. Insert instead:

**38 General**

- (1) This division is made in accordance with section 21 (c) and (e) of the Act.
- (2) The rules in this Division apply to water supply work approvals for water supply works that may be used to take water from the alluvial sediments in these water sources.
- (3) In this Division, a reference to a water supply work is limited to a water supply work that may be used to take water from the alluvial sediments in these water sources.

**[76] Clause 39 Rules for granting or amending water supply works approvals**

Omit clause 39 (1) – (3). Insert instead:

- (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) 400 metres of a water supply work located on another landholding that is authorised to take water from these water sources that is nominated by another access licence, or
  - (b) 200 metres of a water supply work located on another landholding that is

authorised to take water from these water sources pursuant to basic landholder rights only, or

- (c) 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
- (d) 500 metres of a water supply work that is authorised to take water from these water sources and is nominated by a local water utility access licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or
- (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.

**Note.** The distance conditions in this clause apply to new or amended approvals. That is, when the applicant wants to construct a new water supply work being used to take water from the alluvial sediments in these water sources, and add it to an existing approval. The distance conditions also apply when the licence holder wants to nominate new or different works on the licence.

(2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:

- (a) the water supply work is solely for basic landholder rights, or
- (b) is for a replacement bore, or

**Note. Replacement bore** is defined in the Dictionary.

- (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 would result in no more than minimal impact on existing extractions within these water sources.

(2A) For the purposes of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.

(2B) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction if the Minister is satisfied at a later time that the location of the water

supply work is causing more than minimal impact on existing water levels or extraction.

- (3) Where the distance restrictions specified in subclause (1) cannot be met, a water supply work approval may be granted provided all potentially affected persons in the near vicinity of the water supply work, holding an access licence or having a right under the Act to take water, have been notified by the applicant.

**Note.** These persons may include neighbouring access licence, approval holders or other persons having a right to take water in the near vicinity of the water supply work.

**[77] Clause 40 Rules for granting or amending water supply works approvals near contamination sources**

Omit clause 40 (1) – (3). Insert instead:

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister’s opinion, is or is proposed to be located:
- (a) within 250 metres of the plume associated with a contamination source listed in Schedule 3, or
  - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 3, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of the plume associated with the contamination source.

**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 3 that is likely to be insufficient to protect the water 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 water source, its dependent ecosystems, and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.



**[78] Clause 40 (6)**

Insert after clause 40 (5):

- (6) 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 water source, the environment and public health and safety.

**[79] Clause 41 Rules for granting or amending water supply works approvals near sensitive environmental areas**

Omit clause 41 (1) and (2). Insert instead:

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
- (a) 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 4 — in the case of a water supply work used solely to take water pursuant to basic landholders rights, or
  - (b) 200 metres of a high priority groundwater dependent ecosystems listed in Schedule 4 — in the case of a water supply work not used solely to take water pursuant to basic landholder rights, or
  - (c) 40 metres of the top of the high bank of a river.

**Note.** Subclause (1) will not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources at current or equal share component.

- (1A) 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 high priority groundwater dependent ecosystem listed in Schedule 4 if the construction and 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 will be authorised to take water pursuant to basic landholder rights only.
- (1B) The distance restrictions specified in subclause (1) (a) and (b) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 4.

- (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 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 bore, or
  - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their dependent groundwater ecosystems.
- (2A) 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 (1B), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 4, or
  - (b) for the purpose of subclause (2) (d), the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater dependent ecosystems.

**[80] Clause 41 (3)**

Omit the subclause.

**[81] Clause 41 (4)**

Omit the subclause.

**[82] Clause 41 (5)**

Omit "Subclause 1 (d) and 1 (e) do" from subclause 41 (5). Insert instead: "Subclause (1) (c) does".

**[83] Clause 41A**

Omit the clause. Insert instead:

**41A Rules for water supply works located near groundwater-dependent culturally significant sites**

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

**Note.** Groundwater-dependent culturally significant sites are currently under investigation and may be identified during the term of this Plan. The full list of potential groundwater-dependent culturally significant sites will be identified on the Department-held 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.

- (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 water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
  - (c) the water supply work is sealed off to the nearest impervious layer above the slotted intervals of the work with an impermeable seal constructed between the casing and the bore hole as specified by the Minister, or
  - (d) the water supply work is a replacement bore, or
  - (e) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (e), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater

impact on these water sources and their groundwater dependent culturally significant sites.

**[84] Clause 41B Rules for the use of water supply works located within restricted distances**

Insert after clause 41A:

**41B 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 the alluvial sediments in these water sources.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 39 – 41A, 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 clause 56 (5).
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 39, 40, 41 (1) (a) and (c) and 41A, 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 share components of access licences nominating that water supply work at the date of the amendment, plus
  - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the date of the amendment in accordance with clause 56 (5).
- (4) Subclauses (2) and (3) do not apply:
  - (a) where a restricted distance does not apply in accordance with clauses 39 (2) (a), (c) and (d) and (3), 40 (3), 41 (1B) and (2) (a), (b) and (d), and 41A (2) (a) – (c) and (e), or
  - (b) to the taking of water pursuant to basic landholder rights.

- (5) The Minister may specify a daily rate or annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 39 – 41A pursuant to clauses 39 (2) (d), 40 (3) (a), 41 (1B) or (2) (d), or 41A (2) (e).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 39 (2) (d), 40 (3) (a), 41 (1B) or (2) (d) or 41A (2) (e).

**Note.** Part 15 allows for amendments to be made to clause 41B.

**[85] Clause 42**

Omit the clause. Insert instead:

**42 General**

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

**[86] Clause 43 Extraction management units for these water sources**

Omit “the Manning and Great Lakes Extraction Management Units (hereafter *these Units*)”. Insert instead: “these Units”.

**[87] Clause 44 Long-term average annual extraction limit**

Omit clause 44 (a) – (c). Insert instead:

- (a) the share components of all access licences in the Unit, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights.

**[88] Clause 45 Extraction management units for these water sources**

Omit “the Manning and Great Lakes Extraction Management” from clause 45 (3). Insert instead: “these”.

**[89] Clause 47**

Omit the clause. Insert instead:

**47 Compliance with the long-term average annual extraction limits**

- (1) Compliance with the long-term average annual extraction limit established for each extraction management unit is to be managed in accordance with this clause.

- (2) If, in the Minister’s opinion, the assessment under clause 46 demonstrates that the average of the annual extractions in the respective extraction management unit in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 44 for the respective extraction management unit by 5% or more, then available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences in that extraction management unit are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister’s opinion, necessary to return the long-term average annual extractions in the respective extraction management units to the long-term average annual extraction limit established under this Part.

**[90] Clause 48 Available water determinations**

Insert after clause 48 (4):

- (5) Subclause (4) does not apply to available water determinations made for aquifer access licences at the commencement of the first water year after the commencement of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016*.

**[91] Clause 49 Available water determinations for domestic and stock access licences**

Insert “water” after “first” in clause 49 (1).

**[92] Clause 49 (2)**

Omit “and” where secondly occurring.

**[93] Clause 50 Available water determinations for local water utility access licences**

Insert “water” after “first” in clause 50 (1).

**[94] Clause 50 (2)**

Omit “and”.

**[95] Clause 52 Available water determinations for unregulated river access licences**

Insert “water” after “first” in clause 52 (1).

**[96] Clause 52 (2)**

Omit “and”.

**[97] Clause 54**

Omit the clause. Insert instead:

**54 Available water determinations for aquifer access licences**

- (1) The available water determination made at the commencement of the first water year after the commencement of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016*, for aquifer access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) At the commencement of the first water year after the commencement of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* and at the commencement of each water year after the first water year in which the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* has effect, an available water determination of 1 megalitre 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 in these water sources.

**[98] Clauses 56 (4A) and (4B)**

Insert after clause 56 (4):

- (4A) For the period of any three consecutive water years after the first water year in which the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* has effect, the maximum volume of water that may be taken under an aquifer access licence must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
    - (ii) the water allocations carried over from the water year prior to those three water years under subclause (5),
    - (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
    - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water

years, or

- (b) the sum of:
  - (i) the share component of the access licence at the beginning of the first of those three water years,
  - (ii) the share component of the access licence at the beginning of the second of those three water years,
  - (iii) the share component of the access licence at the beginning of the third of those three water years,
  - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
  - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.

(4B) For the period of the first three water years in which the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* has effect, the maximum volume of water that may be taken under an aquifer access licence must not exceed a volume equal to:

- (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
- (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
- (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those water years, plus
- (d) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.



Omit the clause. Insert instead:

**67 Access licences which nominated water supply works which may be used to take water from alluvial sediments in these water sources**

- (1) The rules in this clause apply to the taking of water under an access licence from the alluvial sediments in these water sources, excluding the taking of water:
- (a) under an access licence used only to account for the taking of water in association with an aquifer interference activity for an approved EP&A Act development when:
    - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
    - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
    - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
  - (b) under an access licence used only to account for the taking of water in association with an aquifer interference activity when:
    - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
    - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
    - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.
- (2) Subject to subclause (7), except for an aquifer access licence referred to in subclause (3) and (4), all aquifer access licences in these water sources which nominate a water supply

work which may be used to take water from the alluvial sediments in these water sources, excluding the Karuah River Water Source, which is located at or less than 40 metres from the top of the high bank of a river, shall, from year six of this Plan, be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.

- (3) Subject to subclause (7), water must not be taken under the following access licences with a share component that specifies a water source with a Very Low Flow Class that has commenced, when flows in that water source are in the Very Low Flow Class:
  - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
  - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take water from the alluvial sediments in these water sources.
- (4) Subject to subclause (7), water must not be taken under the following access licences when there is no visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken:
  - (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
  - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take water from the alluvial sediments in these water sources.
- (5) Subject to subclause (7), a local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, excluding the Karuah River Water Source, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.
- (6) An access rule specified in clause 19 for unregulated river access licences that requires a visible flow at the pump site shall be taken to mean a visible flow in the river immediately adjacent to the water supply work being used to take water from the alluvial sediments.

- (7) Subclauses (2) – (5) do not apply to the following
- (a) the taking of water under an access licence to which clause 1 of Schedule 2 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (8):
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
    - (iii) poultry watering and misting,
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 2 applies.
- (8) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (8) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.
- (9) The Minister may amend this clause at or after 1 July 2021 to establish access rules for the taking of water from the Karuah River Water Source.

**Note.** It is intended that access rules will be established when this Plan is replaced under section 43 of the Act or extended under section 43A of the Act.

**[100] Clause 68 Access licence dealing rules**

Omit the third note to the clause.

**[101] Clause 69 Rules relating to constraints within these water sources**

Omit “water source” from clause 69 (2) (c). Insert instead “water sources”.

**[102] Clause 69 (2) (d) (xi)**

Omit “and” from the end of the clause.

**[103] Clause 69 (2) (d) (xii)**

Insert “or” at the end of clause 69 (2) (d) (xii).

**[104] Clause 69 (2) (d) (xiii)**

Insert after clause 69 (2) (d) (xii):

(xiii) the Karuah Upriver Management Zone from the Karuah Estuarine Management Zone in the Karuah River Water Source, and

**[105] Clause 69 (2) (e) (xi)**

Omit “and” from clause 69 (2) (e) (xi).

**[106] Clause 69 (2) (e) (xii)**

Insert “or” at the end of clause 69 (2) (e) (xii).

**[107] Clause 69 (2) (e) (xiii)**

Insert after clause 69 (2) (e) (xii):

(xiii) the Karuah Estuarine Management Zone being amended under section 71W of the Act to nominate a water supply work in the Karuah Upriver Management Zone in the Karuah River Water Source, and

**[108] Clause 70 Rules for change of water source**

Omit “section” from clause 70 (1). Insert instead “sections 71Q”.

**[109] Clause 70 (2)**

Omit “section”. Insert instead “sections 71Q”.

**[110] Clause 70 (3)**

Omit “section”. Insert instead “sections 71Q”.

**[111] Clause 70 (4)**

Omit “section” where firstly occurring in clause 70 (4). Insert instead “section 71Q”.

**[112] Clause 70 (5)**

Omit “72”. Insert instead “71”.

**[113] Clause 70 (6)**

Omit “section” from clause 70 (1). Insert instead “sections 71Q”.

**[114] Clause 71 Rules for conversion of access licence category**

Omit “or” from clause 71 (2) (b) where secondly occurring.

**[115] Clause 71 (2) (c)**

Insert “or” at the end of clause 71 (2) (c).

**[116] Clause 71 (2) (d)**

Insert at the end of clause 71 (2) (c):

- (d) an unregulated river access licence to an unregulated river (high flow) access licence in the Karuah River Water Source.

**[117] Clause 71 (3)**

Omit “(2) (a), (b) and (c)”. Insert instead “(2) (a)–(d)”.

**[118] Clause 71 (7)**

Insert after clause 71 (6):

- (7) The volume of share component on an access licence issued under subclause (2) (d) is:
  - (a) to be equal to 2 times the cancelled access licence share component, and
  - (b) subject to the total amount of unregulated river (high flow) access licences not exceeding 2,530 unit shares in the Karuah River Water Source.

**[119] Clause 74**

Omit the clause. Insert instead:

**74 General**

In this Part:

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

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

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

- (ii) a data logger, and
- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then 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.

## [120] Clause 75

Omit the clause. Insert instead:

### **75 General**

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
  - (a) the relevant water allocation account management rules specified in Division 2 of Part 11 of this Plan,
  - (b) the relevant access rules for the taking of water specified in Part 4 of this Plan, Division 3 of Part 11 of this Plan, and Division 4 of Part 11 of this Plan,
  - (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
  - (a) the holder of the access licence must keep a Logbook,
  - (b) the holder of the access licence must record the following in the Logbook:

- (i) each date and start and end time during which water was taken under the access licence,
- (ii) the volume of water taken on that date,
- (iii) the water supply work approval number of the water supply work used to take the water on that date,
- (iv) the purpose or purposes for which the water was taken on that date,
- (v) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences with share components that specify one of these water sources excluding aquifer access licences with a share component that specifies the Karuah River Water Source, the volume of water taken in the first three water years of this Plan by comparison to the volume of water permitted to be taken in those years under clause 56 (4),
- (vi) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences with share components that specify one of these water sources excluding aquifer access licences with a share component that specifies the Karuah River Water Source, the volume of water taken in any three consecutive water years after the first water year of this Plan by comparison to the volume of water permitted to be taken in those years under clause 56 (3),
- (vii) for aquifer access licences with share components that specify the Karuah River Water Source, the volume of water taken in the first three water years after the commencement of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources Amendment Order 2016* by comparison to the volume of water permitted to be taken in those years under clause 56 (4B),
- (vii) for aquifer access licences with share components that specify the Karuah River Water Source, the volume of water taken in any three consecutive water years after the first water after the commencement of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water*

*Sources Amendment Order 2016* by comparison to the volume of water permitted to be taken in those years under clause 56 (4A), and

- (ix) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested,
  - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under 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 41B.

#### **[121] Clause 76**

Omit the clause. Insert instead:

#### **76 General**

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
  - (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Part 4 of this Plan, Division 3 of Part 11 of this Plan, and Division 4 of Part 11 of this Plan,
  - (b) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
    - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
    - (ii) the metering equipment must comply with 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 water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water 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 direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.

- (c) the approval holder must ensure that, if the water supply work is abandoned or replaced, it is decommissioned in accordance with any direction from the Minister. The Minister may direct that any such water supply work need not be decommissioned,
  - (d) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
  - (e) the holder of the water supply work approval 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 7 days of becoming aware of the breach,
  - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger 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 a 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 under subclause (2).
- (4) All water supply work approvals must contain mandatory conditions to require that the

water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.

- (5) A water supply work approval which authorises the construction or use of a water supply work which is nominated by a local water utility or major utility access licence in these water sources, including all subcategories of major utility access licences, must have mandatory conditions where required to give effect to the relevant release rules for local water utility and major utility storages specified in Part 14 of this Plan.
- (6) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clauses 36 and 37.

#### **[122] Clause 77**

Omit the clause. Insert instead:

#### **77 Water supply works used to take water from the alluvial sediments in these water sources**

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from the alluvial sediments in these water sources.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
  - (a) the rules for limiting the taking of water within the distance restrictions as specified in clause 41B,
  - (b) the approval holder must ensure the water supply work is constructed so as to be:
    - (i) screened in the water source specified in the share component of the access licence that nominates the work, and
    - (ii) sealed off from all other water sources,
  - (c) the construction of a new water supply work must:
    - (i) comply with the restricted distances specified in, or specified by the Minister in accordance with clauses 38–41A, and

- (ii) comply with the construction standards for that type of bore 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,
- (d) the approval holder must ensure that if the water supply work is abandoned or replaced it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the Minimum Construction Requirements for Water Bores in Australia, unless otherwise directed by the Minister in writing,
  - (e) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
  - (f) the approval holder must, within sixty days of completion of the construction of the water supply work, or within sixty days after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
  - (g) if, during the construction of the work, contaminated water is encountered above the production aquifer, the approval holder must:
    - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
    - (ii) take all reasonable steps to minimise contamination and environmental harm,
    - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the 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,

- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
  - (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval,
  - (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 39 (2) (d) applies must have mandatory conditions where required to give effect to clause 39 (2B).

**[123] Clause 86 Amendment of very low flow provisions**

Omit “year five of this Plan” from clause 86 (3). Insert instead: “1 August 2016”.

- (3) For the purpose of such amendments, the field verification in subclause (1) is to be undertaken by 1 August 2016 where possible, and no later than year ten of this Plan.

**[124] Clause 86 (6)–(10)**

Insert after clause 86 (5):

- (6) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17 and consequently the bottom of A class established in clause 17, following field verification.
- (7) Any variation made under subclause (1) should not result in the 3.5 ML/day level (cease to pump) being less than 4 ML/day or being greater than 9 ML/day inclusive, with the 5 ML/day commence to pump flow level adjusted by an equal volume.
- (8) The Minister should cause the field verification in subclause (1) to be undertaken as soon as practical, but before the review of this Plan under section 43 (2) of the Act.
- (9) The field verification should assess the degree to which the following objectives are met:
  - (a) Objective 1—to protect water levels in natural river pools and wetlands during periods of no flow, and
  - (b) Objective 2—to protect natural low flows.

- (10) In undertaking the field verification the Minister should:
- (a) consult with the NSW Environment Protection Authority, NSW Fisheries, NSW Agriculture and the NSW National Parks and Wildlife Service, and
  - (b) prepare a report documenting:
    - (i) the methodology adopted,
    - (ii) the hypotheses tested,
    - (iii) the field results and conclusions in terms of the degree to which the objectives in subclause (9) are met,
    - (iv) the flow level recommended to meet the objectives in subclause (9), and
    - (v) the socio-economic impacts of recommended changes to the flow level.

**[125] Clause 94**

Omit the clause. Insert instead:

**94 Other**

- (1) This Plan may be amended to do any of the following:
- (a) establish or assign TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
  - (b) amend or remove TDELs if TDELs have been established or assigned,
  - (c) include rules for the establishment, assignment and removal of IDELs,
  - (d) remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (a) or (c) to protect a proportion of flow within each flow class for the environment,
  - (e) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (b) and (c),
  - (f) amend existing flow classes, establish new or additional flow classes or amend the flow reference point in order to establish TDELs and IDELs.
- (2) 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) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (c) the management of salt interception schemes,
  - (d) once a review of the effectiveness of Stroud Weir fishway in the Karuah River Water Source is undertaken, the flow classes for the Karuah Upriver Management Zone in the Karuah River Water Source in clause 17 (1) (ab) may be amended to provide supplementary environmental water rules relating directly to Stroud Weir fishway and freshwater fish migration.
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
  - (4) 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.
  - (5) 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) restrict the granting and amending of water supply work approvals to protect water-dependent Aboriginal cultural assets,
    - (c) amend the dealing rules to protect water-dependent Aboriginal cultural assets.
  - (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
  - (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.

**[126] Schedule 1 Dictionary**

Insert at the beginning of the Dictionary:

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

**[127] Schedule 1 *approved EP&A Act development***

Insert after the definition for “accreditation scheme”:

*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.

**[128] Schedule 1 *full capacity***

Insert after the definition for “flow gauging station”:

*full capacity* means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

**[129] Schedule 1 *mangrove limit***

Omit the definition for “mangrove limit”. Insert instead:

*mangrove limit* is defined in the document prepared by the Manly Hydraulic Laboratory entitled *Survey of Tidal Limits and Mangrove Limits in NSW estuaries 1996 to 2005*, ISBN 0-7347-4302-5 (NSW Department of Natural Resources, Manly Hydraulics Laboratory).

**[130] Schedule 1 *stream order***

Omit the definition for “stream order”.

**[131] Schedule 1 *tidal limit***

Omit the definition for “tidal pool”. Insert instead:

*tidal limit* has the same meaning as defined in the document prepared by the Manly Hydraulic Laboratory entitled *Survey of Tidal Limits and Mangrove Limits in NSW estuaries 1996 to 2005*, ISBN 0-7347-4302-5 (NSW Department of Natural Resources, Manly Hydraulics Laboratory).

**[132] Schedule 1 *tidal pool***

Omit the definition for “tidal pool”. Insert instead:

*tidal pool* is defined, for the purposes of this Plan, as the area of water between the upper mangrove limit and the lower tidal limits.



**Note.** *Mangrove limit* and *tidal limit* are defined in the document prepared by the Manly Hydraulic Laboratory entitled *Survey of Tidal Limits and Mangrove Limits in NSW estuaries 1996 to 2005*, ISBN 0-7347-4302-5 (NSW Department of Natural Resources, Manly Hydraulics Laboratory).

## [133] Schedule 2

Omit Schedule 2. Insert instead:

### **Schedule 2 Access licences used to take surface water exempt from cease to pump rules**

#### **1 General**

This clause applies to each access licence which replaces a Water Act 1912 entitlement listed in the table below.

<b>Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan</b>
20BL166823
20BL167130
20BL168359
20SL021370
20SL021476
20SL021507
20SL021509
20SL021559
20SL021660
20SL021717
20SL021964
20SL023478
20SL024073
20SL024158
20SL024444
20SL024517
20SL024596
20SL027211

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

20SL027959
------------

20SL028376
------------

20SL029842
------------

20SL030639
------------

20SL031506
------------

20SL031541
------------

20SL031823
------------

20SL033839
------------

20SL034011
------------

20SL034204
------------

20SL034799
------------

20SL035247
------------

20SL035393
------------

20SL035645
------------

20SL036378
------------

20SL040017
------------

20SL041506
------------

20SL043003
------------

20SL043285
------------

20SL048719
------------

20SL040731
------------

20SL041763
------------

20SL043052
------------

20SL044477
------------

20SL049302
------------

20SL050162
------------

20SL050357
------------

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

20SL050676

20SL051915

20SL060015

20SL060023

20SL060027

20SL060028

20SL060029

20SL060057

20SL060093

20SL060108

20SL060110

20SL060126

20SL060127

20SL060131

20SL060143

20SL060173

20SL060200

20SL060217

20SL060230

20SL060235

20SL060236

20SL060237

20SL060240

20SL060242

20SL060246

20SL060251

20SL060256

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

20SL060258

20SL060294

20SL060305

20SL060307

20SL060308

20SL060320

20SL060323

20SL060356

20SL060361

20SL060363

20SL060367

20SL060376

20SL060400

20SL060409

20SL060415

20SL060439

20SL060443

20SL060561

20SL060564

20SL060574

20SL060575

20SL060578

20SL060646

20SL060647

20SL060760

20SL060764

20SL060840

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

20SL060865

20SL060873

20SL060879

20SL060925

20SL060927

20SL060989

20SL061075

20SL061087

20SL061089

20SL061094

20SL061096

20SL061119

20SL061127

20SL061133

20SL061142

20SL061145

20SL061176

20SL061183

20SL061453

20SL061591

20SL061611

20SL061632

20SL021737

20SL061726

20SL061102

20SL060639

20SL060861

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

20SL060862
20SL060863
20SL060867
20SL060881
20SL060887
20SL061018
20SL061019
20SL061020
20SL061021
20SL061269

**2 Local water utility access licences and access licences of the subcategory “Town water supply”**

This clause applies to each access licence which replaces a Water Act 1912 entitlement listed in the table below.

<b>Water Act 1912 entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan</b>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

20AL200003
20SL022548
20SL022558
20SL029347
20SL029347
20SL045139
20SL046844
20SL060565

**[134] Schedule 4**

Omit Schedule 4. Insert instead:

## Schedule 4 High priority groundwater-dependent ecosystems

High priority groundwater-dependent ecosystems in the alluvial sediments in these water sources are as specified in Table B.

**Table B – High priority groundwater-dependent ecosystems**

Column 1 High priority groundwater system	Column 2 Type	Column 3 Easting	Column 4 Northing	Column 5 Zone	Column 6 Water Source
Bobs Swamp	Wetland	354258.278	6454548.23	56	Upper Barrington River Water Source
Black Swamp	Wetland	355005.874	6453625.785	56	Upper Barrington River Water Source
Brumlow Swamp	Wetland	354292.22	6458709.58	56	Upper Barrington River Water Source
Edwards Swamp	Wetland	352744.77	6454991.25	56	Upper Barrington River Water Source
Great Swamp	Wetland	471112.26	6478181.95	56	Manning Estuary Tributaries Water Source
Little Murray Swamp	Wetland	354265.86	6460557.25	56	Upper Barrington River Water Source
Saxby Swamp	Wetland	354371.37	6453166.55	56	Upper Barrington River Water Source
Wallaroo Swamp	Wetland	399811.75	6389041.74	56	Karuah River

**Notes.**

- 1 High priority groundwater-dependent ecosystems (**GDEs**) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDE.
- 2 The global positioning system coordinates listed in the table above provide a guide for where high priority groundwater-dependent ecosystems are located. However, the location of the outer edge of the high priority groundwater-dependent ecosystem will be different from this point, which will be located within the outside limit of the ecosystem.
- 3 The approximate location of GDEs listed in Column 1 of Table B is provided as Easting and Northing coordinates in Columns 3 and 4 of Table B.

4 The GDEs identified in Table B are shown in Appendix 4.

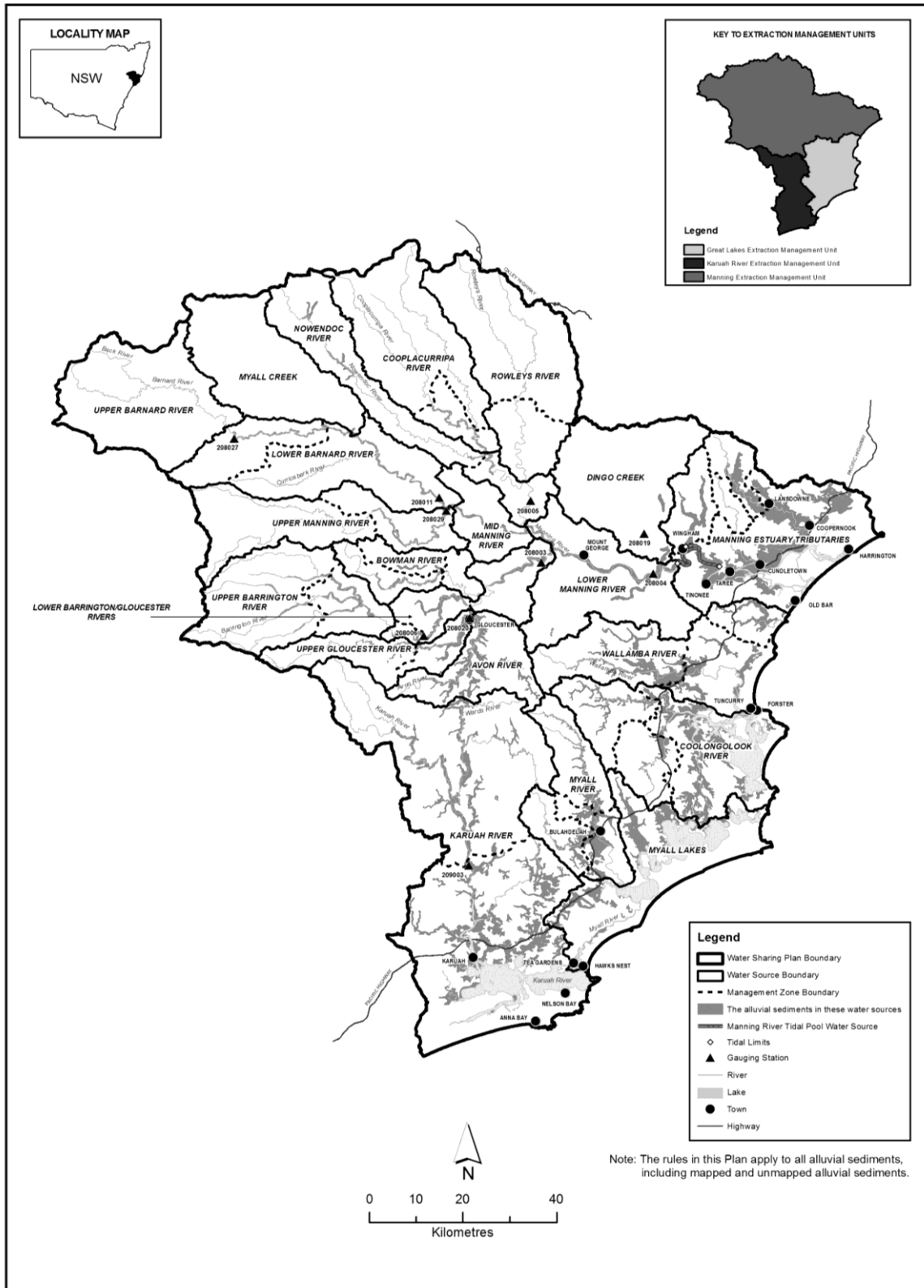
**[135] Appendix 1**

Omit Appendix 1. Insert instead:

**Appendix 1 Overview of the Plan Map**

**Overview of the Plan Map (WSP001\_Version 2) Water Sharing Plan for the Lower North Coast  
Unregulated and Alluvial Water Sources 2009**





[136] Appendix 2 Inspection of the Plan Map

Omit:

NSW Office of Water

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

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

Insert instead:

DPI Water  
Department of Primary Industries  
10 Valentine Ave  
PARRAMATTA NSW 2150

DPI Water  
Department of Primary Industries  
Level 3, 26 Honeysuckle Drive  
DANGAR NSW 2309

**[137] Appendix 3 Office**

Omit:

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

Insert instead:

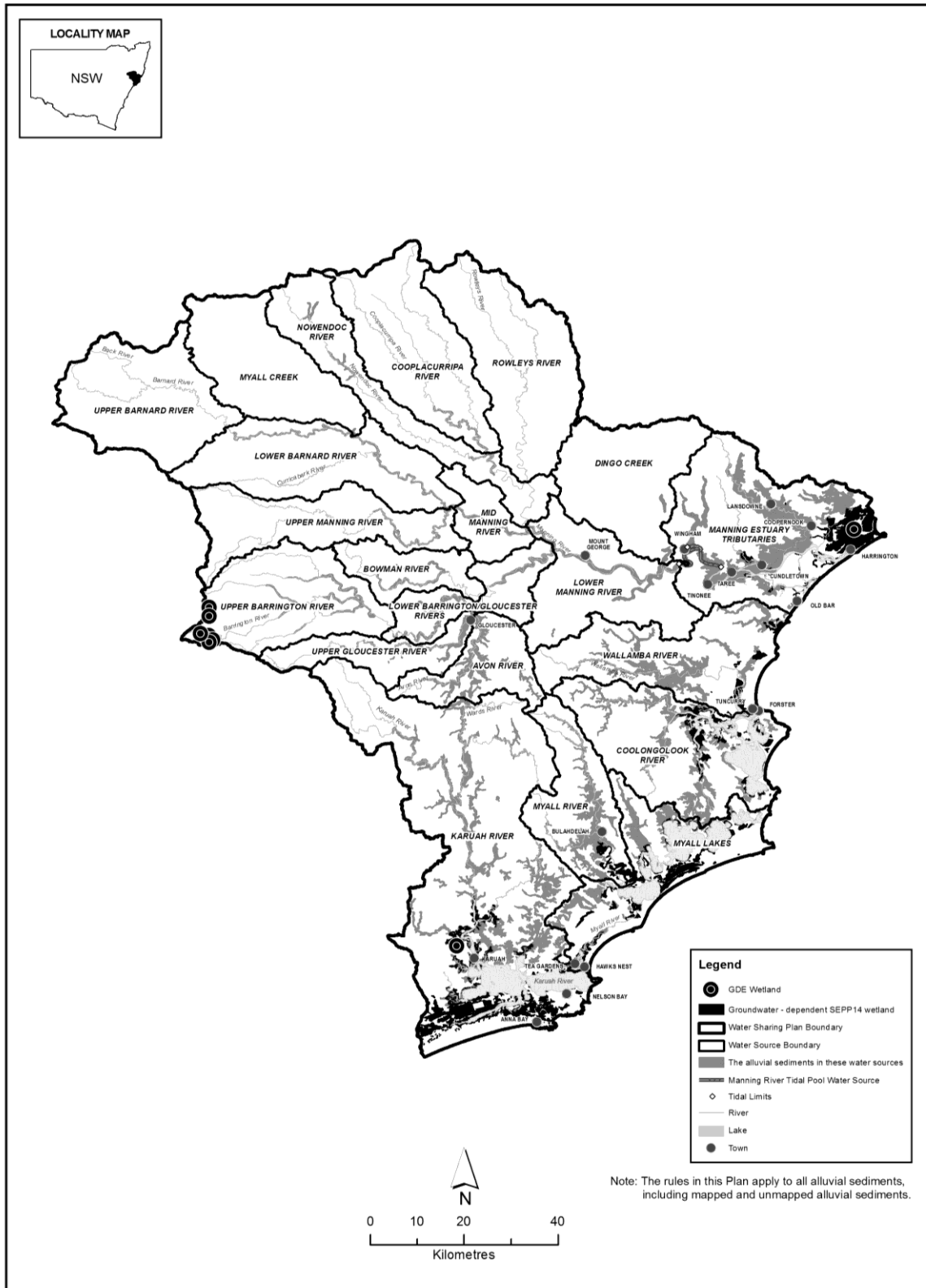
DPI Water  
Department of Primary Industries  
Level 3, 26 Honeysuckle Drive  
DANGAR NSW 2309

**[138] Appendix 4**

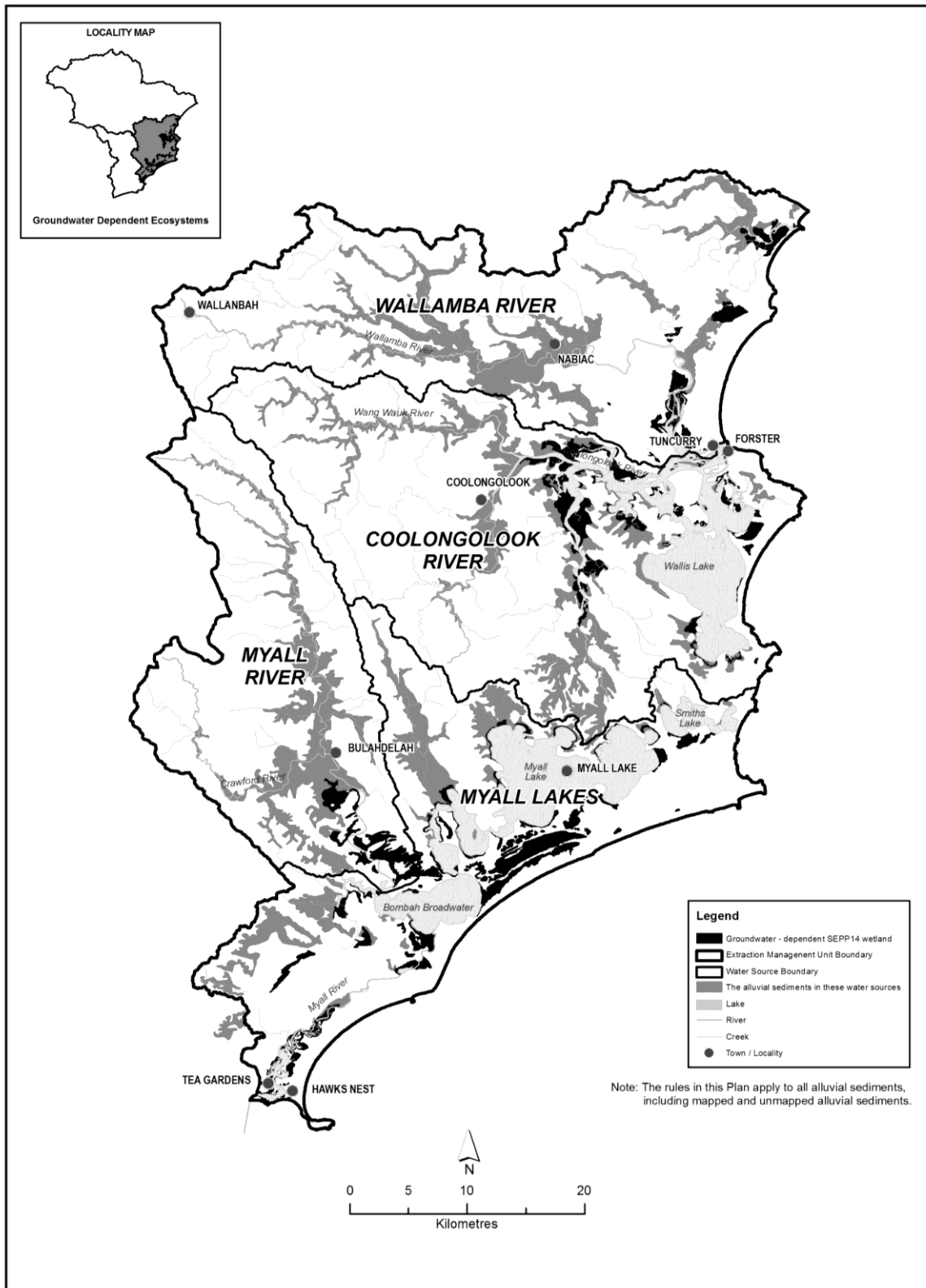
Insert after Appendix 3:

**Appendix 4 Maps of high priority groundwater-dependent ecosystems**

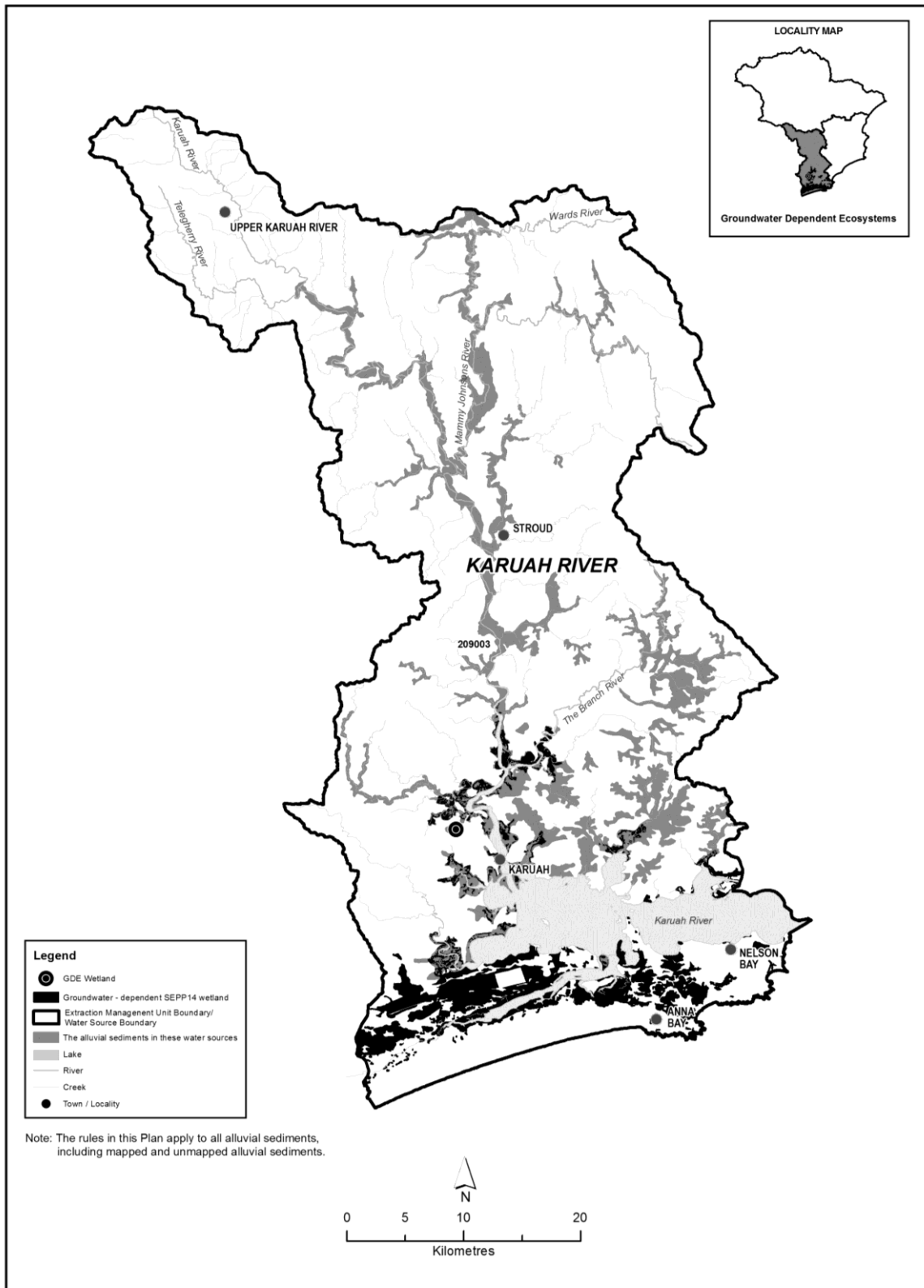
**High priority groundwater-dependent ecosystems in the Water Sharing Plan for the Lower  
North Coast Unregulated and Alluvial Water Sources 2009**



**High priority groundwater-dependent ecosystems in the Great Lakes Extraction Management Unit of the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009**



### High priority groundwater-dependent ecosystems in the Karuah River Extraction Management Unit of the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009



## High priority groundwater-dependent ecosystems in the Manning Extraction Management Unit of the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources

2009

