



Water Sharing Plan for the Central Coast Unregulated 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 Central Coast Unregulated 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 sections 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 Central Coast Unregulated Water Sources 2009*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016

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Water Management Act 2000

1 Name of Order

This Order is the *Water Sharing Plan for the Central Coast Unregulated 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 Central Coast Unregulated Water Sources 2009

[1] Part 1 Introduction

Insert before clause 1, the note 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 it is due to expire, in accordance with section 43A of the Act.

[3] Clause 4

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 Central Coast Unregulated and Alluvial Water Sources (*these water sources*) within the Central Coast Water Management Area:

- (a) Brisbane Water Water Source,
- (b) Mooney Mooney Creek Water Source,
- (c) Mangrove Creek Water Source,
- (d) Wyong River Water Source,
- (e) Tuggerah Lakes Water Source,
- (f) Jiliby Jiliby Creek Water Source,
- (g) Ourimbah Creek Water Source.

Note. An overview of these water sources is shown in Appendix 1.

(2) These water sources are shown on the Plan Map called *Plan Map (WSP005_Version2)*

Water Sharing Plan for the Central Coast Unregulated 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 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.

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 Central Coast Water Source which were not included in the *Water Sharing Plan for the Central Coast Unregulated Water Sources 2009*.

- (4) These water sources do not include water contained in:
- (a) the coastal sands,
 - (b) any fractured or porous rocks, or
 - (c) the area of land below the mangrove limit, except for the Wamberal Lagoon, Avoca Lake and Cockrone Lake in the Brisbane Water Water Source.

Note. **Fractured rock**, **porous rock** and **mangrove limit** are defined in the dictionary.

- (5) This Plan, as amended by the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003* and the *Water Sharing Plan for the Ourimbah Creek Water Source 2003*.
- (6) This Plan also applies to the alluvial sediments below the surface of the ground within the Jilliby Jilliby Creek Water Source and the Ourimbah Creek Water Source which were not included in the *Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003* and

the *Water Sharing Plan for the Ourimbah Creek Water Source 2003*, and within the Brisbane Water Water Source, the Mooney Mooney Creek Water Source, the Mangrove Creek Water Source, the Wyong River Water Source and the Tuggerah Lakes Water Source, which were not originally included in this Plan.

[4] Clauses 6A and 6B

Insert after clause 6:

6A Extraction management unit for these water sources

- (1) This Plan applies to the Gosford Extraction Management Unit and the Tuggerah Lakes Extraction Management Unit (*these Units*) which apply to the water sources specified in Column 2 of Table A to this clause.
- (2) These Units specified in subclause (1) are shown on the Plan Map.

Note. A long-term average annual extraction limit is established in Part 9 of this Plan for these Units. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences and pursuant to domestic and stock rights and native title rights from all water sources within these Units on a long-term average annual basis.

Table A — Extraction management units

Column 1 – Extraction management unit	Column 2 – Water sources
Gosford Extraction Management Unit	Brisbane Water Water Source Mooney Mooney Creek Water Source Mangrove Creek Water Source
Tuggerah Lakes Extraction Management Unit	Jilliby Jilliby Creek Water Source Ourimbah Creek Water Source Tuggerah Lakes Water Source Wyong River Water Source

6B Understanding the rules in this Plan

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

[5] Clause 7

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 that Schedule.
- (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) Schedules to this Plan form part of this Plan.
- (4) Notes in the text of this Plan do not form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.
- (6) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.

[6] Clause 9A

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.

[7] Clause 15 Extraction management units for these water sources

Omit the clause.

[8] Clause 16 Flow reference points

Omit clause 16 (4). Insert instead:

- (4) Subject to subclause (3), 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.

[9] Clause 17 Flow classes for these water sources

Insert after clause 17 (1) (e):

- (f) for the Jilliby Jilliby Creek Water Source, for all access licences:
 - (i) the Very Low Flow Class is when the flows at gauging station 211010 are equal to or less than 1 ML/day,
Note. 1 ML/day corresponds to the estimated 78th percentile of all days with flow.
 - (ii) B Class is when the flows at gauging station 211010 are greater than 1 ML/day and equal to or less than 3.3 ML/day,
 - (iii) C Class is when flows at gauging station 211010 are greater than 3.3 ML/day and equal to or less than 8 ML/day,
 - (iv) D Class is when flows at gauging station 211010 are greater than 8 ML/day.
- (g) for the Ourimbah Creek Water Source, for all access licences:
 - (i) the Very Low Flow Class is when the flows at gauging station 211015 are equal to or less than 4 ML/day,
Note. 4 ML/day corresponds to the estimated 91st percentile of all days with flow.
 - (ii) A Class is when the flows at gauging station 211015 are greater than 4 ML/day and equal to or less than 7 ML/day on a falling river or greater than 4 ML/day and equal to or less than 7 ML/day on a rising river,
 - (iii) B Class is when flows at gauging station 211015 are greater than 7 ML/day and equal to or less than 25 ML/day,
 - (iv) C Class is when flows at gauging station 211015 are greater than 25 ML/day and equal to or less than 60 ML/day,
 - (v) D Class is when flows at gauging station 211015 are greater than 60 ML/day

and equal to or less than 160 ML/day,

- (vi) E Class is when flows at gauging station 211015 are greater than 160 ML/day.

[10] Clause 17 (8)

Insert after the subclause:

Note. At the commencement of the Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016, flow data for flow reference points that are located at a flow measuring gauge can be found at <http://realtimedata.water.nsw.gov.au/water.stm>.

[11] Part 4 Environmental water provisions

Omit the heading.

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

[12] Part 4, note

Insert before clause 18:

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

[13] 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.

[14] Clause 19 Planned environmental water

Omit clause 19 (3) (b). Insert instead:

- (b) subject to paragraph (d), water must not be taken under an access licence where a cease to take condition that was specified in the *Water Act 1912* entitlement that the access licence replaces is, in the Minister’s opinion, higher than:
- (i) the upper limit of the relevant Very Low Flow Class (as specified in clause 17), or

- (ii) the access rules specified in paragraph (c), 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 access licences with a share component that specifies the Jilliby Jilliby Creek Water Source or the Ourimbah Creek Water Source,

Note. *Water Act 1912 entitlement* is defined in the Dictionary.

[15] Clause 19 (3) (c)

Omit the paragraph. Insert instead:

- (c) subject to paragraph (d), in the Wyong River Water Source, Tuggerah Lakes Water Source, Brisbane Water Water Source, Jilliby Jilliby Creek Water Source and Ourimbah Creek Water Source, water must not be taken under an access licence:
 - (i) if there is no visible flow in the water source at the location at which water is proposed to be taken, or
 - (ii) where water is being taken from a pool, if there is no visible inflow or outflow to or from that pool,

[16] Clause 19 (3) (d) (ii)

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

[17] Clause 19 (3) (d) (iii) to (vi)

Omit subparagraphs (iii) and (iv) of clause 19 (3) (d). Insert instead:

- (iii) the taking of water using a runoff harvesting dam,
- (iv) the taking of water from an in-river dam pool, excluding the Jilliby Jilliby Creek Water Source and the Ourimbah Creek Water Source,
- (v) for the Jilliby Jilliby Creek Water Source and the Ourimbah Creek Water Source, the taking of water from an in-river dam pool when the in-river dam is passing all inflows,
- (vi) the taking of water under a local water utility access licence to which Schedule 2 applies, for the first three years of this Plan or the upgraded

fishway for the Wyong River Weir and new Wyong River Pump Station are completed, whichever is sooner, for the purposes of town water supply only,

[18] Clause 19 (3) (h)

Omit the paragraph. Insert instead:

- (h) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows in such circumstances as specified on the water supply work approval for the in-river dam. This paragraph does not apply to access licences with a share component that specifies the Jilliby Jilliby Creek Water Source or the Ourimbah Creek Water Source,

[19] Clause 19 (10)

Insert after clause 19 (9):

- (10) 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 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) 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.

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

[20] Clause 20 Access rules for these alluvial sediments

Insert after clause 19:

20 Access rules for these alluvial sediments

- (1) The rules in this clause apply to the taking of water under an access licence from these alluvial sediments, 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 (4), 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 these alluvial sediments.
- (3) Subject to subclause (4), 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 these alluvial sediments.
- (4) Subclauses (2) – (6) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 2A 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 (5):
 - (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 2A applies.
- (5) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (4) (a) if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.
- (6) This clause may be amended at or after 1 July 2022 to establish access rules for the taking of water from these alluvial sediments.

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.

[21] Clause 22 Domestic and stock rights

Omit clause 22 (1). Insert instead:

- (1) The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 297.3 ML/year, distributed as follows:
- (a) 80.3 ML/year in the Wyong River Water Source,
 - (b) 73 ML/year in the Tuggerah Lakes Water Source,
 - (c) 29.2 ML/year in the Brisbane Water Water Source,
 - (d) 1.5 ML/year in the Mooney Mooney Creek Water Source,
 - (e) 11 ML/year in the Mangrove Creek Water Source,
 - (f) 47.5 ML/year in the Jilliby Jilliby Creek Water Source,
 - (g) 54.8 ML/year in the Ourimbah Creek Water Source.

[22] Clause 22 (2)

Insert “The volumes set out in this clause are separate from any volumes of water licensed for domestic and stock purposes in these water sources.” at the end of the first paragraph of the note to subclause 22 (2).

[23] Clause 25 Bulk access regime

Omit clause 25 (2). Insert instead:

- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
- (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan,
 - (d) the access licence dealing rules established under Part 11 of this Plan.

[24] Clause 25 (3) (e) to (h)

Omit clause 25 (3) (e) and (f). Insert instead:

- (e) establishes rules according to which access licences are managed as provided for in Parts 9 and 10 of this Plan,
- (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 9 of this Plan,
- (g) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 12 of this Plan, and
- (h) recognises and is consistent with the water management principles set out in section 5 of the Act.

[25] 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 234.5 ML/year, distributed as follows:

- (a) 48.5 ML/year in the Wyong River Water Source,
- (b) 0 ML/year in the Tuggerah Lakes Water Source,
- (c) 14 ML/year in the Brisbane Water Water Source,
- (d) 44.5 ML/year in the Mooney Mooney Creek Water Source,
- (e) 73.5 ML/year in the Mangrove Creek Water Source,
- (f) 6.5 ML/year in the Jilliby Jilliby Creek Water Source,
- (g) 47.5 ML/year in the Ourimbah Creek Water Source.

[26] 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 take water from these water sources will total 105,865 ML/year, distributed as follows:

- (a) 35,058 ML/year in the Wyong River Water Source,

Note. The total share component for local water utility access licences in the Wyong River Water Source may be amended under clause 31 based on the review of the study and ongoing monitoring and investigations referred to in clauses 74 and 75 of this Plan.

- (b) 4 ML/year in the Tuggerah Lakes Water Source,
- (c) 3 ML/year in the Brisbane Water Water Source,
- (d) 17,900 ML/year in the Mooney Mooney Creek Water Source,
- (e) 47,900 ML/year in the Mangrove Creek Water Source,
- (f) 5,000 ML/year in the Ourimbah Creek Water Source.

[27] Clause 29

Omit the clause. Insert instead:

29 Share components of major utility access licences

It is estimated that the share components of major utility access licences authorised to take water from these water sources will total 0 ML/year.

[28] 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 take water from these water sources will total 14,012.1 unit shares, distributed as follows:

- (a) 4,107.5 unit shares in the Wyong River Water Source,
- (b) 30 unit shares in the Tuggerah Lakes Water Source,
- (c) 216.6 unit shares in the Brisbane Water Water Source,
- (d) 2,243 unit shares in the Mooney Mooney Creek Water Source,
- (e) 4,260 unit shares in the Mangrove Creek Water Source,
- (f) 1,029 unit shares in the Jilliby Jilliby Creek Water Source,
- (g) 2,126 unit shares in the Ourimbah Creek Water Source.

[29] Clause 30A

Insert after clause 30:

30A Share components of aquifer access licences

It is estimated that the share components of aquifer access licences authorised to take water from the Brisbane Water Water Source will total 14 unit shares.

[30] Clause 32

Omit the clause. Insert instead:

32 Rules for granting access licences

- (1) This clause is made in accordance with sections 20 (2) (b), 61 and 63 of the Act, having regard to the limits to water availability in these water sources, and the need to protect dependent ecosystems.

Note. Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan. Only those specific purpose access licences listed in clause 10 of the *Water Management (General) Regulation 2011* can be granted under the regulations. The licences that may be applied for under subclause (1) 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*. The restrictions in subclause (3) apply to the granting of specific purpose access licences.

- (2) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) Applications may be made for the following specific purpose access licences in these water sources:
- (a) a major utility access licence which replaces a local water utility access licence in the event that the Gosford City Council Water Supply Authority or the Wyong Council Water Supply Authority are declared to be major utilities under the Act, and
 - (b) an access licence that may be granted in accordance with an access licence dealing.

Notes.

- 1 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.
 - 2 Section 61 (1) (b) of the Act also allows 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 for that access licence has been acquired under section 65 of the Act.
- (4) Access licences applied for under clause 5 of the Regulation shall only be granted in the Tuggerah Lakes, Wyong River, Brisbane Water, Mangrove Creek or Mooney Mooney Creek Water Sources if the applicant can demonstrate a history of extraction in the area from the defined tidal limit to the mangrove limit.
- (5) An access licence granted under subclause (4) will have the share component determined by a process in consultation with local water users.

- (6) The determination of the share component under subclause (5) will consider the historical maximum annual extraction of water on the property.
- (7) An access licence of the subcategory “Aboriginal cultural” shall not be granted in these water sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.
- (8) 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.

- (9) A specific purpose access licence shall only be granted if the share or extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.

Note. Any new access licence granted in these water sources may be subject to an access rule as specified in clause 19 (3).

[31] Clause 32A

Insert after clause 32:

32A 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.

[32] Clause 33

Omit the clause. Insert instead:

33 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.

[33] Clause 34 Extraction management unit for these water sources

Omit the clause.

[34] Clause 35

Omit the clause. Insert instead:

35 Volume of the long-term average annual extraction limits

- (1) For each of these Units separate long-term average annual extraction limits will apply to the taking of water under:
 - (a) domestic and stock rights and native title rights and access licences, other than those local water utility or major utility access licences held by Gosford and Wyong Councils, and
 - (b) local water utility or any major utility access licences held by Gosford and Wyong Councils (hereafter *the local water utility long-term average annual extraction limit*).
- (2) The long-term average annual extraction limit established under subclause (1) (a) in:
 - (a) the Tuggerah Lakes Extraction Management Unit is the sum of:
 - (i) the share components of all access licences in the Tuggerah Lakes Extraction Management Unit, excluding local water utility or any major utility share components held by Gosford and/or Wyong Councils, and

Note. At the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, the LTAAEL for the Tuggerah Lakes Extraction Management Unit, excluding local water utility or any major utility share components held by Gosford and/or Wyong councils, is 7,650 ML/year.
 - (ii) the annual water requirements pursuant to domestic and stock rights and native title rights in the Tuggerah Lakes Extraction Management Unit, and
 - (b) the Gosford Extraction Management Unit is the sum of:
 - (i) the share components of all access licences in the Gosford Extraction Management Unit, excluding local water utility or any major utility access licences held by Gosford and Wyong Councils, and

Note. At the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, the LTAAEL for the Gosford Extraction Management Unit, excluding, local water utility or any major utility share components held by Gosford and/or Wyong, councils is 6,893.3 ML/year.
 - (ii) the annual water requirements pursuant to domestic and stock rights and native title rights in the Gosford Extraction Management Unit.

(3) The local water utility long-term average annual extraction limit established under subclause (1) (b) for the Tuggerah Lakes Extraction Management Unit will be equal to 36,750 ML/year minus:

- (a) the long-term average annual extraction under local water utility or any major utility access licences held by Gosford City Council and/or Wyong Shire Council in the Gosford Extraction Management Unit, and
- (b) the long-term average annual extraction under local water utility or any major utility access licences held by Gosford City Council and/or Wyong Shire Council in any groundwater source, where the water taken is not being passed through Mardi Water Treatment Plant.

Note. Water flowing from Hunter Water Corp to Gosford Wyong Councils will be accounted against the local water utility long-term average annual extraction limit in the Tuggerah Lakes Extraction Management Unit. Water transferred from Gosford Wyong Councils to Hunter Water Corporation will be accounted against the major utility long-term average annual extraction limit in the Hunter Extraction Management Unit.

Note. Any groundwater extraction that is being passed through Mardi Water Treatment Plant will effectively be counted as surface water extraction against the long-term average annual extraction limit.

(4) The local water utility long-term average annual extraction limit established under subclause (1) (b) for the Gosford Extraction Management Unit will be equal to 36,750 ML/year minus:

- (a) the long-term average annual extraction under local water utility or any major utility access licences held by Gosford City Council and/or Wyong Shire Council in the Tuggerah Lakes Extraction Management Unit, and
- (b) the long-term average annual extraction under local water utility or any major utility access licences held by Gosford City Council and/or Wyong Shire Council in any groundwater source, where the water taken is not being passed through Somersby Water Treatment Plant.

Note. The 36,750 ML/year figure is based on demand projections to 2013. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009 and this Plan will need to be reviewed to determine their appropriateness in line with the new operations.

Note. Any groundwater extraction that is being passed through Somersby Water Treatment Plant will effectively be counted as surface water extraction against the long-term average annual extraction limit.

- (5) After commencement of releases from Tillegra Dam or after 1 July 2013, whichever occurs sooner, the local water utility long-term average annual extraction limits established under subclauses (3) and (4) for the Tuggerah Lakes and Gosford Extraction Management Units will be reviewed, taking into consideration:
 - (a) instream habitat and estuary requirements, and
 - (b) local water utility long-term demand requirements.
- (6) The Minister may amend this Plan, to vary the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) in accordance with the outcomes of the review specified in subclause (5).
- (7) The Minister may amend this Plan to amend subclause (1) (b) and the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) following the granting of access licences to Gosford or Wyong Councils for the purpose of stormwater harvesting.
- (8) The Minister may amend this Plan to amend the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) in accordance with the outcomes of the review specified in clause 38 (11) of this Plan.

[35] Clause 38

Omit the clause. Insert instead:

38 Compliance with the long-term average annual extraction limit

- (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) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 37 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 35 for that extraction management unit by 5% or more, then available water determinations for unregulated river 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.
- (4) The average annual volume of water taken under all local water utility or major utility access licence held by Gosford City Council Water Supply Authority and Wyong Council Water Supply Authority in an extraction management unit, in any 10 consecutive water years may not exceed a volume equal to the respective long-term average annual extraction limit specified in clause 35 (3) and (4) of this Plan.
- (5) In each of these Units the total water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Councils will be monitored each water year to determine if there is any growth above the respective local water utility long-term average annual extraction limit established under clause 35 (3) and (4), based on a comparison of the long-term average annual extraction limit against the average annual amount of water taken within these Units over a rolling ten year period commencing from the start of this Plan, except where subclause (6) applies.
- (6) If the long-term average annual extraction limit specified in clause 35 (3) and (4) is amended under clause 35 (6) then growth in the 'water taken' above the respective local water utility long-term average annual extraction limit specified in clause 35 (3) and (4) shall be determined based on a comparison of the extraction limit against the average water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council within the Tuggerah Lakes and Gosford Extraction Management Units over a rolling ten year period commencing from the water year in which the amendment was made.
- (7) For the purpose of assessing growth above the respective local water utility long-term average annual extraction limit, the water taken in the Tuggerah Lakes Extraction Management Unit under local water utility or any future major utility licences within these water sources will be determined as:
 - (a) the water passing the outlet of Mardi Water Treatment Plant minus any water passing the boundary meter from Gosford/Wyong Councils to Hunter Water Corporation, plus
 - (b) any water passing the boundary meter from Hunter Water Corporation to

Gosford/Wyong Councils, plus

- (c) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.
- (8) For the purpose of assessing growth above the respective local water utility long-term average annual extraction limit, the water taken in the Gosford Extraction Management Unit under local water utility or any future major utility licences within these water sources will be determined as:
- (a) the water passing the outlet of Somersby Water Treatment Plant, plus
 - (b) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.
- Note.** Any groundwater extractions passed through the Woy Woy Water Treatment Plant will be accounted against the long-term average annual extraction limit established by the respective groundwater macro plan covering that groundwater source.
- (9) If monitoring of the water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council indicates growth above the respective local water utility long-term average annual extraction limit as specified in clause 35 (3) or (4), then a review shall be undertaken which considers:
- (a) the Gosford City Council and Wyong Shire Councils' urban water supply requirements, and
 - (b) the impacts associated with an increase to the respective local water utility long-term average annual extraction limit.
- (10) The Minister may amend this clause to take account of access licences issued for the purpose of stormwater harvesting.

[36] Clause 39 Available water determinations

Insert "water" after "first" in clause 39 (4).

[37] Clause 39 (5)

Insert after clause 39 (4) and before the note:

- (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 Central Coast Unregulated Water Sources Amendment Order 2016.

[38] Clause 40 Available water determinations for domestic and stock access licences

Insert “water” after “first” in clause 40 (1).

[39] Clause 43 Available water determinations for unregulated river access licences

Insert “water” after “first” in clause 43 (1).

[40] Clause 43 (2)

Omit “and” after “sources”.

[41] Clause 43A

Insert after clause 43:

43A 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 Central Coast Unregulated Water Sources Amendment Order 2016*, for aquifer access licences in these water sources, should be equal to 2 megalitres per unit share of access licence share component.
- (2) At the commencement of the first water year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated 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 Central Coast Unregulated 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.

[42] Clause 45 Individual access licence account management rules

Omit clause 45 (6). Insert instead:

- (6) Water allocations in the accounts of local water utility or major utility access licences shall not be permitted to be carried over from one water year to the next in the Tuggerah Lakes, Brisbane Water, Mangrove Creek, Mooney Mooney Creek, Jiliby Jiliby Creek and Ourimbah Creek Water Sources.

[43] Clause 45 (8) – (10)

Insert after clause 45 (7):

- (8) Notwithstanding subclause (9), the maximum volume that may be taken under an aquifer access licence in these water sources in the first three water years after the commencement of the first water year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016* may not exceed a volume equal to:
- (a) three times the share component of the access licences,
 - (b) plus any water allocations assigned from another access licence by a water allocation assignment under section 71T of the Act in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocation assigned to another access licence, by a water allocation assignment under section 71T of the Act in those years.
- (9) For the period of any three consecutive water years after the first water year after the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, the maximum volume of water that may be taken under an aquifer access licence in these water sources, 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 (10),
 - (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 recredited 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 reccredited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years.

- (10) The maximum water allocation that can be carried over in the water allocation account for an aquifer access licence from one water year to the next is equal to:
 - (a) 100% of access licence share component, for access licences with share components expressed as ML/year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.

[44] Clause 47 Total daily extraction limits

Insert after clause 47 (4):

- (4A) In the Ourimbah Creek Water Source, the TDEL for local water utility access licences in:
 - (a) B Class is 8.5 ML/day,
 - (b) C Class is 22 ML/day, and
 - (c) D Class and E Class is 41 ML/day.

[45] Clauses 56 to 61

Omit the clauses.

[46] Clauses 61A – 61H

Insert after clause 61:

61A General

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

Notes.

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

61B Conversion of access licence to new category

- (1) Dealings under section 71O of the Act are prohibited unless the conversion is from an unregulated river access licence to an aquifer access licence with a share component or extraction component in these water sources.
- (2) A dealing under subclause (1) is subject to the share component of the aquifer access licence being equal to the share component of the unregulated river access licence.

61C Assignment of rights dealings

Dealings under section 71Q of the Act are prohibited if the dealing involves an assignment of rights from:

- (a) an access licence with an extraction component that specifies the Brisbane Water Management Zone in the Brisbane Water Water Source to an access licence with an extraction component that specifies the Brisbane Plateau Management Zone in the Brisbane Water Water Source, or
- (b) an access licence with an extraction component that specifies the Mooney Mooney Creek Management Zone in the Mooney Mooney Creek Water Source to an access licence with an extraction component that specifies the Mooney Mooney Plateau Management Zone in the Mooney Mooney Creek Water Source, or
- (c) an access licence with an extraction component that specifies the Mangrove Creek Management Zone in the Mangrove Creek Water Source to an access licence with

- an extraction component that specifies the Mangrove Creek Plateau Management Zone in the Mangrove Creek Water Source, or
- (d) an access licence with an extraction component that specifies the Wyong River Management Zone in the Wyong River Water Source to an access licence with an extraction component that specifies the Wyong Plateau Management Zone in the Wyong River Water Source, or
 - (e) an access licence that does not nominate a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source to an access licence that nominates a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
- (a) to an access licence with a share component that specifies a water source located in a different extraction management unit,
 - (b) to an access licence with a share component that specifies one of the following water sources:
 - (i) Brisbane Water Water Source,
 - (ii) Mooney Mooney Creek Water Source,
 - (iii) Mangrove Creek Water Source,
 - (iv) Wyong River Water Source,
 - (v) Tuggerah Lakes Water Source,
 - (c) to an access licence with a share component that specifies the Jiliby Jiliby Creek Water Source, if it would cause the sum of the share components of all access licences in the Jiliby Jiliby Creek Water Source to exceed 1,035.5, or
 - (d) to an access licence with a share component that specifies the Ourimbah Creek Water Source, if it would cause the sum of the share components of all access

licences in the Ourimbah Creek Water Source to exceed 7,173.5.

61D Amendment of share components dealings (change of water source)

- (1) Dealings under section 71R of the Act are subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (2) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
 - (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,
 - (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit,
 - (c) the granting of a new access licence with a share component that specifies one of the following water sources:
 - (i) Brisbane Water Water Source,
 - (ii) Mooney Mooney Creek Water Source,
 - (iii) Mangrove Creek Water Source,
 - (iv) Wyong River Water Source,
 - (v) Tuggerah Lakes Water Source,
 - (d) the granting of a new access licence with a share component that specifies the Jilliby Jilliby Creek Water Source, if it would cause the sum of the share components of all access licences in the Jilliby Jilliby Creek Water Source to exceed 1,035.5,
 - (e) the granting of a new access licence with a share component that specifies the Ourimbah Creek Water Source, if it would cause the sum of the share components of all access licences in the Ourimbah Creek Water Source to exceed 7,173.5.

- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

61E Amendment of extraction component dealings

Dealings under section 71S of the Act are prohibited if the dealing involves:

- (a) an access licence with an extraction component that specifies the Brisbane Water Management Zone in the Brisbane Water Water Source being varied to specify the Brisbane Plateau Management Zone in the Brisbane Water Water Source, or
- (b) an access licence with an extraction component that specifies the Mooney Mooney Creek Management Zone in the Mooney Mooney Creek Water Source being varied to specify the Mooney Mooney Plateau Management Zone in the Mooney Mooney Creek Water Source, or
- (c) an access licence with an extraction component that specifies the Mangrove Creek Management Zone in the Mangrove Creek Water Source being varied to specify the Mangrove Creek Plateau Management Zone in the Mangrove Creek Water Source, or
- (d) an access licence with an extraction component that specifies the Wyong River Management Zone in the Wyong River Water Source being varied to specify the Wyong Plateau Management Zone in the Wyong River Water Source.

61F Assignment of water allocations dealings

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from:
- (a) an access licence with an extraction component that specifies the Brisbane Water Management Zone in the Brisbane Water Water Source to an access licence with an extraction component that specifies the Brisbane Plateau Management Zone in the Brisbane Water Water Source, or
 - (b) an access licence with an extraction component that specifies the Mooney Mooney Creek Management Zone in the Mooney Mooney Creek Water Source to an access licence with an extraction component that specifies the Mooney Mooney Plateau Management Zone in the Mooney Mooney Creek Water Source, or

- (c) an access licence with an extraction component that specifies the Mangrove Creek Management Zone in the Mangrove Creek Water Source to an access licence with an extraction component that specifies the Mangrove Creek Plateau Management Zone in the Mangrove Creek Water Source, or
 - (d) an access licence with an extraction component that specifies the Wyong River Management Zone in the Wyong River Water Source to an access licence with an extraction component that specifies the Wyong Plateau Management Zone in the Wyong River Water Source, or
 - (e) an access licence that does not nominate a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source to an access licence that nominates a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation:
- (a) from an access licence in one extraction management unit to an access licence in another extraction management unit, or
 - (b) to an access licence in one of the following water sources:
 - (i) the Brisbane Water Water Source,
 - (ii) the Mooney Mooney Creek Water Source,
 - (iii) the Mangrove Creek Water Source,
 - (iv) the Wyong River Water Source,
 - (v) the Tuggerah Lakes Water Source, or
 - (c) to an access licence in the Jilliby Jilliby Creek Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 1,035.5, or
 - (d) to an access licence in the Ourimbah Creek Water Source, if it would cause the

sum of water allocations credited to the water allocation accounts of all access licences in that water source from available water determinations or dealings under section 71T of the Act in that water year, to exceed 7,173.5.

61G Interstate access licence transfer and assignment of water allocation

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

61H Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence being amended to nominate a water supply work located in a different management zone to that specified in the extraction component of the access licence, or
 - (b) an access licence which nominates a water supply work located in the Brisbane Water Management Zone in the Brisbane Water Water Source being amended to nominate a water supply work located in the Brisbane Plateau Management Zone in the Brisbane Water Water Source, or
 - (c) an access licence which nominates a water supply work located in the Mooney Mooney Creek Management Zone in the Mooney Mooney Creek Water Source being amended to nominate a water supply work located in the Mooney Mooney Plateau Management Zone in the Mooney Mooney Creek Water Source, or
 - (d) an access licence which nominates a water supply work located in the Mangrove Creek Management Zone in the Mangrove Creek Water Source being amended to nominate a water supply work located in the Mangrove Creek Plateau Management Zone in the Mangrove Creek Water Source, or
 - (e) an access licence which nominates a water supply work located in the Wyong River Management Zone in the Wyong River Water Source being amended to nominate a water supply work located in the Wyong Plateau Management Zone in the Wyong River Water Source, or

- (f) an access licence that does not nominate a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source being amended to nominate a water supply work located on the main stem of Mangrove Creek between Mangrove Creek Weir and Mangrove Creek Dam in Mangrove Creek Water Source.
- (2) Dealings under section 71W of the Act that involve the nomination of a water supply work located in a State other than NSW, by an access licence in these water sources, are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of a water supply work in these water sources, by an access licence from a State other than NSW, are prohibited.

[47] Part 12 Mandatory conditions

Insert after the heading to Part 12:

Note. Part 15 allows for amendments to be made to this Part.

[48] Clause 62

Omit the clause. Insert instead:

62 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.

- (b) a *metered water supply work with a data logger* means a water supply work with:
 - (i) a meter that complies with the 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.

[49] Clause 63

Omit clause. Insert instead:

63 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 10 of this Plan,
 - (b) the relevant access rules for the taking of water specified in Part 4 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 a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
 - (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to

- take the water on that date,
- (iv) the purpose or purposes for which the water was taken on that date,
 - (v) for domestic and stock access licences and unregulated river access licences with share components that specify one of these water sources, the volume of water taken in the first three water years in which this Plan has effect, by comparison to the volume of water permitted to be taken in those years under clause 45 (3), and
 - (vi) for domestic and stock access licences and unregulated river access licences with share components that specify one of these water sources, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the volume of water permitted to be taken in those years under clause 45 (4),
 - (vii) for aquifer access licences with share components that specify one of these water sources, the volume of water taken in the first three water years after the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, by comparison to the volume of water permitted to be taken in those years under clause 45 (8), and
 - (viii) for aquifer access licences with share components that specify one of these water sources, the volume of water taken in any three consecutive water years after the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, by comparison to the volume of water permitted to be taken in those years under clause 45 (9),
 - (ix) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of an access licence must produce the Logbook to the Minister for inspection, when requested,
 - (d) the holder of an access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.

- (3) All local water utility access licences and any new major utility access licence that replaces a local water utility access licence in these water sources must have a mandatory condition to give effect to clause 38 (4) – (8).
- (4) When directed by the Minister by notice in writing, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements from subclause (2) that are specified in the notice.
- (5) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).
- (6) 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 71G.

[50] Part 12, Division 3 Water supply work approvals

In the note to the Division, insert “(c)” after “section 17”.

[51] Clause 64 General

Omit clause 64 (1) (b) (ii). Insert instead:

- (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,

[52] Clause 64 (1) (b) (iv)

Omit “into or” from the subparagraph.

[53] Clause 64 (1) (c) to (f)

Omit the paragraphs. Insert instead:

- (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.

[54] Clause 64 (2)

Insert “or is used for the purpose of taking water under basic landholder rights only” after “data logger” in clause 64 (2).

[55] Clause 64A

Insert after clause 64:

64A Water supply works authorised to take water from these alluvial sediments

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from these alluvial sediments.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
 - (a) the rules for limiting the taking of water within the restricted distances specified in clause 71G,
 - (b) the approval holder must ensure the water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the work, and
 - (ii) sealed off from all other water sources,
 - (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 71B – 71E, and
 - (ii) comply with the construction standards for that type of bore prescribed in the

Minimum Construction Requirements for Water Bores in Australia, 2012,
and

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

- (iii) be constructed to prevent contamination between aquifers, and
- (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
- (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, 2012*, 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 water supply work, contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water, and
 - (ii) take all reasonable steps to minimise contamination and environmental harm, and
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing and the walls of the water supply work from the bottom of the casing to ground

level as specified by the Minister, and

- (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
 - (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 71B (2) (d) applies must have a mandatory condition where required to give effect to clause 71B (4).
 - (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 71F.

[56] Part 13 Rules for granting or amending water supply work approvals

Insert before clause 69:

Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works that take surface water

[57] Divisions 2 and 3

Insert after clause 71 and before Part 14:

Division 2 Rules applying to the granting or amending of water supply work approvals for water supply works that take groundwater

71A General

- (1) The rules in this Division apply to water supply approvals for water supply works that are authorised to take water from these alluvial sediments.

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

71B Rules to minimise interference between water supply works

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
- (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the same water source and 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 the same water source 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 the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or
 - (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more

than minimal impact on existing extractions within these water sources.

- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal impact on existing extractions within these water sources.
- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

71C Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
 - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 4, or
 - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 4, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

Note. *Drawdown* is defined in the Dictionary.

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from the plume associated with a contamination source listed in Schedule 4 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, the environment and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental

management or remedial works.

- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

71D Rules for water supply works located near groundwater-dependent ecosystems

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
- (a) 100 metres of a high priority groundwater-dependent ecosystem listed in Schedule 5, or
 - (b) 400 metres of a high priority groundwater-dependent ecosystem listed in Schedule 5, unless:
 - (i) the water supply work is authorised to take water pursuant to basic landholder rights only, or
 - (ii) the water supply work approval includes a condition providing that the water supply work must not be used to take more than 20 megalitres (*ML*) in any water year, or
 - (c) 800 metres of a high priority groundwater-dependent ecosystem listed in Schedule 5, unless
 - (i) the water supply work is authorised to take water pursuant to basic landholder rights only, or
 - (ii) the water supply work approval includes a condition provided that the water supply work must not be used to take more than 100 ML in any water year, or
 - (d) 40 metres of the top of the high bank of a river.
- (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 high priority groundwater dependent ecosystem listed in Schedule 5 if the construction or use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater dependent ecosystem. This subclause does not apply to water supply works that take, or that are proposed to take water pursuant to basic landholder rights only.

- (3) 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 that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 5.
- (4) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.
- (5) 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 (3), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 5, or
 - (b) for the purpose of subclause (4) (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.

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

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

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

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

71F Replacement groundwater works

- (1) For the purposes of this Plan, *replacement groundwater work* means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from these alluvial sediments, where:
- (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work, and
 - (c) the replacement groundwater work is to be constructed to extract water from:
 - (i) the same depth as the existing water supply work, or
 - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (d) the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work, or
 - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
 - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be

no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore, and *excavation footprint* means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.

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

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

Division 3 Rules for the use of water supply works used to take groundwater

71G Rules for the use of water supply works located within restricted distances

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from these alluvial sediments.
- (2) Subject to subclauses (3) and (5), a water supply work that is located within a restricted distance specified in clauses 71B, 71C, 71D (1) (a) and (d) and 71E 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 the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, 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 45 (5), (7) and (10).

- (3) Subject to subclause (5), a water supply work that becomes located within a restricted distance specified in clauses 71B, 71C, 71D (1) (a) and (d) and 71E as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to:
- (a) the sum of the share components of the access licences nominating that water supply work at the 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 45 (5), (7) and (10).
- (4) Subject to subclause (5), a water supply work that is located within a restricted distance specified in clause 71D (1) (b) and (c) at the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016* must not, in any water year, be used to take more water than the volume of water that is equal to the greater of:
- (a) the sum of the share components of the access licences nominating that water supply work at the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, plus the maximum water allocation that can be carried over by access licences nominating that water supply work in accordance with clause 45 (5), (7) and (10) of this Plan at the commencement of the first year after the commencement of the *Water Sharing Plan for the Central Coast Unregulated Water Sources Amendment Order 2016*, or
 - (b) 20 ML/year if the water supply work is located within 400 metres of a high priority groundwater dependent ecosystem listed in Schedule 5, or
 - (c) 100 ML/year if the water supply work is located within 800 metres of a high priority groundwater dependent ecosystem listed in Schedule 5.
- (5) Subclauses (2), (3) and (4) do not apply:
- (a) where a restricted distance does not apply in accordance with clauses 71B (2) (a), (c) or (d), 71C (3), 71D (3) or (4) (a), (b) or (d) or 71E (2) (a) (b) or (d), or
 - (b) to the taking of water pursuant to basic landholder rights.

- (6) The Minister may specify a daily rate or an annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 71B–71E pursuant to clauses 71B (2) (d), 71C (3) (a), 71D (3) or (4) (d) or 71E (2) (d).
- (7) The daily rate or annual volumetric limit specified under subclause (4) will be as determined by the Minister to meet the relevant criteria specified in clauses 71B (2) (d), 71C (3) (a), 71D (3) or (4) (d) or 71E (2) (d).

[58] Clause 75 Amendment of flow classes, planned environmental water, share components and daily extraction limit provisions

Insert after clause 75 (4):

- (5) Part 3 of this Plan may be amended to do any of the following in the Jilliby Jilliby Creek Water Source and the Ourimbah Creek Water Source:
 - (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.

[59] Clause 78 Amendments in relation to Schedule 2 (Very Low Flow) and mandatory conditions

Insert “, Schedule 2A” into the clause heading after “Schedule 2 (Very Low Flow)”.

[60] Clause 78 (1A) and (1B)

Insert after clause 78:

- (1A) Schedule 2A may be amended to do any of the following:

- (a) add a new access licence to clause 1 of Schedule 2A, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 20 (4) (a) and that the purpose was specified on, or referred to in the conditions of, the Water Act 1912 entitlement that was replaced by the access licence,
- (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 2A, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
- (c) remove an access licence or Water Act 1912 entitlement from clause 1 of Schedule 2A if:
 - (i) an access licence dealing results in water being taken under the licence from a different location, or
 - (ii) an alternative water supply is obtained, or
 - (iii) the access licence is surrendered or cancelled,
- (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a Water Act 1912 entitlement from clause 2 of Schedule 2A if:
 - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is surrendered or cancelled or the purpose ceases to exist.

(1B) Schedule 2A or part thereof may be deleted if the Minister is satisfied that it is no longer required.

[61] Clause 78 (2)

Omit “Schedule 2 of this Plan”. Insert instead “Schedule 2 to this Plan”.

[62] Clause 79 Other

Insert after clause 78:

79 Other

- (1) This Plan may be amended to provide for the interception of runoff from land before it reaches a stream by plantations or other means.
- (2) This Plan may be amended to allow for the granting of aquifer interference approvals and the management of aquifer interference activities.
- (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 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 shepherding of water,

Note. *Shepherding* is defined in the Dictionary.
 - (c) the management of salt interception schemes.
- (5) 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.
- (6) 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.
- (7) Any amendment under subclause (6) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (8) Before making an amendment pursuant to subclause (6) the Minister should consult with

relevant Government agencies and stakeholders.

[63] Dictionary

Insert in alphabetical order:

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

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

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.

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

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

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

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

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

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

shepherding means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

[64] Schedule 2A

Insert after Schedule 2:

Schedule 2A Access licences used to take water from these alluvial sediments 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.

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

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.

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

Note. There are no access licences listed in this Schedule. Clause 78 (1A) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

[65] Schedules 4 and 5

Insert after Schedule 3:

Schedule 4 Contamination sources in these water sources

Contamination sources in these water sources comprise the following:

- (a) on-site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time.

Schedule 5 High priority groundwater-dependent ecosystems

High priority groundwater-dependent ecosystems in these alluvial sediments are as specified in Table A.

Table A – High priority groundwater-dependent ecosystems

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
High priority groundwater-dependent ecosystems	Type	Easting	Northing	Zone	Water Source
Terrigal Lagoon - South	Lake	540655.868	13699359.869	56	Brisbane Water Water Source
Terrigal Lagoon - North	Lake	354441.996	13700037.345	56	Brisbane Water Water Source
Porters Creek Wetland	Wetland	354113.954	13681308.497	56	Wyong River Water Source

Notes.

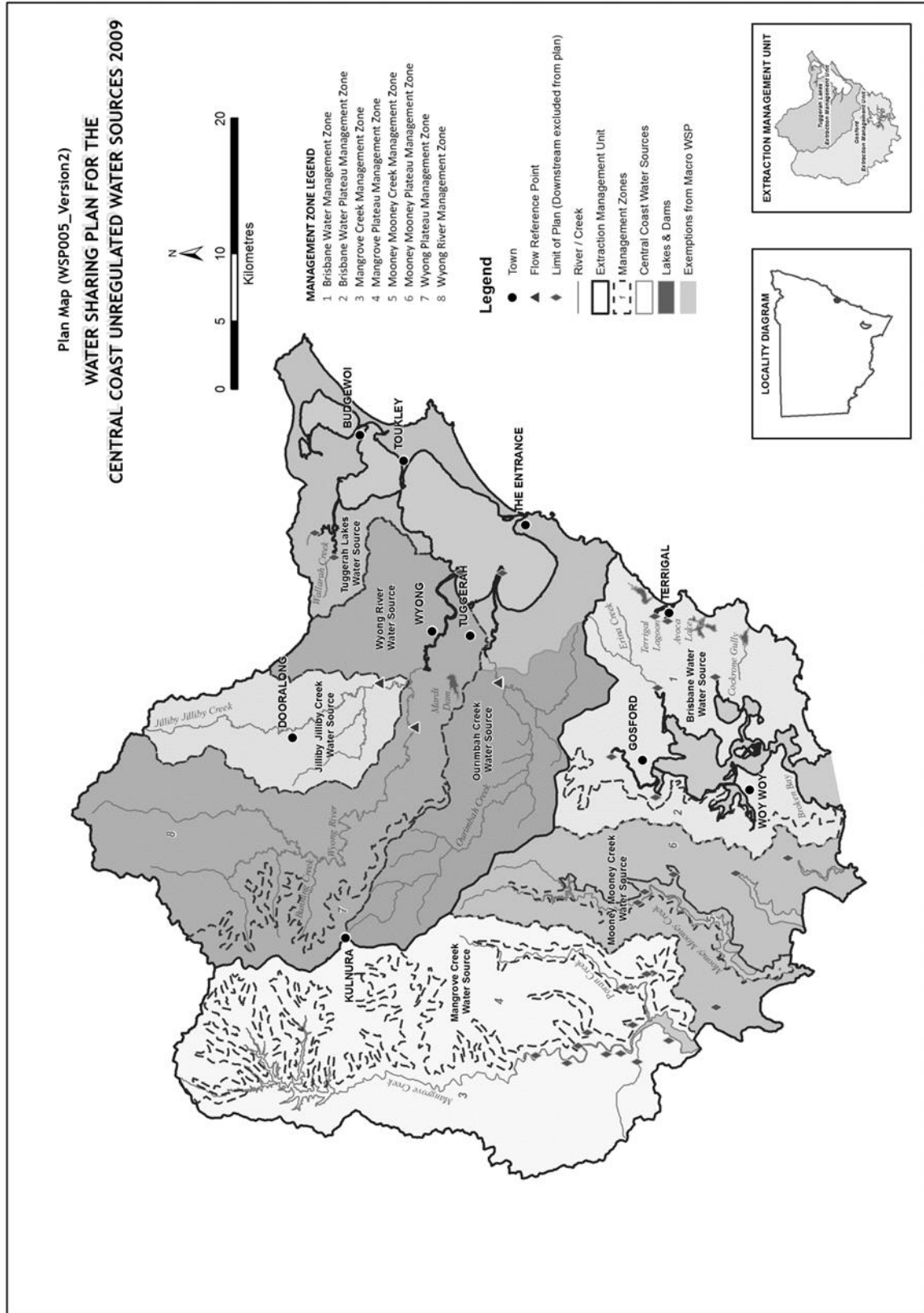
- 1 High priority groundwater-dependent ecosystems (**GDEs**) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Departmental GDE Register and as a precautionary approach, will be considered by staff in 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 approximate location of GDEs listed in Column 1 of Table C is provided as Easting and Northing coordinates in Columns 3 and 4 of Table C.

[66] Appendix 1

Omit Appendix 1. Insert instead:

Appendix 1 Overview of Plan Map

Overview of the Plan Map (WSP005_Version 2) Water Sharing Plan for the Central Coast Unregulated Water Sources 2009



[67] Appendix 2

Omit Appendix 2. Insert instead:

Appendix 2 Inspection of the Plan Map

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

DPI Water
Department of Industries
Level 3, 107–109 Mann Street
GOSFORD NSW 2250

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

DPI Water
Department of Industries
10 Valentine Ave
PARRAMATTA NSW 2150

[68] Appendix 3

Omit Appendix 3. Insert instead:

Appendix 3 Office

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

DPI Water
Department of Primary Industries
PO Box 2213
DANGAR NSW 2309