



Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2016

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of sections 45 (1) 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 Hunter Unregulated and Alluvial Water Sources 2009*.

Dated this 29th day of June 2016.

NIALL BLAIR, MLC
Minister for Lands and Water

Explanatory note

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2016

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Water Management Act 2000

1 Name of Order

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

2 Commencement

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

3 Repeal of management plan

The *Water Sharing Plan for the Wybong Creek Water Source 2003* is repealed.

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

[1] Clause 3 Date of commencement

Insert at the end of the clause:

Notes.

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

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

Omit “and” from the end of clause 4 (1) (l).

[3] Clause 4 (1) (mm)

Omit the paragraph, including the note. Insert instead:

(mm) the Hunter River Tidal Pool Water Source, and

Note. The Hunter River Tidal Pool Water Source extends between the mangrove and tidal limits and only includes the water within the tidal stretch of the Newcastle Water Source, not including any freshwater tributaries. This water source includes unregulated waters only and excludes alluvial groundwater.

(nn) the Wybong Creek Water Source,

and shall be known as the Hunter Unregulated and Alluvial Water Sources (hereafter *these water sources*).

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

[4] Clause 4 (2)

Omit “Version 2”. Insert instead “*Version 3*”.

[5] Clause 4 (4) (e)

Omit the paragraph.

[6] Clause 4 (6)

Insert after clause 4 (5):

- (6) This Plan, as amended by the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Wybong Creek Water Source 2003*.

[7] Clause 5 Management zones

Insert “Brook” after “Wollombi” where firstly occurring in clause 5 (1) (e).

[8] Clause 5 (1) (h) (ii)

Omit “and” from the end of the paragraph.

[9] Clause 5 (1) (j)

Insert at the end of clause 5 (1) (i) (ii):

, and

(j) the Wybong Creek Water Source is divided into the:

- (i) Kars Springs Management Zone,
- (ii) Bunnan Management Zone,
- (iii) White Rock Management Zone,
- (iv) Manobalai Management Zone,
- (v) Wybong Management Zone,
- (vi) Cuan Management Zone, and
- (vii) Cuan and Reedy Creeks Management Zone.

[10] Clause 5 (2)

Omit the subclause.

[11] Clauses 6A and 6B

Insert after clause 6:

6A Extraction management unit for these water sources

- (1) The availability of water for extraction from these water sources on a long-term average annual basis will be determined at the level of an extraction management unit.
- (2) The extraction management units for these water sources are the Greater Hunter Extraction Management Unit, the Lake Macquarie Extraction Management Unit and the Hunter Regulated River Alluvium Extraction Management Unit (hereafter *these Units*), and are shown on the Plan Map.
- (3) The Greater Hunter Extraction Management Unit consists of the following water sources:

- (a) Munmurra River Water Source,
- (b) Krui River Water Source,
- (c) Bow River Water Source,
- (d) Merriwa River Water Source,
- (e) Halls Creek Water Source,
- (f) Baerami Creek Water Source,
- (g) Widden Brook Water Source,
- (h) Bylong River Water Source,
- (i) Wollar Creek Water Source,
- (j) Upper Goulburn River Water Source,
- (k) Lower Goulburn River Water Source,
- (l) Wybong Creek Water Source.
- (m) Dart Brook Water Source,
- (n) Pages River Water Source,
- (o) Isis River Water Source,
- (p) Upper Hunter River Water Source,
- (q) Rouchel Brook Water Source,
- (r) Muswellbrook Water Source,
- (s) Jerrys Water Source,
- (t) Glennies Water Source,
- (u) Glendon Brook Water Source,
- (v) Luskintyre Water Source,
- (w) Singleton Water Source,

- (x) Martindale Creek Water Source,
 - (y) Doyles Creek Water Source,
 - (z) Lower Wollombi Brook Water Source,
 - (aa) Black Creek Water Source,
 - (bb) Wallis Creek Water Source,
 - (cc) Newcastle Water Source,
 - (dd) Paterson/Allyn River Water Source,
 - (ee) Williams River Water Source,
 - (ff) Upper Paterson Water Source,
 - (gg) Upper Wollombi Brook Water Source,
 - (hh) Wallis Creek Tidal Pool Water Source,
 - (ii) Paterson River Tidal Pool Water Source, and
 - (jj) Hunter River Tidal Pool Water Source.
- (4) The Lake Macquarie Extraction Management Unit consists of the following water sources:
- (a) North Lake Macquarie Water Source,
 - (b) South Lake Macquarie Water Source, and
 - (c) Dora Creek Water Source.
- (5) The Hunter Regulated River Alluvium Extraction Management Unit consists of the Hunter Regulated River Alluvial Water Source.

6B Understanding the rules of 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 13 of this Plan.

[12] Clause 7 Interpretation

Insert after clause 7 (5):

- (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.

[13] Clause 9A

Insert after clause 9:

9A Acknowledgment

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

[14] Clause 11

Omit clause 11. Insert instead:

11 Strategies

The strategies of this Plan are to:

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

[15] Clause 12

Omit clause 12. Insert instead:

12 Performance indicators

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

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

[16] Clause 15 Extraction management unit for these water sources

Omit the clause.

[17] Clause 16 Flow reference points

Omit clauses 16 (4) and (5), including the note to subclause (5). Insert instead:

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

holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.

- (6) For the purpose of determining the flow class that applies on a particular day under subclause (5), 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.

[18] Clause 17 Flow classes for these water sources

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

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

[19] Clause 17 (1) (vv)

Omit "and" from the paragraph.

[20] Clause 17 (1) (xx) – (1A) (i)

Insert after clause 17 (1) (ww):

- (xx) for the Kars Springs Management Zone in the Wybong Creek Water Source, as measured at Wybong Creek at Kars Springs and Wybong Creek 1:
- (i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and
 - (ii) A Class is when there is a visible flow at both flow reference points,
- (yy) for the Bunnan Management Zone in the Wybong Creek Water Source, as measured at Wybong Creek 1 and Wybong Creek 2:
- (i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and
 - (ii) A Class is when there is a visible flow at both flow reference points,

(zz) for the White Rock Management Zone in the Wybong Creek Water Source, as measured at Wybong Creek 2 and Wybong Creek 3:

(i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and

(ii) A Class is when there is a visible flow at both flow reference points,

(aaa) for the Manobalai Management Zone in the Wybong Creek Water Source, as measured at Wybong Creek 3 and Manobalai gauge (210147):

(i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and

(ii) A Class is when there is a visible flow at both flow reference points,

(bbb) for the Wybong Management Zone in the Wybong Creek Water Source, as measured at Manobalai gauge (210147) and Wybong Creek gauge (210040):

(i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and

(ii) A Class is when there is a visible flow at both flow reference points,

(ccc) for the Cuan Management Zone in the Wybong Creek Water Source, as measured at Cuan Creek 1 and Cuan Creek 2:

(i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and

(ii) A Class is when there is a visible flow at both flow reference points,

(ddd) for the Cuan and Reedy Creeks Management Zone in the Wybong Creek Water Source, as measured at Cuan Creek 2 and Cuan Creek 3:

(i) the Very Low Flow Class is when there is no visible flow at either flow reference point, and

(ii) A Class is when there is a visible flow at both flow reference points.

(1A) The following flow reference points are defined for the flow classes established in subclause (1) (xx)–(ddd):

- (a) ***Wybong Creek at Kars Springs*** is the ford across Little Creek Road at Kars Springs (145 metres from Kars Springs Road along Little Creek Road), 10 metres from the western boundary of Lot 33, DP 750946 (Parish of Terell, County of Brisbane),
- (b) ***Wybong Creek 1*** is the cobble riffle extending 50 metres upstream from the Staunton Bridge across Wybong Creek at Bunnan on the southern boundary of Lot 1, DP 224163 (Parish of Webimble, County of Brisbane),
- (c) ***Wybong Creek 2*** is the rock bar 50 metres upstream from the Ridgelands Road Bridge across Wybong Creek upstream of “White Rock”. The rock bar is situated on the common boundary point between Lot 207, DP 723279 (Parish of Webimble, County of Brisbane), Lot 6, DP 47284 (Parish of Webimble, County of Brisbane) and Lot 205, DP 720650 (Parish of Tyrone, County of Brisbane),
- (d) ***Wybong Creek 3*** is the ford on Ridgelands Road across Wybong Creek at “Ridgelands”, adjacent to Lot 4, DP 113992 (Parish of Webimble, County of Brisbane) and Lot 1, DP 949967 (Parish of Guan Gua, County of Brisbane),
- (e) ***Manobalai gauge (210147)*** as shown on the Plan Map,
Note. Real time flow data for the Manobalai gauge (210147) is provided on the Department’s website www.water.nsw.gov.au.
- (f) ***Wybong Creek gauge (210040)*** as shown on the Plan Map,
Note. Real time flow data for the Wybong Creek gauge (210040) is provided on the Department’s website <http://realtimedata.water.nsw.gov.au/water.stm>.
- (g) ***Cuan Creek 1*** is the rock bar immediately downstream of the Guan Guan Bridge across Cuan Creek, 8 kilometres east of Bunnan on the Merriwa to Scone Road,
- (h) ***Cuan Creek 2*** is the rock bar in Cuan Creek adjacent to the cottage at “The Valley”, Lot 15, DP 750928 (Parish of Guan Guan, County of Brisbane),
- (i) ***Cuan Creek 3*** is the cobble riffle extending 100 metres downstream of the southern boundary of Lot 1, DP 126490 (Parish of Guan Guan, County of Brisbane).

[21] Clause 17 (2) (i)

Omit clause 17 (2) (i). Insert instead:

- (i) the Williams River Water Source, during the term of this Plan:

- (i) due to the implementation of the Williams River Flow Accreditation Scheme, to amend the Very Low Flow Class and Low Flow Class, and
- (ii) to amend the Very Low Flow Class for users extracting from the Seaham Weir Management Zone, following any studies to determine the appropriateness of the 0.38 metres cease to pump flow level in protecting environmental values,

[22] Clause 19 Planned environmental water

Insert “and clause 68” after “subclause (3)” in clause 19 (1) (b).

[23] Clause 19 (3) (b)

Omit the paragraph. Insert instead:

- (b) subject to paragraph (i), 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)–(e),

when flows are at or less than the cease to take condition that was specified in the replaced *Water Act 1912* entitlement. The rules in this paragraph do not apply to the Wybong Creek Water Source,

[24] Clause 19 (3) (i)

Omit paragraph 19 (3) (i). Insert instead:

- (i) paragraphs (a)–(e) do not apply to the following:
 - (i) the taking of water under an access licence to which Schedule 2 applies, for any of the following purposes, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with paragraph (j):
 - (1) fruit washing,
 - (2) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (3) poultry watering and misting, or

- (4) cleaning of enclosures used for intensive animal production for hygiene purposes,
- (ii) the taking of water for domestic consumption under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence in these water sources, excluding the Wybong Creek Water Source, 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,
Note. Domestic consumption is defined in section 52 of the Act.
- (iii) the taking of water for domestic consumption under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence in the Wybong Creek Water Source, that existed at the commencement of the *Water Sharing Plan for the Wybong Creek Water Source 2003*, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (iv) the taking of water using a runoff harvesting dam or from an in-river dam pool,
- (v) the taking of water under all access licences that nominate a water supply work that may be used to take water from the alluvial sediments in these water sources to which the access rules for unregulated river access licences do not apply as specified in clause 68, and
- (vi) the taking of water under a local water utility access licence to which Schedule 2 applies, until such time as the Minister is satisfied that major augmentation of the access licence holder’s water supply system has occurred, for the purposes of town water supply only,

[25] Clause 19 (8)

Omit the subclause. Insert instead:

- (8) Subclause (3) does not apply to the taking of water under an access licence that is used:
 - (a) to take water from the alluvial sediments in these water sources except as provided by clause 68, or
 - (b) 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
- (c) 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.

[26] Clause 22 Domestic and stock rights

Omit clause 22 (1). Insert instead:

- (1) The water requirements of holders of domestic and stock rights within these water sources are estimated to total 40.43 megalitres per day (hereafter **ML/day**) and are distributed as follows:
 - (a) 0.94 ML/day in the Munmurra River Water Source,
 - (b) 0.87 ML/day in the Krui River Water Source,
 - (c) 0.36 ML/day in the Bow River Water Source,
 - (d) 1.71 ML/day in the Merriwa River Water Source,

- (e) 0.60 ML/day in the Halls Creek Water Source,
- (f) 0.32 ML/day in the Baerami Creek Water Source,
- (g) 0.19 ML/day in the Widden Brook Water Source,
- (h) 1.01 ML/day in the Bylong River Water Source,
- (i) 0.04 ML/day in the Wollar Creek Water Source,
- (j) 0.32 ML/day in the Upper Goulburn River Water Source,
- (k) 0.66 ML/day in the Lower Goulburn River Water Source,
- (l) 4.77 ML/day in the Dart Brook Water Source,
- (m) 2.33 ML/day in the Pages River Water Source,
- (n) 1.73 ML/day in the Isis River Water Source,
- (o) 3.27 ML/day in the Upper Hunter River Water Source,
- (p) 0.47 ML/day in the Rouchel Brook Water Source,
- (q) 0.14 ML/day in the Muswellbrook Water Source,
- (r) 2.14 ML/day in the Jerrys Water Source,
- (s) 0.82 ML/day in the Glennies Water Source,
- (t) 0.34 ML/day in the Glendon Brook Water Source,
- (u) 0.22 ML/day in the Luskintyre Water Source,
- (v) 1.00 ML/day in the Singleton Water Source,
- (w) 0.32 ML/day in the Martindale Creek Water Source,
- (x) 0.03 ML/day in the Doyles Creek Water Source,
- (y) 1.04 ML/day in the Lower Wollombi Brook Water Source,
- (z) 0.42 ML/day in the Black Creek Water Source,
- (aa) 2.39 ML/day in the Wallis Creek Water Source,

- (bb) 0.78 ML/day in the Newcastle Water Source,
- (cc) 1.71 ML/day in the Paterson/Allyn River Water Source,
- (dd) 4.81 ML/day in the Williams River Water Source,
- (ee) 0.07 ML/day in the Upper Paterson Water Source,
- (ff) 0.36 ML/day in the Upper Wollombi Brook Water Source,
- (gg) 0.12 ML/day in the North Lake Macquarie Water Source,
- (hh) 0.07 ML/day in the South Lake Macquarie Water Source,
- (ii) 0.22 ML/day in the Dora Creek Water Source,
- (jj) 2.7 ML/day in the Hunter Regulated River Alluvial Water Source,
Note. This estimate includes domestic and stock rights for aquifer users only.
- (kk) 0.07 ML/day in the Wallis Creek Tidal Pool Water Source,
- (ll) 0.16 ML/day in the Hunter River Tidal Pool Water Source,
- (mm) 0.16 ML/day in the Paterson River Tidal Pool Water Source, and
- (nn) 0.75 ML/day in the Wybong Creek Water Source.

Note. The estimates of domestic and stock rights in the Munmurra River, Krui River, Bow River, Merriwa River, Halls Creek, Baerami Creek, Widden Brook, Bylong River, Wollar Creek, Upper Goulburn River, Lower Goulburn River, Dart Brook, Pages River, Martindale Creek, Lower Wollombi Brook, Wybong Creek Water Source and Upper Wollombi Brook water sources include both aquifer and unregulated users.

[27] Clause 27

Omit the clause. Insert instead:

27 Share component of domestic and stock access licences

It is estimated that the share components of domestic and stock access licences authorised to extract water from these water sources total 836.5 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 6 ML/year in the Munmurra River Water Source,
- (b) 0 ML/year in the Krui River Water Source,
- (c) 1 ML/year in the Bow River Water Source,

- (d) 6.5 ML/year in the Merriwa River Water Source,
- (e) 41 ML/year in the Halls Creek Water Source,
- (f) 0 ML/year in the Baerami Creek Water Source,
- (g) 5 ML/year in the Widden Brook Water Source,
- (h) 0 ML/year in the Bylong River Water Source,
- (i) 19 ML/year in the Wollar Creek Water Source,
- (j) 8 ML/year in the Upper Goulburn River Water Source,
- (k) 84.5 ML/year in the Lower Goulburn River Water Source,
- (l) 87 ML/year in the Dart Brook Water Source,
- (m) 94.5 ML/year in the Pages River Water Source,
- (n) 13 ML/year in the Isis River Water Source,
- (o) 18 ML/year in the Upper Hunter River Water Source,
- (p) 11 ML/year in the Rouchel Brook Water Source,
- (q) 67 ML/year in the Muswellbrook Water Source,
- (r) 7 ML/year in the Jerrys Water Source,
- (s) 0 ML/year in the Glennies Water Source,
- (t) 16.5 ML/year in the Glendon Brook Water Source,
- (u) 2 ML/year in the Luskintyre Water Source,
- (v) 7 ML/year in the Singleton Water Source,
- (w) 5 ML/year in the Martindale Creek Water Source,
- (x) 0 ML/year in the Doyles Creek Water Source,
- (y) 90 ML/year in the Lower Wollombi Brook Water Source,
- (z) 93 ML/year in the Black Creek Water Source,

- (aa) 2 ML/year in the Wallis Creek Water Source,
- (bb) 0 ML/year in the Newcastle Water Source,
- (cc) 11.5 ML/year in the Paterson/Allyn River Water Source,
- (dd) 24 ML/year in the Williams River Water Source,
- (ee) 0 ML/year in the Upper Paterson Water Source,
- (ff) 12 ML/year in the Upper Wollombi Brook Water Source,
- (gg) 0 ML/year in the North Lake Macquarie Water Source,
- (hh) 0 ML/year in the South Lake Macquarie Water Source,
- (ii) 5 ML/year in the Dora Creek Water Source,
- (jj) 0 ML/year in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 ML/year in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 ML/year in the Hunter River Tidal Pool Water Source,
- (mm) 0 ML/year in the Paterson River Tidal Pool Water Source, and
- (nn) 100 ML/year in the Wybong Creek Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

[28] Clause 28 Share component of local water utility access licences

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

[29] Clause 29

Omit the clause. Insert instead:

29 Share component of major utility access licences

It is estimated that the share components of major utility access licences authorised to extract water from these water sources total 346,700 ML/year, distributed as follows:

- (a) 100,000 ML/year in the Newcastle Water Source,

- (b) 239,000 ML/year in the Williams River Water Source, including 189,000 ML/year extracted at Balickera Pumping Station, and 50,000 ML/year extracted at Chichester Dam,

Note. The 189,000 ML/year specified provides for Grahamstown Dam to be filled during a single wet year. This figure is an interim figure pending the completion of the supplementary study on Development of Access Rules for the Lower Williams River. Total use from the Williams River and Newcastle Water Sources will be limited by the Operating Licence and the Integrated Water Resources Plan. The Integrated Water Resources Plan may be amended during the term of this Plan to allow for future growth in the area of operation of the major utility.

- (c) 7,700 ML/year in the Jerrys Water Source, and
- (d) 0 ML/year in all other water sources.

[30] Clause 30

Omit the clause. Insert instead:

30 Share component of unregulated river access licences

It is estimated that the share components of unregulated river access licences authorised to extract water from these water sources total 88,706.5 unit shares, distributed as follows:

- (a) 109 unit shares in the Munmurra River Water Source,
- (b) 1,449 unit shares in the Krui River Water Source,
- (c) 200 unit shares in the Bow River Water Source,
- (d) 4,024 unit shares in the Merriwa River Water Source,
- (e) 3,096 unit shares in the Halls Creek Water Source,
- (f) 1,490 unit shares in the Baerami Creek Water Source,
- (g) 2,007 unit shares in the Widden Brook Water Source,
- (h) 65 unit shares in the Bylong River Water Source,
- (i) 78 unit shares in the Wollar Creek Water Source,
- (j) 1,661 unit shares in the Upper Goulburn River Water Source,
- (k) 14,205 unit shares in the Lower Goulburn River Water Source,

- (l) 1,219 unit shares in the Dart Brook Water Source,
- (m) 4,639 unit shares in the Pages River Water Source,
- (n) 2,000 unit shares in the Isis River Water Source,
- (o) 3,394 unit shares in the Upper Hunter River Water Source,
- (p) 1,086 unit shares in the Rouchel Brook Water Source,
- (q) 531 unit shares in the Muswellbrook Water Source,
- (r) 2,573 unit shares in the Jerrys Water Source,
- (s) 260 unit shares in the Glennies Water Source,
- (t) 1,530 unit shares in the Glendon Brook Water Source,
- (u) 387 unit shares in the Luskintyre Water Source,
- (v) 960 unit shares in the Singleton Water Source,
- (w) 3,241 unit shares in the Martindale Creek Water Source,
- (x) 570 unit shares in the Doyles Creek Water Source,
- (y) 6,663 unit shares in the Lower Wollombi Brook Water Source,
- (z) 5,113 unit shares in the Black Creek Water Source,
- (aa) 490 unit shares in the Wallis Creek Water Source,
- (bb) 551 unit shares in the Newcastle Water Source,
- (cc) 3,645.5 unit shares in the Paterson/Allyn River Water Source,
- (dd) 8,239 unit shares in the Williams River Water Source,
- (ee) 196 unit shares in the Upper Paterson Water Source,
- (ff) 2,703 unit shares in the Upper Wollombi Brook Water Source,
- (gg) 1,216 unit shares in the North Lake Macquarie Water Source,
- (hh) 169 unit shares in the South Lake Macquarie Water Source,

- (ii) 859 unit shares in the Dora Creek Water Source,
- (jj) 0 unit shares in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 unit shares in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 unit shares in the Hunter River Tidal Pool Water Source,
- (mm) 0 unit shares in the Paterson River Tidal Pool Water Source, and
- (nn) 8,088 unit shares in the Wybong Creek Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

Note. The total share components for unregulated river access licences specified in the clause above include total share components for unregulated river (subcategory "Aboriginal community development") access licences.

[31] Clause 31 Share component of unregulated river (high flow) access licences

Omit "at the time of commencement of this Plan" and "will".

[32] Clause 32

Omit the clause. Insert instead:

32 Share component of aquifer access licences

It is estimated that the share components of aquifer access licences authorised to extract water from these water sources total 82,762 unit shares, distributed as follows:

- (a) 10 unit shares in the Munmurra River Water Source,
- (b) 5 unit shares in the Krui River Water Source,
- (c) 5 unit shares in the Bow River Water Source,
- (d) 900 unit shares in the Merriwa River Water Source,
- (e) 421 unit shares in the Halls Creek Water Source,
- (f) 2,259 unit shares in the Baerami Creek Water Source,
- (g) 1,191 unit shares in the Widden Brook Water Source,
- (h) 5,843 unit shares in the Bylong River Water Source,

- (i) 1,354 unit shares in the Wollar Creek Water Source,
- (j) 2 unit shares in the Upper Goulburn River Water Source,
- (k) 2,494 unit shares in the Lower Goulburn River Water Source,
- (l) 28,051 unit shares in the Dart Brook Water Source,
- (m) 8,059 unit shares in the Pages River Water Source,
- (n) 0 unit shares in the Isis River Water Source,
- (o) 0 unit shares in the Upper Hunter River Water Source,
- (p) 0 unit shares in the Rouchel Brook Water Source,
- (q) 0 unit shares in the Muswellbrook Water Source,
- (r) 0 unit shares in the Jerrys Water Source,
- (s) 0 unit shares in the Glennies Water Source,
- (t) 0 unit shares in the Glendon Brook Water Source,
- (u) 0 unit shares in the Luskintyre Water Source,
- (v) 0 unit shares in the Singleton Water Source,
- (w) 593 unit shares in the Martindale Creek Water Source,
- (x) 0 unit shares in the Doyles Creek Water Source,
- (y) 5,071 unit shares in the Lower Wollombi Brook Water Source,
- (z) 0 unit shares in the Black Creek Water Source,
- (aa) 0 unit shares in the Wallis Creek Water Source,
- (bb) 0 unit shares in the Newcastle Water Source,
- (cc) 0 unit shares in the Paterson/Allyn River Water Source,
- (dd) 0 unit shares in the Williams River Water Source,
- (ee) 0 unit shares in the Upper Paterson Water Source,

- (ff) 10 unit shares in the Upper Wollombi Brook Water Source,
- (gg) 0 unit shares in the North Lake Macquarie Water Source,
- (hh) 0 unit shares in the South Lake Macquarie Water Source,
- (ii) 0 unit shares in the Dora Creek Water Source,
- (jj) 24,132 unit shares in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 unit shares in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 unit shares in the Hunter River Tidal Pool Water Source,
- (mm) 0 unit shares in the Paterson River Tidal Pool Water Source, and
- (nn) 2,362 unit shares in the Wybong Creek Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

Note. The total share components for aquifer access licences specified in these water sources could be higher as a result of additional share components for unidentified aquifer access licences in the alluvial groundwater.

[33] Clause 33 Changes to total share components

Omit the note to clause 33 (d). Insert instead:

Note. In the event that Hunter Water Corporation takes on the share component of a cancelled local water utility access licences, the share component of the major utility (subcategory "urban water") access licence may be increased by the amount of the cancelled access licence.

[34] Clause 34 Rules for granting access licences

Insert after clause 34 (6):

- (6A) All access licences of the subcategory "Aboriginal cultural" must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

[35] Clause 34A

Insert after clause 34:

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

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

[36] Clause 36 Runoff harvesting dams and in-river dams

Insert “section” before “77A (6)” in clause 36 (b).

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

Omit clause 39 (1), including the note. Insert instead:

- (1) Subject to subclauses (2)–(4), a water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 400 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources and is nominated by another access licence,
 - (b) 200 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources pursuant to basic landholder rights only,
 - (c) 50 metres from the boundary of a landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
 - (d) 500 metres from a water supply works that is authorised to take water from the alluvial sediments in these water sources and is nominated by a local water utility access licence or major utility access licence, unless the local water utility or major utility has provided consent in writing,
 - (e) 400 metres of a Departmental observation or monitoring bore, unless the Minister has provided consent in writing.

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

[38] Clause 39 (3) and (4)

Omit the subclauses. Insert instead:

- (3) A water supply work approval shall not be granted under section 95 of the Act, or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated only by a local water utility access licence, or an access licence of the subcategory "town water supply" or an access licence of the subcategory "urban water", is located within:
- (a) 400 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources and is nominated by another access licence,
 - (b) 200 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources pursuant to basic landholder rights only,
 - (c) 200 metres from the property boundary, if the property is greater than 500 metres in the minimum width or depth (whichever is the lesser), unless the owner of the landholding adjoining the boundary has provided consent in writing, or
 - (d) 400 metres of a Departmental observation or monitoring bore, unless the Minister has provided consent in writing.
- (4) A water supply work approval shall not be granted under section 95 of the Act, or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated only by a domestic and stock access licence, is located within:
- (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources and is nominated by another access licence,
 - (b) 200 metres of a water supply work located on another landholding that is authorised to take water from the alluvial sediments in these water sources pursuant to basic landholder rights only,
 - (c) 40 metres from the property boundary, if the property is greater than 100 metres in the minimum width or depth (whichever is the lesser), unless the owner of the landholding adjoining the boundary has provided consent in writing,
 - (d) 200 metres of a water supply work that is authorised to take water from the alluvial sediments in these water sources and is nominated by a local water utility access

licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or

- (e) 100 metres of a Departmental observation or monitoring bore, unless the Minister has provided consent in writing.

[39] Clause 40A

Insert after clause 40:

40A 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.

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

Omit the clause. Insert instead:

- (1) High priority groundwater-dependent ecosystems within these water sources are shown on the map called *High Priority Groundwater-Dependent Ecosystem Map (GDE0X_Version 1) Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009 (the GDE Map)* held by the Department.

- (1A) Subject to subclauses (4) and (6), a water supply work approval shall not be granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, excluding the Lower Goulburn River, the Upper Goulburn River and Hunter Regulated River Alluvial Water Sources, is located within:

- (a) 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is to be used solely to take water pursuant to basic landholder rights,
- (b) 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is not to be used solely to take water pursuant to basic landholder rights,
- (c) 500 metres of a high priority karst environment groundwater dependent ecosystem, shown on the GDE Map,
- (d) the bed of a third order of higher stream and perennial rivers, unless assessment indicates that the work will have minimal impact on the river environment or river stability, or

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

- (e) a distance where there is likely to be drawdown at the outside edge of the distances referred to in subclauses (1A) (a) and (b).

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

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

(a) Upstream of Kerrabee:

(i) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is to be used solely to take water pursuant to basic landholder rights, or

(ii) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is not to be used solely to take water pursuant to basic landholder rights, or

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

(iv) within 40 metres of the top of the high bank of any third order or above stream, or lagoon, or

(v) within 40 metres of first and second order stream, unless:

(1) the water supply work to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, or

(2) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, and

(vi) a distance where there is likely to be drawdown at the outside edge of the distances referred to in paragraph (a) (i) and (ii), and

(b) Downstream of Kerrabee:

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

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

- (v) a distance where there is likely to be drawdown at the outside edge of the distances referred to in paragraph (b) (i) and (ii).

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

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

- (a) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is to be used solely to take water pursuant to basic landholder rights, or
- (b) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, shown on the GDE Map, where the water supply work is not to be used solely to take water pursuant to basic landholder rights, or

- (c) within 500 metres of a high priority karst environment groundwater dependent ecosystem, shown on the GDE Map, or
 - (d) within 200 metres of the top of the high bank of the Hunter Regulated River, or any third order or above stream, or lagoon, or
 - (e) within 40 metres of first and second order stream, unless:
 - (i) the water supply work which is to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, and
 - (ii) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, or
 - (f) a distance where there is likely to be drawdown at the outside edge of the buffer zone referred to in paragraph (a) and (b)..
- (4) Subclauses (1A), (2) and (3) do not apply in relation to a replacement bore.
- Note.** Replacement bore is defined in the Dictionary.
- (5) (Repealed)
- (6) The distance restrictions specified in subclauses (1A), (2) or (3) do not apply to a water supply work which is to be constructed or used to take water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works.
- (7) The Minister may amend this Plan to:
- (a) alter the exclusion distances in subclauses (1A), (2) or (3), during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister, or
 - (b) include a new identified high priority groundwater dependent ecosystem on the GDE Map during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
 - (c) delete a high priority groundwater dependent ecosystem shown on the GDE Map identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

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

Omit clause 41A (2) and (3). Insert instead:

- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 39–41, must not, in any water year, be used to take more water than the volume of water that is equal to:
- (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
 - (b) the maximum volume that can be carried over by access licences nominating that water supply work at the commencement of this Plan in accordance with:
 - (i) clause 56 (8) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences with a share component that specifies one of these water sources excluding the Hunter Regulated River Alluvial, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source and the Wollombi Brook Management Zone of the Upper Wollombi Brook Water Source,
 - (ii) clause 56 (10) for domestic and stock, local water utility and aquifer access licences with a share component that specifies Hunter Regulated River Alluvial Water Source.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 39–41, as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to:
- (a) the sum of the share components of access licences nominating that water supply work at the date of the amendment, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the date of the amendment in accordance with:

- (i) clause 56 (8) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences with a share component that specifies one of these water sources excluding the Hunter Regulated River Alluvial, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source and the Wollombi Brook Management Zone of the Upper Wollombi Brook Water Source,
- (ii) clause 56 (10) for domestic and stock, local water utility and aquifer access licences with a share component that specifies Hunter Regulated River Alluvial Water Source.

[42] Clause 43 Extraction management unit for these water sources

Omit “Goulburn Extraction Management Unit, Hunter Extraction Management Unit,” from the clause. Insert instead “Greater Hunter Extraction Management Unit.”

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

Omit “an estimate of” from clause 44 (1) (b). Insert instead “the”.

[44] Clause 44 (2)

Omit the subclause.

[45] Clause 44 (3)

Omit “Hunter Extraction Management Unit”. Insert instead “Greater Hunter Extraction Management Unit”.

[46] Clause 44 (4) – (8)

Omit the subclauses. Insert instead:

- (4) Subject to any variation under subclause (6), the long-term average annual extraction limit established under subclause (3) (a) in the Greater Hunter Extraction Management Unit is equal to the total of:
 - (a) the sum of share components of all access licences in these water sources within the Greater Hunter Extraction Management Unit, excluding access licences held by Hunter Water Corporation, plus

- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in these water sources within the Greater Hunter Extraction Management Unit.
- (5) The long-term average annual extraction limit established under subclause (3) (b) for the major utility access licences held by Hunter Water Corporation in the Greater Hunter Extraction Management Unit will be equal to 78,500 ML/year minus the long-term average annual extraction under access licences held by Hunter Water Corporation in the Tomago, Tomaree and Stockton Groundwater Sources.

Note. Water flowing from Hunter Water Corporation 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 Greater Hunter Extraction Management Unit.

- (6) The long-term average annual extraction limit established under subclause 3 (a) for the Greater Hunter Extraction Management Unit may be varied upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (7) Any variation made under subclause (6) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

[47] Clause 45 Variation of the long-term average annual extraction limits

Omit “Hunter Extraction Management Unit” from clause 45 (3). Insert instead “Greater Hunter Extraction Management Unit”.

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

Omit “Hunter Extraction Management Unit” from clause 46 (1). Insert instead “Greater Hunter Extraction Management Unit.”

[49] Clause 46 (2)

Omit “Units”. Insert instead “extraction management units”.

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

Omit “Hunter Extraction Management Unit” wherever occurring. Insert instead “Greater Hunter Extraction Management Unit”.

[51] Clause 47 (2), (5) and (11)

Omit the subclauses.

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

Omit “Hunter Extraction Management Unit” from clause 57 (1). Insert instead “Greater Hunter Extraction Management Unit”.

[53] Clause 57 (3)

Omit the subclause.

[54] Clause 59 Establishment and assignment of total daily extraction limits

Omit clause 59 (1). Insert instead:

- (1) Total daily extraction limits (hereafter *TDEL*) have not been established or assigned in the Munmurra River, the Krui River, the Bow River, the Merriwa River, the Halls Creek, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Muswellbrook, Lower Goulburn, Dart Brook, the Upper Hunter River, the Jerrys, Glennies, the Glendon Brook, the Luskintyre, the Singleton, the Martindale Creek, the Doyles Creek, the Black Creek, the Wallis Creek, the Newcastle, the Upper Paterson, the Upper Wollombi Brook, the North Lake Macquarie, the South Lake Macquarie, the Dora Creek, the Hunter Regulated River Alluvial, the Wallis Creek Tidal Pool, the Hunter River Tidal Pool, the Paterson Tidal Pool or the Wybong Creek Water Sources.

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

Omit “, from year six of this Plan,” from clause 68 (2) (b).

[56] Clause 68 (2A)

Insert after subclause (2):

- (2A) All aquifer licences in the Wybong Creek Water Source, which nominate a water supply work which may be used to take water from these alluvial sediments in these water sources shall be subject to the same access rules as unregulated river access licences for the corresponding management zone specified in clause 19 of this Plan.

[57] Clause 68 (6)

Omit the subclause. Insert instead:

- (6) Subclauses (1) to (4) do not apply to 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.

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

Omit “and” from the end of clause 71 (2) (1).

[59] Clause 70 (2) (n) – (t)

Insert after clause 70 (2) (m):

- (n) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Kars Springs Management Zone in the Wybong Creek Water Source, if it would cause the sum of the share components of all access licences:
 - (i) in the Kars Springs, Bunnan and White Rock Management Zones in the Wybong Creek Water Source to exceed 4,231,

- (ii) in the Cuan and Reedy Creeks Management Zone and Cuan Management Zone in the Wybong Creek Water Source to exceed 553, or
 - (iii) in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (o) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Cuan Management Zone in the Wybong Creek Water Source:
 - (i) to another access licence in the:
 - (A) Kars Springs Management Zone, or
 - (B) Bunnan Management Zone, or
 - (ii) if it would cause the sum of the share components of all access licences:
 - (A) in the Kars Springs, Bunnan and White Rock Management Zones in the Wybong Creek Water Source to exceed 4,231,
 - (B) in the Cuan and Reedy Creeks Management Zone and Cuan Management Zone in the Wybong Creek Water Source to exceed 553, or
 - (C) in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (p) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the White Rock Management Zone in the Wybong Creek Water Source:
 - (i) to another access licence in the:
 - (A) Kars Spring Management Zone,
 - (B) Bunnan Management Zone,
 - (C) Cuan Management Zone, or
 - (D) Cuan and Reedy Creeks Management Zone, or

- (ii) if it would cause the sum of the share components of all access licences in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (q) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Bunnan Management Zone in the Wybong Creek Water Source:
 - (i) to another access licence in the:
 - (A) Kars Spring Management Zone, or
 - (B) Cuan Management Zone, or
 - (ii) if it would cause the sum of the share components of all access licences:
 - (A) in the Kars Springs, Bunnan and White Rock Management Zones in the Wybong Creek Water Source to exceed 4,231,
 - (B) in the Cuan and Reedy Creeks Management Zone and Cuan Management Zone in the Wybong Creek Water Source to exceed 553, or
 - (C) in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (r) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Cuan and Reedy Creeks Management Zone in the Wybong Creek Water Source:
 - (i) to another access licence in the:
 - (A) Kars Spring Management Zone,
 - (B) Bunnan Management Zone, or
 - (C) Cuan Management Zone, or
 - (ii) if it would cause the sum of the share components of all access licences:

- (A) in the Kars Springs, Bunnan and White Rock Management Zones in the Wybong Creek Water Source to exceed 4,231, or
 - (B) in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (s) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Manobalai Management Zone in the Wybong Creek Water Source:
- (i) to another access licence in the:
 - (A) Kars Spring Management Zone,
 - (B) Bunnan Management Zone,
 - (C) White Rock Management Zone,
 - (D) Cuan Management Zone, or
 - (E) Cuan and Reedy Creeks Management Zone, or
 - (ii) if it would cause the sum of the share components of all access licences in the Manobalai and Wybong Management Zones in the Wybong Creek Water Source to exceed 6,719,
- (t) the dealing involves an assignment of access rights under section 71Q of the Act, an allocation assignment under section 71T of the Act or an access licence being amended under section 71W of the Act from an access licence in the Wybong Management Zone in the Wybong Creek Water Source.

[60] Clause 71 Rules for change of water source

Omit “Goulburn,” from clause 71 (2) (b).

Omit “Hunter Extraction Management Unit” from clause 71 (2) (b). Insert instead ‘Greater Hunter Extraction Management Unit’.

[61] Clause 71 (7) and (8)

Omit “Goulburn River, Hunter River” wherever occurring. Insert instead “Greater Hunter”.

[62] Clause 71 (11)

Omit the subclause, including the note.

[63] Clause 74 Rules for water allocation assignments between water sources

Omit “Goulburn, Lake Macquarie or Hunter” from clause 74 (5) (b). Insert instead “Lake Macquarie or Greater Hunter”.

[64] Clause 74 (7)

Omit “Goulburn River, Hunter River”. Insert instead “Greater Hunter”.

[65] Clause 75 General

Omit the clause. Insert instead:

Clause 75 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 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.

[66] Clause 76 General

Omit clause 76 (1). Insert instead:

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 2 of Part 11 of this Plan,

- (b) the relevant access rules for the taking of water specified in Division 3 and Division 4 of Part 11,
- (c) the holder of the access licence upon becoming aware of a breach of any condition must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) confirm this notification in writing within seven days of becoming aware of the breach, and
- (d) any other condition required to implement the provisions of this Plan.

[67] Clause 76 (2) (b) (i)

Omit “period of”. Insert instead “start and end”.

[68] Clauses 76 (2) (b) (v) – (vii)

Omit the subparagraphs. Insert instead:

- (v) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences with a share component that specifies one of these water sources, excluding the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook Water Source and the Upper Wollombi Brook Water Source, the volume of water taken in the first three water years, by comparison to the maximum volume of water permitted to be taken in those years under clause 56 (4),
- (vi) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences with a share component that specifies one of these water sources, excluding the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower

Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook and Kingdon Ponds Management Zone in the Lower Dart Brook Water Source and the Upper Wollombi Brook Water Source, the volume of water taken in any three consecutive years after the first water year, by comparison to the maximum volume of water permitted to be taken in those years under clause 56 (3),

- (vii) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences with a share component that specifies the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source and the Lower Wollombi Brook Water Source, the Appletree Flat Management Zone in the Jerrys Water Source, the Segenhoe Management Zone in the Pages River Water Source, the Halls Creek Water Source, the Lower Middle Brook or Kingdon Ponds Management Zone in the Lower Dart Brook Water Source or the Upper Wollombi Brook Water Source, the volume of water taken in any water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 56 (5), and

[69] Clause 76 (4)

Omit “Hunter Extraction Management Unit”. Insert instead “Greater Hunter Extraction Management Unit”.

[70] Clause 76 (5) and (6)

Omit the subclauses. Insert instead:

- (5) 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 41A.

[71] Clause 77 General

Omit the clause 77 (1). Insert instead:

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
- (a) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with the Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment, and
 - (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,

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

- (b) if a water supply work is no longer to be used permanently, then the approval holder of that work must decommission that work and provide the Minister with notice in writing that the approval holder intends to decommission the water supply work. This notice must occur at least ninety days prior to the date of commencement of decommissioning,
- (c) upon receiving notice of the intention to decommission from the approval holder under paragraph (b), the Minister may by notice in writing require that the water supply work not be decommissioned, or that the water supply work be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,

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

- (d) if the approval holder receives a notice from the Minister under paragraph (c), the approval holder must proceed in accordance with any requirements in that notice,
- (e) if the approval holder does not receive a notice from the Minister under paragraph (c) within sixty days of providing notice of the intent to decommission under paragraph (b), the approval holder must decommission the water supply work,
- (f) within sixty days of the water supply work being decommissioned under paragraphs (d) or (e), the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
- (g) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach, and
- (h) any other conditions required to implement the provisions of the Plan.

[72] Clause 77 (2)

Insert “or is used for the purpose of taking water under basic landholder rights” after “data logger”.

[73] Clause 78 Water supply works used to take water from the alluvial sediments in these water sources

Omit subclause 78 (2). Insert instead:

- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
 - (a) the rules for limiting the taking of water within the distance restrictions as specified in clause 41A,
 - (b) the approval holder must ensure the new water supply work is constructed so as to be:
 - (i) screened in the groundwater source specified in the share component of the access licence that nominates the water supply work, and
 - (ii) sealed off from other sources of water,

- (c) the construction of a new water supply work must:
 - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 39-41,
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2012*,
 - (iii) be constructed appropriately so as to prevent contamination between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
- (d) if a water supply work is no longer to be used permanently, then the approval holder of that work must decommission that work and provide the Minister with notice in writing that the approval holder intends to decommission the water supply work. This notice must occur at least ninety days prior to the date of commencement of decommissioning and include a work plan for decommissioning in accordance with the *Minimum Construction Requirements for Water Bores in Australia*,
- (e) upon receiving notice of the intention to decommission from the approval holder under paragraph (d), the Minister may by notice in writing, require that the water supply work not be decommissioned, or that the water supply work be decommissioned in accordance with other requirements,

Note. If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within sixty days of the notice under paragraph (d) being sent.
- (f) if the approval holder receives a notice from the Minister under paragraph (e), the approval holder must proceed in accordance with any requirements in that notice,
- (g) if the approval holder does not receive a notice from the Minister under paragraph (e) within sixty days of providing notice of the intent to decommission under paragraph (d), the approval holder must decommission the water supply work in accordance with the work plan,
- (h) within sixty days of the water supply work being decommissioned under paragraphs (f) or (g), the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work,

- (i) if, during the construction of the water supply work, contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all reasonable steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing(s) and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
- (j) 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,
- (k) the authority to construct a water supply work under a water supply work approval will expire if the construction of that water supply work is not completed within three years of the issue of the water supply work approval,
- (l) any other conditions required to implement the provisions of this Plan.

[74] Clause 78 (3)

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

[75] Clause 86 Amendment of this Plan

Insert after clause 86 (3):

- (4) Clause 44 may be amended to vary the long-term average annual extraction limit that applies to the extraction management unit or that water source following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources.

[76] Clause 90

Omit the clause. Insert instead:

90 Amendments to access rules

The Minister may amend this Plan:

- (a) to establish alternate management zones in the Williams River Water Source,
- (b) to amend or establish alternate flow classes in the Williams River Water Source,
- (c) to amend the share components in the Williams River and/or Newcastle Water Sources,
- (d) to amend the long-term average annual extraction limit for the Hunter Extraction Management Unit, or
- (e) to amend and/or establish additional accounting provisions.

[77] Schedule 1 Dictionary

Insert before “*cease to take condition*”:

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.

[78] Schedule 4

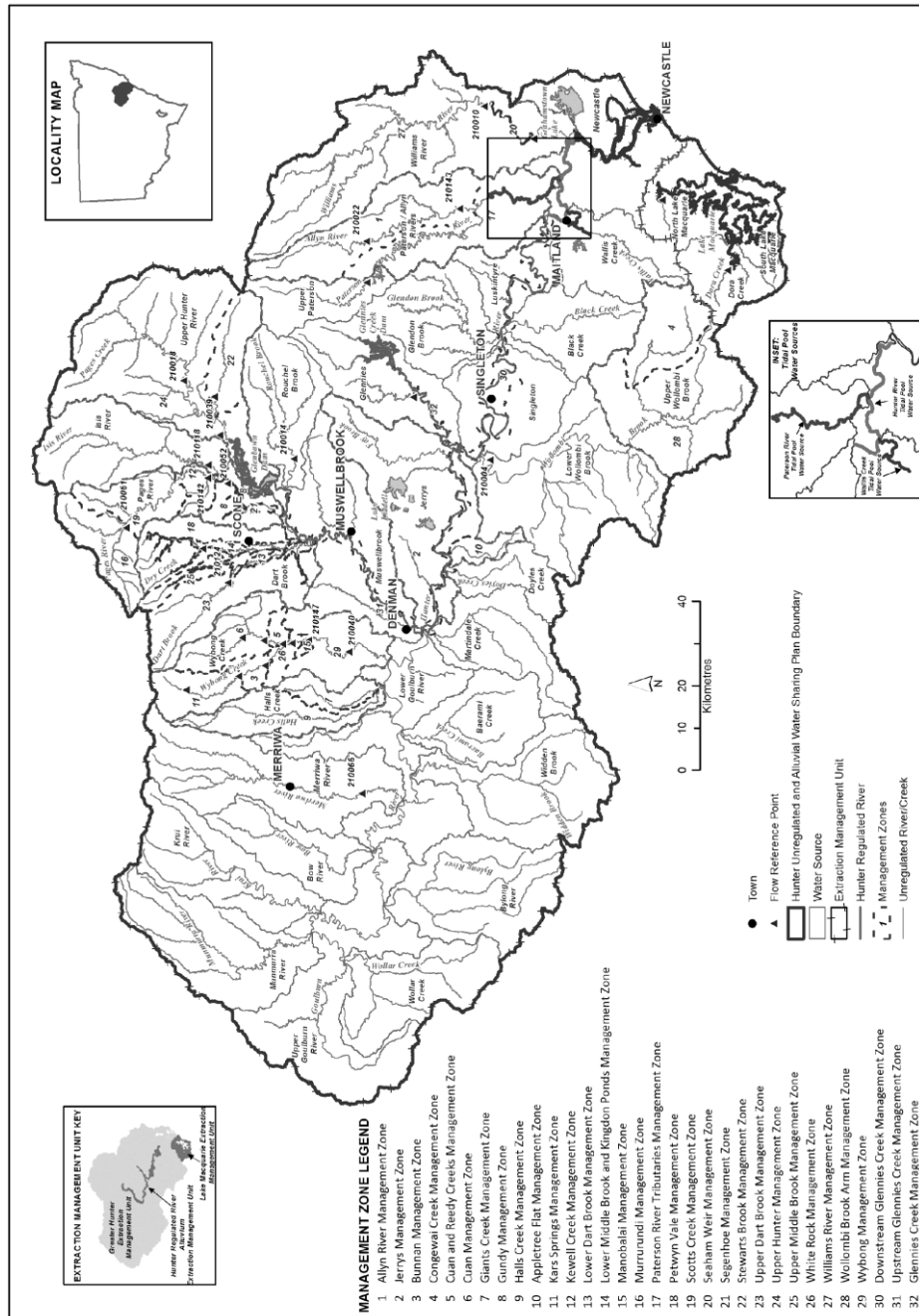
Omit the Schedule.

[79] Appendix 1

Omit the Appendix. Insert instead:

Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP003_Version 3) Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009



[80] Appendix 2

Omit the Appendix. Insert instead:

Appendix 2 Inspection of the Plan Map for these water sources

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

DPI Water

10 Valentine Ave

PARRAMATTA NSW 2150

DPI Water

Level 3, 26 Honeysuckle Drive

DANGAR NSW 2309

DPI Water

Unit 2A, Alliance St

EAST MAITLAND NSW 2320

[81] Appendix 3

Omit the Appendix. 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

PO Box 2213

DANGAR NSW 2309