



New South Wales

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources Amendment Order 2016

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of sections 45 (1) (a) and 45A of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*.

Dated this 15th day of February 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 Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources Amendment Order 2016

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1 Name of Order

This Order is the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources Amendment Order 2016*.

2 Commencement

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

Schedule 1 Amendment of Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010

[1] Clause 4 Application of this Plan

Omit clause 4 (1) (v) and (w). Insert instead:

- (v) Richmond Regulated Water Source,
- (w) Richmond Regulated Alluvial Water Source,
- (x) Coopers Creek Water Source, and
- (y) Coopers Creek Alluvial Groundwater Source.

[2] Clause 4 (2)

Omit the subclause and the note to the subclause. Insert instead:

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP008_Version 2), Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010* (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 the offices listed in Appendix 2 and are available on the NSW legislation website.

[3] Clause 4 (3)

Omit the subclause. Insert instead:

- (3) Subject to subclause (5), these water sources, excluding the Richmond Regulated Water Source, the Richmond Regulated Alluvial Water Source, the Coopers Creek Water Source and the Coopers Creek Alluvial Groundwater Source, include all water:
- (a) occurring naturally on the surface of the ground within the boundaries of these water sources, excluding the Richmond Regulated Water Source, the Richmond Regulated Alluvial Water Source, the Coopers Creek Water Source and the Coopers Creek Alluvial Groundwater Source, shown on the Plan Map,
 - (b) in rivers, lakes, estuaries and wetlands in within the boundaries of these water sources, excluding the Richmond Regulated Water Source, the Richmond Regulated Alluvial Water Source, the Coopers Creek Water Source and the Coopers Creek Alluvial Groundwater Source, shown on the Plan Map, and
 - (c) contained within all alluvial sediments below the surface of the ground within the boundaries of the these water sources excluding the Richmond Regulated Water Source, the Richmond Regulated Alluvial Water Source, the Coopers Creek Water Source and the Coopers Creek Alluvial Groundwater Source, shown on the Plan Map (hereafter **these alluvial sediments**).

[4] Clause 4 (3A) and (3B)

Insert after clause 4 (3):

- (3A) Subject to subclause (5), the Coopers Creek Water Source includes all water:
- (a) occurring naturally on the surface of the ground within the boundaries of the Coopers Creek Water Source shown on the Plan Map, and

(b) in rivers, lakes, estuaries and wetlands within the boundaries of the Coopers Creek Water Source shown on the Plan Map.

(3B) Subject to subclause (5), the Coopers Creek Alluvial Groundwater Source includes all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Coopers Creek Water Source on the Plan Map.

Note. This Plan applies to the alluvial sediments below the surface of the ground within the Coopers Creek Water Source which were not included in the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

[5] Clause 4 (4A)

Insert after clause 4 (4):

(4A) Subject to subclause (5), the Richmond Regulated Alluvial Water Source includes all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Richmond Regulated Alluvial Water Source on the Plan Map.

[6] Clause 4 (5)

Insert after clause 4 (5):

(6) The provisions in this Plan that apply to the Coopers Creek Water Source replace the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

[7] Clause 5 Management Zones

Insert after clause 5 (1) (f):

(g) Coopers Creek Water Source:

(i) Upper Coopers Creek Management Zone,

(ii) Lower Coopers Creek Management Zone.

(h) Coopers Creek Alluvial Groundwater Source:

(i) Upper Coopers Creek Alluvial Management Zone,

(ii) Lower Coopers Creek Alluvial Management Zone.

[8] Clauses 5 (2) and (3), 6 (3), 64 (a) and 85 (d)

Omit “Registered Map” wherever occurring. Insert instead “Plan Map”.

[9] Clause 5 (2)

Insert “, and (g) and (h)” after “(1) (a) to (c)”.

[10] Clause 6 Extraction management units in these water sources

Insert at the end of the clause:

Note. The Richmond River Extraction Management Unit was established under the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

[11] Clause 6 Table A

Insert in appropriate order “Coopers Creek Alluvial Groundwater Source” in Column 2 of the matter relating to Richmond River Extraction Management Unit in the Column 1 of Table A.

[12] Clause 6

Omit the note to Table A.

[13] 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.

[14] Clause 11 Strategies

Omit “extracted” from clause 11 (h). Insert instead “taken”.

[15] Clause 13 Bulk access regime

Omit “Division 1 of” from clause 13 (1) (a).

[16] Clause 13 (2) (e)

Omit “Division 1”. Insert instead “Division 2”.

[17] Clause 14 Climatic variability

Omit clause 14 (b). Insert instead:

- (b) manage the sharing of water in specified water sources on a daily basis in these water sources, contained in Divisions 2 and 3 of Part 9 of this Plan.

[18] Part 4 Environmental water provisions

Omit the heading.

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

[19] Part 4, Note

Omit the note. Insert instead:

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

[20] Part 4, Division 1, heading

Omit the heading.

[21] Clause 15 General

Omit “Division”. Insert instead “Part”.

[22] Clause 16 Commitment and identification of planned environmental water

Omit clause 16 (2) (a) and (b). Insert instead:

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

[23] Clause 17 Establishment and maintenance of planned environmental water

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

- (b) the water remaining after water has been taken pursuant to basic landholder rights and access licences in accordance with the rules specified in Parts 7 and 9,
- (c) the long-term average annual commitment of water as planned environmental water in these water sources that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 7 of this Plan and the available water determination rules as specified in Division 2 of Part 7 of this Plan.

[24] Clause 17 (5)

Insert after clause 17 (4):

- (5) The planned environmental water established under subclause (2) (c) is maintained in these water sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 7 of this Plan and the available water determinations as specified in Division 2 of Part 7 of this Plan.

[25] Part 4, Division 2 Adaptive environmental water

Omit the division.

[26] Clause 20 Domestic and stock rights

Omit “At the commencement of this Plan, the”. Insert instead “The”.

[27] Clause 20

Omit “29.3”. Insert instead “30.1”.

[28] Clause 20 (v) and (w)

Omit the paragraphs. Insert instead:

- (v) 1.1 ML/day in the Richmond Regulated Water Source,
- (w) 0.2 ML/day in the Richmond Regulated Alluvial Water Source,
- (x) 0.7 ML/day in the Coopers Creek Water Source, and
- (y) Less than 0.1 ML/day in the Coopers Creek Alluvial Groundwater Source.

[29] Clause 20, Notes

Insert after note 2:

- 3 The water requirements of persons entitled to domestic and stock rights in the Coopers Creek Alluvial Groundwater Source are estimated to be 2 ML/year. This equals 0.005 ML/day, which has been rounded up to less than 0.1 ML/day in clause 20 (y).

[30] Clause 21 Native title rights

Omit “At the commencement of this Plan, the”. Insert instead “The”.

[31] Clause 23 Share components of domestic and stock access licences

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

[32] Clause 23

Omit “871”. Insert instead “926”.

[33] Clause 23 (v) and (w)

Omit the paragraphs. Insert instead:

- (v) 8 ML/year in the Richmond Regulated Water Source,
- (w) 0 ML/year in the Richmond Regulated Alluvial Water Source,
- (x) 55 ML/year in the Coopers Creek Water Source, and
- (y) 0 ML/year in the Coopers Creek Alluvial Groundwater Source.

[34] Clause 24 Share components of local water utility access licences

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

[35] Clause 24 (v) and (w)

Omit the paragraphs. Insert instead:

- (v) 0 ML/year in the Richmond Regulated Water Source,
- (w) 0 ML/year in the Richmond Regulated Alluvial Water Source,
- (x) 0 ML/year in the Coopers Creek Water Source, and
- (y) 0 ML/year in the Coopers Creek Alluvial Groundwater Source.

[36] Clause 25 Share components of unregulated river access licences

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

[37] Clause 25

Omit “55,107”. Insert instead “61,076”.

[38] Clause 25 (u) and (v)

Omit the paragraphs. Insert instead:

- (u) 6,780 unit shares in the Wyrallah Area Water Source,
- (v) 0 unit shares in the Richmond Regulated Alluvial Water Source, and
- (w) 5,969 unit shares in the Coopers Creek Water Source.

[39] Clause 26 Share components of aquifer access licences

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

[40] Clause 26 (v) and (w)

Omit the paragraphs. Insert instead:

- (v) 0 unit shares in the Richmond Regulated Water Source,
- (w) 10 unit shares in the Richmond Regulated Alluvial Water Source, and
- (x) 0 unit shares in the Coopers Creek Alluvial Groundwater Source.

[41] Clause 27 Share components of unregulated river (high flow) access licences

Omit “at the time of commencement of this Plan,” from clause 27.

[42] Clause 28 Share components of regulated river (high security) access licences

Omit “at the time of commencement of this Plan,” from clause 28.

[43] Clause 29 Share components of regulated river (general security) access licences

Omit “at the time of commencement of this Plan,” from clause 29.

[44] Clauses 31 (1) (i) (i), 36 (1), 62 (Note) and Schedule 6 (Note)

Omit “NSW Office of Water” wherever occurring. Insert instead “Department”.

[45] Clause 38 Volume of the long-term average annual extraction limits

Omit clause 38 (2) (b). Insert instead:

- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the Evans River Water Source at the commencement of this Plan, plus

[46] Clause 38 (3)

Omit the subclause. Insert instead:

- (3) Subject to any variation under subclause (6), the long-term average annual extraction limit for the Richmond River Extraction Management Unit is the sum of:
 - (a) the share components of all access licences in the:
 - (i) Alstonville Area Water Source,
 - (ii) Bangalow Area Water Source,
 - (iii) Broadwater Area Water Source,
 - (iv) Coraki Area Water Source,
 - (v) Double Duke Area Water Source,
 - (vi) Doubtful Creek Water Source,
 - (vii) Eden Creek Water Source,
 - (viii) Gradys Creek Water Source,

- (ix) Kyogle Area Water Source,
 - (x) Lennox Area Water Source,
 - (xi) Leycester Creek Water Source,
 - (xii) Myall Creek Water Source,
 - (xiii) Myrtle Creek Water Source,
 - (xiv) Sandy Creek Water Source,
 - (xv) Shannon Brook Water Source,
 - (xvi) Terania Creek Water Source,
 - (xvii) Toonumbar Area Water Source,
 - (xviii) Tuckean Area Water Source,
 - (xix) Upper Richmond River Water Source,
 - (xx) Wyrallah Area Water Source,
 - (xxi) Richmond Regulated Alluvial Water Source,
 - (xxii) Coopers Creek Water Source, and
 - (xxiii) Coopers Creek Alluvial Groundwater Source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the:
- (i) Alstonville Area Water Source,
 - (ii) Bangalow Area Water Source,
 - (iii) Broadwater Area Water Source,
 - (iv) Coraki Area Water Source,
 - (v) Double Duke Area Water Source,
 - (vi) Doubtful Creek Water Source,
 - (vii) Eden Creek Water Source,
 - (viii) Gradys Creek Water Source,
 - (ix) Kyogle Area Water Source,
 - (x) Lennox Area Water Source,
 - (xi) Leycester Creek Water Source,
 - (xii) Myall Creek Water Source,
 - (xiii) Myrtle Creek Water Source,
 - (xiv) Sandy Creek Water Source,
 - (xv) Shannon Brook Water Source,
 - (xvi) Terania Creek Water Source,
 - (xvii) Toonumbar Area Water Source,
 - (xviii) Tuckean Area Water Source,
 - (xix) Upper Richmond River Water Source,
 - (xx) Wyrallah Area Water Source,
 - (xxi) Richmond Regulated Alluvial Water Source,
 - (xxii) Coopers Creek Water Source, and
 - (xxiii) Coopers Creek Alluvial Groundwater Source.

Omit the paragraph. Insert instead:

- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the Richmond Regulated Extraction Management Unit at the commencement of this Plan.

[48] Clause 38 (5)

Omit the subclause.

[49] Clause 39

Omit the clause. Insert instead:

39 Calculation of current levels of annual extraction

- (1) After each water year, the total volume of water extracted during that water year under access licences and pursuant to domestic and stock rights and native title rights shall be calculated for each extraction management unit specified in clause 6.
- (2) For the purposes of calculating the total volume of water extracted during a water year, the following shall be taken into account:
 - (a) all water taken by holders of all categories of access licences in the water source, and
 - (b) all water taken pursuant to domestic and stock rights and native title rights.

[50] Clause 41 Compliance with the long-term average annual extraction limits

Omit the note to clause 41 (4).

[51] Clause 50 Specific purpose access licences

Omit the note to clause 50 (3). Insert instead:

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

[52] Clause 50 (4)

Insert after the subclause and before the notes to the clause:

- (5) 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.

[53] Clause 50, Note

Omit the last note to the clause.

[54] Clause 50A

Insert after clause 50:

50A 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.

Note. A controlled allocation order under section 65 of the Act will be considered to allow applications to be made for aquifer access licences to take water from the coastal floodplain alluvial aquifers in the Coraki Area, Wyrallah Area, Kyogle Area, Shannon Brook, Sandy Creek and Terania Creek Water Sources, subject to a study being undertaken to identify a total water balance, interactions between groundwater and the tidal pool and future needs (including future specific purpose licences and exempt extraction) in the coastal floodplain alluvial aquifers.

[55] Clause 52 Individual access licence account management rules for these water sources excluding the Richmond Regulated Water Source

Omit “subclause (3)” from clause 52 (3) (a) (ii). Insert instead “subclause (4)”.

[56] Part 9, Division 3, heading

Omit the heading. Insert instead:

Division 3 Rules for access licences in these water sources, excluding the Richmond Regulated Water Source and the Richmond Regulated Alluvial Water Source

[57] Clause 58 General

Insert “and the Richmond Regulated Alluvial Water Source” at the end of the sentence.

[58] Clause 59 Flow classes

Insert after clause 59 (6) and before the notes to the clause:

- (7) 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.
- (8) For the purpose of determining the flow class that applies on a particular day under subclause (7), the Minister may take into consideration evidence of past and current flow 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.

[59] Clause 59 Table B

Omit the table. Insert instead:

Column 1 Water Source	Column 2 Management Zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or salinity (ppt)	Column 6 Reference point	Column 7 Day on which flow class applies
Bangalow Area Water Source		Very Low Flow Class	From year 1 of this Plan	Less than or equal to 12 ML/day	Wilson's River gauge (203014) at Eltham	Same day
		Very Low Flow Class	Year 6 of this Plan	Less than or equal to 24 ML/day		Same day
		A Class	Year 1 of this Plan	More than 12 ML/day and less than or equal to 385 ML/day		Same day
		A Class	Year 6 of this Plan	More than 24 ML/day and less than or equal to 385 ML/day		Same day
		B Class	Year 1 of this Plan	More than 385 ML/day		Same day
Coraki Area Water Source	Richmond River Tidal Pool Management Zone	Very Low Flow Class	Year 1 of this Plan	2 ppt or more for five consecutive days or more	Salinity gauge at Coraki	Same day
		A Class	Year 1 of this Plan	(1) 1 ppt or more and less than 2 ppt for five consecutive days or more, or (2) above 2 ppt for less than five consecutive days, or (3) 0.3 ppt or more and less than 1 ppt for less than five consecutive days		Same day

		B Class	Year 1 of this Plan	(1) 1 ppt or more and less than 2 ppt for less than five consecutive days, or (2) 0.3 ppt or more and less than 1 ppt for five consecutive days or more, or (3) less than 0.3 ppt		Same day
Gradys Creek Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 15 ML/day	Richmond River gauge (203005) at Wiangaree	Same day
		A Class	Year 1 of this Plan	More than 15 ML/day and less than or equal to 308 ML/day		Same day
		B Class	Year 1 of this Plan	More than 308 ML/day		Same day
Kyogle Area Water Source	Upper Kyogle Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 15 ML/day	Richmond River gauge (203900) at Kyogle	Same day
		A Class	Year 1 of this Plan	More than 15 ML/day and less than or equal to 251 ML/day		Same day
		B Class	Year 1 of this Plan	More than 251 ML/day		Same day
	Lower Kyogle Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 12 ML/day	Richmond River gauge (203004) at Casino	Same day
		A Class	Year 1 of this Plan	More than 12 ML/day and less than or equal to 584 ML/day		Same day
		B Class	Year 1 of this Plan	More than 584 ML/day		Same day
Leycester Creek Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Leycester River gauge (203010) at Rock Valley	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day and less than or equal to 38 ML/day		Same day
		B Class	Year 1 of this Plan	More than 38 ML/day and less than or equal to 80 ML/day		Same day
		C Class	Year 1 of this Plan	More than 80 ML/day		Same day
Myall Creek Water Source		Very Low Flow Class	Year 1 of this Plan	0 ML/day	Myrtle Creek gauge (203030) at Rappville in the Myrtle Creek Water Source	Same day
		A Class	Year 1 of this Plan	More than 0 ML/day		Same day
Myrtle Creek Water Source		Very Low Flow Class	Year 1 of this Plan	0 ML/day	Myrtle Creek gauge (203030) at Rappville	Same day
		A Class	Year 1 of this Plan	More than 0 ML/day and less than or equal to 4 ML/day		Same day
		B Class	Year 1 of this Plan	More than 4 ML/day and less than or equal to 28 ML/day		Same day
		C Class	Year 1 of this Plan	More than 28 ML/day		Same day
Shannon Brook Creek Water		Very Low Flow Class	Year 1 of this Plan	0 ML/day	Shannon Brook gauge (203041)	Same day

Source		A Class	Year 1 of this Plan	More than 0 ML/day and less than or equal to 16 ML/day	at Yorklea	Same day
		B Class	Year 1 of this Plan	More than 16 ML/day and less than or equal to 52 ML/day		Same day
		C Class	Year 1 of this Plan	More than 52 ML/day		Same day
Terania Creek Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 6 ML/day	Coopers Creek gauge (203024) at Ewing Bridge in the Coopers Creek Water Source	Same day
		Very Low Flow Class	Year 6 of this Plan	Less than or equal to 8.5 ML/day		Same day
		A Class	Year 1 of this Plan	More than 6 ML/day and less than or equal to 229 ML/day		Same day
		A Class	Year 6 of this Plan	More than 8.5 ML/day and less than or equal to 229 ML/day		Same day
		B Class	Year 1 of this Plan	More than 229 ML/day		Same day
Upper Richmond River Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day at the Richmond River staff gauge	Richmond River staff gauge at the Lavelles Road crossing and Richmond River gauge (203005) at Wiangaree in the Gradys Creek Water Source	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day at the Richmond River Staff gauge and less than or equal to 308 ML/day Richmond River gauge (203005)		Same day
		B Class	Year 1 of this Plan	More than 1 ML/day at the Richmond River staff gauge and more than 308 ML/day at the Richmond River gauge (203005)		Same day
Wyrallah Area Water Source	Wilson's River Tidal Pool Management Zone	Very Low Flow Class	Year 1 of this Plan	2 ppt or more for five consecutive days or more	Salinity gauge at Coraki in the Coraki Area Water Source	Same day
		A Class.	Year 1 of this Plan	(1) 1 ppt or more and less than 2 ppt for five consecutive days or more, or (2) above 2 ppt for less than five consecutive days, or (3) 0.3 ppt or more and less than 1 ppt for less than five consecutive days		Same day
		B Class	Year 1 of this Plan	(1) 1 ppt or more and less than 2 ppt for less than five consecutive days, or (2) 0.3 ppt or more and less than 1 ppt for		Same day

				five consecutive days or more, or (3) less than 0.3 ppt		
		C Class.	Year 1 of this Plan.	2 ppt or more for five consecutive days or more		Same day.
Coopers Creek Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 9 ML/day	Coopers Creek At Ewing Bridge gauge (203024)	Same day
		A Class	Year 1 of this Plan	More than 9 ML/day		Same day

[60] Clause 59, Table B, Notes

Omit the notes to Table B. Insert instead:

Notes.

- (1) The following flow percentiles below refer to critical month flows (November) at the gauge and include all days of record:
 - (a) for the Wilsons River gauge (213014) at Eltham:
 - (i) 12 ML/day corresponds to the estimated 99th percentile flow, and
 - (ii) 24 ML/day corresponds to the estimated 95th percentile flow,
 - (b) for the Richmond River gauge (203005) at Wiangaree, 15 ML/day corresponds to the estimated 95th percentile flow,
 - (c) for the Richmond River gauge (203900) at Kyogle, 15 ML/day corresponds to the estimated 93rd percentile flow,
 - (d) for the Richmond River gauge (203004) at Casino, 12 ML/day corresponds to the estimated 94th percentile flow,
 - (e) for the Leycester River gauge (203010) at Rock Valley, 1 ML/day corresponds to the estimated 92nd percentile flow,
 - (f) for the Myrtle Creek gauge (203030) at Rappville, no visible flow corresponds to the estimated 68th percentile flow,
 - (g) for the Shannon Brook gauge (203041) at Yorklea, no visible flow corresponds to the estimated 78th percentile flow.
- (2) For the Coopers Creek gauge (203024) at Ewing Bridge as a flow reference point for the Terania Creek Water Source:
 - (a) 6 ML/day corresponds to the estimated 99th percentile flow, and
 - (b) 8.5 ML/day corresponds to the estimated 95th percentile flow, and
these flow percentiles refer to critical month flows (December) as at 2009.
- (3) For the Coopers Creek gauge (203024) at Ewing Bridge as a flow reference point for the Coopers Creek Water Source, 9 ML/day corresponds to the estimated 95th percentile flow. This flow percentile refers to critical month flows (December) as at 2012.
- (4) The following flow percentiles below refer to average daily flows at the gauge and include all days of record:
 - (a) for the Richmond River gauge (203005) at Wiangaree, 308 ML/day corresponds to the estimated 30th percentile flow,
 - (b) for the Richmond River gauge (203900) at Kyogle, 251 ML/day corresponds to the estimated 30th percentile flow,
 - (c) for the Richmond River gauge (203004) at Casino, 484 ML/day corresponds to the estimated 30th percentile flow,
 - (d) for the Leycester River gauge (203010) at Rock Valley:
 - (i) 38 ML/day corresponds to the estimated 50th percentile flow, and
 - (ii) 80 ML/day corresponds to the estimated 30th percentile flow,
 - (e) for the Myrtle Creek gauge (203030) at Rappville:
 - (i) 4 ML/day corresponds to the estimated 50th percentile flow, and
 - (ii) 28 ML/day corresponds to the estimated 30th percentile flow,

- (f) for the Shannon Brook gauge (203041) at Yorklea:
 - (i) 16 ML/day corresponds to the estimated 50th percentile flow, and
 - (ii) 52 ML/day corresponds to the estimated 30th percentile flow,
- (g) for the Coopers Creek gauge (203024) at Ewing Bridge 229 ML/day corresponds to the estimated 30th percentile flow.

[61] Clause 60, heading

Insert “and the Coopers Creek Water Source” at the end of the heading.

[62] Clause 60 (1)

Omit the subclause. Insert instead:

- (1) This clause applies to the taking of water under an access licence from these water sources excluding the taking of water:
 - (a) from the Richmond Regulated Water Source,
 - (b) from the Richmond Regulated Alluvial Water Source,
 - (c) from the Coopers Creek Water Source,
 - (d) from the Coopers Creek Alluvial Groundwater Source,
 - (e) from these alluvial sediments,
 - (f) 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,
 - (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
 - (g) 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,
 - (ii) the access licence holder has a water management plan for that 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.

[63] Clause 60 (2)

Insert “in that water source or management zone” after “when flows”.

[64] Clause 60 (3)

Omit the subclause and the note to the subclause. Insert instead:

- (3) Subject to subclauses (18) and (20), water must not be taken under an access licence specified in Column A of the table to Schedule 1A, with a share component that specifies the water source in Column B of the table to Schedule 1A, in contradiction of the access rule specified in Column C of the table to Schedule 1A.

Note. Those licences and their cease to take conditions that have been identified as higher than the upper limit of the relevant Very Low Flow Class are specified in Schedule 1A.

[65] Clause 60 (3A)

Insert after subclause (3):

(3A) Subclauses (2) and (4) to (16) do not apply to an access licence listed in Schedule 1A.

[66] Clause 60 (4)

Omit the subclause. Insert instead:

- (4) Water must not be taken under an unregulated river (subcategory “Aboriginal community development”) access licence with a share component that specifies one of the following water sources when flows in that water source are:
 - (a) in the Very Low Flow Class or A Class for the:
 - (i) Leycester Creek Water Source,
 - (ii) Myrtle Creek Water Source, and
 - (iii) Shannon Brook Water Source, or
 - (b) less than 116 ML/day at the Richmond River gauge (203900) at Kyogle for the Eden Creek Water Source.

[67] Clause 60 (5)

Omit the subclause. Insert instead:

- (5) Water must not be taken under an unregulated river (high flow) access licence with a share component that specifies one of the following water sources when flows in that water source are:
 - (a) in the Very Low Flow Class or A Class for the:
 - (i) Bangalow Area Water Source,
 - (ii) Gradys Creek Water Source,
 - (iii) Kyogle Area Water Source,
 - (iv) Terania Creek Water Source, and
 - (v) Upper Richmond River Water Source, or
 - (b) in the Very Low Flow Class, A Class or B Class for the:
 - (i) Leycester Creek Water Source,
 - (ii) Myrtle Creek Water Source,
 - (iii) Shannon Brook Water Source, or
 - (c) less than 251 ML/day at the Richmond River gauge (203900) at Kyogle for the Eden Creek Water Source.

[68] Clause 60 (6)

Omit “if”. Insert instead “when”.

[69] Clause 60 (9)

Omit the subclause. Insert instead:

- (9) Subject to subclauses (11) and (18), water must not be taken from natural pools, lagoons or lakes in water sources or management zones where flow classes have not been established, when the water level in that pool, lagoon or lake is less than the full capacity of the respective pool, lagoon or lake, except for those access licences specified in Column A of Schedule 2 that must not take water in contradiction of the access rule specified in Column B of Schedule 2.

Note. *Full capacity* is defined in the Dictionary.

[70] Clause 60 (18) (a)

Insert “or an access licence which replaces a *Water Act 1912* entitlement” after “to “water under an access licence”.

[71] Clause 60 (18) (b)

Omit the paragraph. Insert instead:

- (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,

[72] Clause 60 (23)

Omit the subclause. Insert instead:

- (23) Subclause (6) does not apply to the taking of water from natural pools, lagoons and lakes that are subject to the less than the full capacity cease to take condition specified in subclause (9).

[73] Clause 60A

Insert after clause 60:

60A Access rules for the taking of surface water from the Coopers Creek Water Source

- (1) This clause applies to the taking of water under an access licence from the Coopers Creek Water Source, excluding the taking of water:
 - (a) from the Richmond Regulated Alluvial Water Source,
 - (b) from the Coopers Creek Alluvial Groundwater Source,
 - (c) from these alluvial sediments,
 - (d) 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,
 - (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
 - (e) 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,
 - (ii) the access licence holder has a water management plan for that 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 (8), water must not be taken under an access licence with a share component that specifies this water source with a Very Low Flow Class that has commenced, when flows in this water source are in the Very Low Flow Class. This subclause does not apply to the taking of water from an off-river pool.

Note. *Off-river pool* is defined in the Dictionary.

- (3) Subject to subclause (8), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from an in-river pool or an off-river pool.
- Note.** *In-river pool* and *visible flow* are defined in the Dictionary.
- (4) Subject to subclause (8), water must not be taken under an access licence from an in-river pool when the volume of water in that pool is less than the full capacity of the pool.
- Note.** *Full capacity* is defined in the Dictionary.
- (5) Subject to subclause (8), water must not be taken under an access licence from an off-river pool when the volume of water in that pool is less than the full capacity of the pool. This subclause does not apply to an access licence listed in Schedule 3A of this Plan.
- (6) Subject to subclause (8), water must not be taken under an unregulated river access licence with a share component that specifies the Coopers Creek Water Source for 48 hours after flows at the Coopers Creek at Ewing Bridge gauge (203024) first exceed 31 ML/day within a 24 hour period following a low flow of 9 ML/day at the Coopers Creek at Ewing Bridge gauge (203024).
- (7) Subject to subclause (8), water must not be taken under an access licence with a share component that specifies the Coopers Creek Water Source between the hours of 8:00 and 20:00 when the flow at Coopers Creek at Ewing Bridge gauge (203024) is less than or equal to 16 ML/day. This subclause does not apply to the taking of water:
- (a) from an off-river pool, or
 - (b) if the holder of the access licence has been accredited for that water source under the Efficient Water Use Accreditation Scheme.
- Note.** Licence holders can become accredited by implementing and maintaining a water efficient irrigation system. By establishing a differential in access rules between accredited and non-accredited licence holders, the Plan aims to encourage licence holders to implement efficient systems and also not penalise licence holders who already run low volume efficient irrigation systems.
- (8) Subclauses (2) – (7) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 3B 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 in accordance with subclause (9):
 - (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 the *Water Sharing Plan for the Coopers 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,

Note. The *Water Sharing Plan for the Coopers Creek Water Source 2003* commenced on 1 July 2004.
 - (c) the taking of water using a runoff harvesting dam,
 - (d) the taking of water from an in-river dam pool when the in-river dam is passing all inflows,
 - (e) 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 3B applies.

- (9) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (8) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

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

[74] Clause 61

Omit the clause. Insert instead:

61 Access rules for the taking of water from these alluvial sediments and the Coopers Creek Alluvial Groundwater Source, excluding access licences in the Richmond Regulated Alluvial Water Source

- (1) The rules in this clause apply to the taking of water under an access licence from these alluvial sediments and the Coopers Creek Alluvial Groundwater Source using a water supply work that is located at or less than 40 metres from the top of the high bank of a river, excluding the taking of water:
- (a) under an access licence with a share component that specifies the Richmond Regulated Alluvial Water Source.
 - (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,
 - (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,
 - (ii) the access licence holder has a water management plan for that 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) The taking of water under an aquifer access licence which arises from the conversion of an unregulated river access licence under clause 74 of Part 11 shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone. This subclause does not apply to the Coopers Creek Alluvial Groundwater Source.
- (3) The taking of water under an aquifer access licence in the Coopers Creek Alluvial Groundwater Source which arises from the conversion of an unregulated river access licence under clause 74 of Part 11 shall be subject to the same access rules under clause 60A as those for an unregulated river access licence in the Coopers Creek Water Source.
- (4) Subject to subclauses (12), (14) and (16), from Year 6 of this Plan, the taking of water under an aquifer access licence shall be subject to the same access rules under clause 60

- as those for an unregulated river access licence in the same water source or management zone. This subclause does not apply to the Coopers Creek Alluvial Groundwater Source.
- (5) Subject to subclauses (12), (14) and (16), from Year 6 of this Plan, the taking of water under an aquifer access licence in the Coopers Creek Alluvial Groundwater Source shall be subject to the same access rules under clause 60A as those for an unregulated river access licence in the Coopers Creek Water Source.
 - (6) Subject to subclauses (11), (12) and (16), from Year 6 of this Plan, the taking of water under a domestic and stock access licence shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone. This subclause does not apply to the Coopers Creek Alluvial Groundwater Source.
 - (7) Subject to subclauses (11), (12) and (16), from Year 6 of this Plan, the taking of water under a domestic and stock access licence in the Coopers Creek Alluvial Groundwater Source shall be subject to the same access rules under clause 60A as those for an unregulated river access licence in the Coopers Creek Water Source.
 - (8) Subject to subclauses (15) and (16), from Year 6 of this Plan, the taking of water under a local water utility access licence shall be subject to the same access rules under clause 60 as those for an unregulated river access licence in the same water source or management zone. This subclause does not apply to the Coopers Creek Alluvial Groundwater Source.
 - (9) Subject to subclauses (15) and (16), from Year 6 of this Plan, the taking of water under a local water utility access licence in the Coopers Creek Alluvial Groundwater Source shall be subject to the same access rules under clause 60A as those for an unregulated river access licence in the Coopers Creek Water Source.
 - (10) For the purposes of the taking of water from these alluvial sediments and the Coopers Creek Alluvial Groundwater Source under an access licence to which subclauses (2) – (8) apply, an access rule for an unregulated river access licence that requires a visible flow shall be taken to mean a visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken.
 - (11) Subclauses (6) and (7) do not apply to the taking of water for domestic consumption only under domestic and stock access licences or domestic and stock (subcategory “domestic”) access licences that existed at the commencement of this Plan.
 - (12) Subclauses (4) – (7) do not apply to the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that 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 (13):
 - (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
 - (13) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclauses (12) and (16) (a), if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in subclauses (12) and (16) (a).
 - (14) Subclauses (4) and (5) do not apply to the taking of water under an aquifer (subcategory “town water supply”) access licence to which clause 2 of Schedule 4 applies.
 - (15) Subclauses (8) and (9) do not apply to the taking of water under a local water utility access licence to which clause 2 of Schedule 4 applies.
 - (16) Subclauses (2)–(8) which require there be a visible flow in the river immediately adjacent to the water supply work from which the water is proposed to be taken while water is taken do not apply if:

- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies is for any of the purposes listed below, provided that 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 (13):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
- (b) it is under a local water utility access licence or an aquifer (subcategory “town water supply”) access licence to which clause 2 of Schedule 4 applies,
- (c) the taking of water is for domestic consumption only under domestic and stock access licences or domestic and stock (subcategory “domestic”) access licences that existed at the commencement of this Plan.

[75] Clause 62 Total daily extraction limits

Insert “of” after “commencement” in the clause.

[76] Clause 64 General

Insert “that” after “water supply works” in the clause.

[77] Clause 64, Note

Insert “, the Richmond Regulated Alluvial Water Source and the Coopers Creek Alluvial Groundwater Source” after “these alluvial sediments” in the note to clause 64.

[78] Clause 65 Granting or amending water supply work approvals

Omit clause 65 (1) and the note to the subclause. Insert instead:

- (1) A water supply work approval must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:
 - (a) Bangalow Area Water Source,
 - (b) Broadwater Area Water Source,
 - (c) Coopers Creek Water Source,
 - (d) Coraki Area Water Source,
 - (e) Evans River Water Source,
 - (f) Kyogle Area Water Source,
 - (g) Lennox Area Water Source,
 - (h) Terania Creek Water Source,
 - (i) Toonumbar Area Water Source,
 - (j) Upper Richmond River Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1), consistent with the NSW Weirs Policy, the principles of the Act, the Fisheries Management Act 1994 and any other relevant legislation.

[79] Clause 65 (2)

Omit the subclause and the notes to the subclause. Insert instead:

- (2) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
 - (a) a dealing, or

- (b) the surrender under section 77 of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act, or
- (c) the amendment of the share component of the access licence by the Minister under section 68A of the Act, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

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

[80] Part 10 Division 2, heading

Insert “, the Richmond Regulated Alluvial Water Source and the Coopers Creek Alluvial Groundwater Source” after “alluvial sediments”.

[81] Clause 66 General

Insert “, the Richmond Regulated Alluvial Water Source and the Coopers Creek Alluvial Groundwater Source” after “these alluvial sediments” wherever occurring in clause 66 (1) and (2).

[82] Clauses 68 – 72

Omit the clauses. Insert instead:

68 Rules to minimise interference between water supply works

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister’s opinion, is or is proposed to be located within:
 - (a) 400 metres of a water supply work located on another landholding that is authorised to take water from these water sources that is nominated by another access licence, or
 - (b) 200 metres of a water supply work located on another landholding that is authorised to take from these water sources water pursuant to basic landholder rights only, or
 - (c) 100 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing, or
 - (d) 500 metres of a water supply work that is authorised to take water from these water sources and is nominated by a local water utility access licence or a major utility access licence, unless the local water utility or major utility has provided consent in writing, or
 - (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (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 would result in no more than minimal impact on existing extractions within these water sources.

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

Note. Part 13 allows for amendments to be made to clause 68.

69 Rules for water supply works located near contamination sources

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
 - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 5,
 - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 5, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of the plume associated with the contamination source.

Note. *Drawdown* is defined in the Dictionary.

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 5 that is likely to be insufficient to protect the water source or public health and safety.
- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
 - (a) the proposed distance is adequate to protect the water source, its dependent ecosystems, and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (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.

70 Rules for water supply works located near sensitive environmental areas

- (1) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
 - (a) 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 6—in the case of a water supply work used solely to take water pursuant to basic landholder rights, or
 - (b) 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 6—in the case of a water supply work not used solely to take water pursuant to basic landholder rights, or
 - (c) 40 metres of the top of the high bank of a river.
- (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 6 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 no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 6.
- (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 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 dependent groundwater 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 6, 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.

Note. Part 13 allows for amendments to be made to clause 70.

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

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

Note. Groundwater dependent culturally significant sites are currently under investigation and may be identified during the term of this Plan. The full list of potential groundwater dependent culturally significant sites will be identified 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 water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply, or

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

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

Note. Part 13 allows for amendments to be made to clause 72.

- (1) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 68–71 must not, in any water year, be used to take more water than the volume of water that is equal to:
- (a) the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan, plus
 - (b) the maximum water allocation that can be carried over by access licences nominating that water supply work at the commencement of the Plan in accordance with clause 52 (4) of this Plan for an aquifer access licence that specifies these alluvial sediments, the Richmond Regulated Alluvial Water Source or the Coopers Creek Alluvial Groundwater Source.
- (2) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 68–71 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 52 (4) of this Plan for aquifer access licences with a share component that specifies these alluvial sediments, the Richmond Regulated Alluvial Water Source or the Coopers Creek Alluvial Groundwater Source.
- (3) Subclauses (1) and (2) do not apply:
- (a) where a restricted distance does not apply in accordance with clause 68 (2) (a), (c) and (d), 69 (3), 70 (3), (4) (a), (b) and (d) or 71 (2) (a), (b), (c) and (e), or
 - (b) to the taking of water pursuant to basic landholder rights.
- (4) 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 68–71 pursuant to clauses 68 (2) (d), 69 (3) (a), 70 (3), (4) (d) and 71 (2) (e).
- (5) 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 68 (2) (d), 69 (3) (a), 70 (3), (4) (d) and 71 (2) (e).

[83] Clause 73

Omit the clause. Insert instead:

73 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the Restricted Trading Zone located in the Coopers Creek Water Source and the Coopers Creek Alluvial Groundwater Source.
- (3) The trading zone in subclause (2) is shown on the Plan Map.

Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the *Access Licence Dealing Principles Order 2004* and the access licence dealing rules established under this Part.
- 2 The *Access Licence Dealing Principles Order 2004* prevails over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

[84] Clause 75

Omit the clause. Insert instead:

75 Assignment of rights dealings

- (1) This clause relates to dealings under section 71Q of the Act in these water sources.
- (2) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights from:
 - (a) an access licence with an extraction component that specifies Management Zone 2 in the Richmond Regulated Water Source to an access licence with an extraction component that specifies Management Zone 1 in the Richmond Regulated Water Source, if it would cause the sum of share components of all access licences with extraction components that specify Management Zone 1 to exceed the sum of share components of all access licences that existed in Management Zone 1 at the date of commencement of this Plan,
 - (b) an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Drains Management Zone in the Alstonville Area Water Source,
 - (c) an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source,
 - (d) an access licence with an extraction component that specifies the Alstonville Drains Management Zone in the Alstonville Area Water Source to an access licence with an extraction component that specifies the Alstonville Management Zone in the Alstonville Area Water Source,
 - (e) an access licence with an extraction component that specifies the Tuckean Drains Management Zone in the Tuckean Area Water Source to an access licence with an extraction component that specifies the Tuckean Management Zone in the Tuckean Area Water Source,
 - (f) an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone, or Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence nominating works in Bungawalbyn Creek in the Coraki Area Water Source,
 - (g) an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if it would cause the sum of share components of all access licences with extraction components that specify the Coraki Non Tidal Management Zone to exceed the sum of share components of all

access licences that existed in the Coraki Non Tidal Management Zone at the date of commencement of this Plan,

- (h) an access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source to an access licence with an extraction component that specifies the Wyrallah Non Tidal Pool Management Zone in the Wyrallah Area Water Source, if it would cause the sum of share components of all access licences with extraction components that specify the Wyrallah Non Tidal Management Zone to exceed the sum of share components of all access licences that existed in the Wyrallah Non Tidal Management Zone at the date of commencement of this Plan,
 - (i) an access licence with an extraction component that specifies the Lower Coopers Creek Management Zone in the Coopers Creek Water Source to an access licence with an extraction component that specifies the Upper Coopers Creek Management Zone in the Coopers Creek Water Source,
 - (j) an access licence that nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Water Source to an access licence that does nominate a water supply work located in the Restricted Trading Zone in the Coopers Creek Water Source,
 - (k) an access licence that nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source to an access licence that does nominate a water supply work located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source,
 - (l) an access licence that does not nominate a water supply work located on Coopers Creek to an access licence that nominates a water supply work on Coopers Creek, or
 - (m) an access licence with an extraction component that specifies the Lower Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source to an access licence with an extraction component that specifies the Upper Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source.
- (3) 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 that specifies the Richmond Regulated Water Source,
 - (b) to an unregulated river (high flow) access licence,
 - (c) to an access licence that specifies one of the following water sources:
 - (i) Bangalow Area Water Source,
 - (ii) Broadwater Area Water Source,
 - (iii) Double Duke Area Water Source,
 - (iv) Evans River Water Source,
 - (v) Lennox Area Water Source,
 - (vi) Leycester Creek Water Source,
 - (vii) Myall Creek Water Source,
 - (viii) Myrtle Creek Water Source,
 - (ix) Sandy Creek Water Source,
 - (x) Terania Creek Water Source,
 - (xi) Toonumbar Area Water Source,
 - (xii) Tuckean Area Water Source,
 - (xiii) Upper Richmond River Water Source,

- (xiv) Richmond Regulated Alluvial Water Source,
- (xv) Coopers Creek Water Source,
- (xvi) Coopers Creek Alluvial Groundwater Source,
- (d) to an access licence that specifies the Alstonville Area Water Source, unless the dealing involves an assignment of rights to an access licence with an extraction component that specifies the Alstonville Management Zone of the Alstonville Area Water Source from an access licence with a share component that specified the Wyrallah Area Water Source that arose from the *Water Act 1912* licence 30SL066563.
- (e) to an access licence that specifies the Gradys Creek Water Source, unless the assignment of rights is an access licence that specifies the Upper Richmond River Water Source,
- (f) to an access licence that specifies the Shannon Brook Water Source, if the dealing would cause the sum of the share components of all access licences, other than unregulated river (high flow) access licences, in the Shannon Brook Water Source to exceed the sum of the share components of all access licences that existed in the Shannon Brook Water Source at the commencement of this Plan minus the share components of those unregulated river access licences that have been converted to unregulated river (high flow) access licences specifying the Shannon Brook Water Source since the commencement of this Plan,
- (g) to an access licence that specifies the Kyogle Area Water Source, unless:
 - (i) the dealing involves an assignment of rights to an access licence with an extraction component that specifies the Lower Kyogle Area Management Zone of the Kyogle Area Water Source from the access licence with a share component that specified the Coraki Area Water Source that arose from the Water Act 1912 licence 30SL066950, or
 - (ii) the assignment of rights is from an access licence that specifies the:
 - (A) Upper Richmond River Water Source, or
 - (B) Gradys Creek Water Source,
- (h) to an access licence that specifies the Doubtful Creek Water Source unless:
 - (i) the assignment of rights is from an access licence that specifies the:
 - (A) Gradys Creek Water Source,
 - (B) Upper Richmond River Water Source,
 - (C) Eden Creek Water Source,
 - (D) Kyogle Area Water Source, or
 - (E) Toonumbar Area Water Source,
 - (ii) and the dealing would cause the sum of the share components of all access licences in that water source to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan,
- (i) to an access licence that specifies the Eden Creek Water Source unless:
 - (i) the assignment of rights is from an access licence that specifies the:
 - (A) Gradys Creek Water Source,
 - (B) Upper Richmond River Water Source,
 - (C) Doubtful Creek Water Source,
 - (D) Kyogle Area Water Source, or
 - (E) Toonumbar Area Water Source,

- (ii) and the dealing would cause the sum of the share components of all access licences in that water source to exceed the sum of the share components of all access licences in that water source at the date of commencement of this Plan,
- (j) to an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone of the Coraki Area Water Source, if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Coraki Non Tidal Management Zone of the Coraki Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone at the date of commencement of this Plan,
- (k) to an access licence that nominates a water supply work in Bungawalbyn Creek in the Coraki Area Water Source,
- (l) to an access licence with an extraction component that specifies the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone and the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source at the date of commencement of this Plan plus 2000,
- (m) to an access licence with an extraction component that specifies the Wyrallah Non Tidal Management Zone of the Wyrallah Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Wyrallah Non Tidal Management Zone of the Wyrallah Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone at the date of commencement of this Plan, or
- (n) to an access licence with an extraction component that specifies the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source if the dealing would cause the sum of the share components of all access licences with extraction components nominating the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source to exceed the sum of the share components of all access licences with extraction components nominating that management zone and the Richmond River Tidal Pool Management Zone of the Coraki Area Water Source at the date of commencement of this Plan plus 2000.

[85] Clause 76 Amendment of share component dealings (change of water source)

Insert after clause 76 (1):

- (1A) 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.

[86] Clause 76 (2) (e) (xiii) and (xiv)

Omit the subparagraphs. Insert instead:

- (xiii) Upper Richmond River Water Source,
- (xiv) Richmond Regulated Alluvial Water Source,
- (xv) Coopers Creek Water Source, or
- (xvi) Coopers Creek Alluvial Groundwater Source,

[87] Clause 76 (5)

Omit the subclause.

[88] Clause 77 Amendment of extraction component dealings

Omit clause 77 (2) (f) and (g). Insert instead:

- (f) Richmond River Tidal Pool Management Zone in the Coraki Area Water Source being varied to specify the Coraki Non Tidal Management Zone in the Coraki Area Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with extraction components that specify the Coraki Non Tidal Management Zone, exceeds the total share component of all access licences that existed in Coraki Non Tidal Management Zone at the commencement of this Plan,
- (g) Wilsons River Tidal Pool Management Zone in the Wyrallah Area Water Source being varied to specify the Wyrallah Non Tidal Pool Management Zone in the Wyrallah Area Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with extraction components that specify the Wyrallah Non Tidal Management Zone, exceeds the total share component of all access licences that existed in Wyrallah Non Tidal Management Zone at the commencement of this Plan,
- (h) Lower Coopers Creek Management Zone in the Coopers Creek Water Source being varied to specify the Upper Coopers Creek Management Zone in the Coopers Creek Water Source, or
- (i) Lower Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source being varied to specify the Upper Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source.

[89] Clause 78 Assignment of water allocations dealings

Omit clause 78 (2) (f). Insert instead:

- (f) from an access licence with an extraction component that specifies the Coraki Non Tidal Management Zone or Richmond River Tidal Pool Management Zone in the Coraki Area Water Source to an access licence nominating works in Bungawalbyn Creek in the Coraki Area Water Source,

[90] Clause 78 (2) (i) and (j)

Omit the paragraphs. Insert instead:

- (i) from an unregulated river (high flow) access licence to an access licence of another category,
- (j) to an unregulated river (high flow) access licence from an access licence of another category,
- (k) from an access licence with an extraction component that specifies the Lower Coopers Creek Management Zone in the Coopers Creek Water Source to an access licence with an extraction component that specifies the Upper Coopers Creek Management Zone in the Coopers Creek Water Source,
- (l) from an access licence that nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Water Source to an access licence that is located in the Restricted Trading Zone in the Coopers Creek Water Source,
- (m) from an access licence that nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source to an access licence that is located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source,
- (n) from an access licence that nominates a water supply work that is not located on the Coopers Creek to an access licence that nominates a water supply work located on Coopers Creek, or
- (o) from an access licence with an extraction component that specifies the Lower Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source to an access licence with an extraction component that specifies the Upper Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source.

[91] Clause 78 (3) (c) (xiv) and (xv)

Omit the subparagraphs. Insert instead:

- (xiv) Upper Richmond River Water Source,
- (xv) Richmond Regulated Alluvial Water Source,
- (xvi) Coopers Creek Water Source, or
- (xvii) Coopers Creek Alluvial Groundwater Source,

[92] Clause 80 Nomination of water supply works dealings

Omit clause 80 (2) (h). Insert instead:

- (h) an access licence which nominates a water supply work located in the Wilsons River Tidal Pool Management Zone of the Wyrallah Area Water Source being amended to nominate a water supply work located in the Wyrallah Non Tidal Pool Management Zone of the Wyrallah Area Water Source, if it would cause the sum of share components of all access licences nominating water supply works located in the Wyrallah Non Tidal Management Zone to exceed the sum of share components of all access licences that nominated water supply works that existed in Wyrallah Non Tidal Management Zone at the date of commencement of this Plan,
 - (i) an access licence which nominates a water supply work located in the Lower Coopers Creek Management Zone in the Coopers Creek Water Source being amended to nominate a water supply work located in the Upper Coopers Creek Management Zone in the Coopers Creek Water Source,
 - (j) an access licence which nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Water Source being amended to nominate a water supply work located in the Restricted Trading Zone in the Coopers Creek Water Source,
 - (k) an access licence which nominates a water supply work that is not located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source being amended to nominate a water supply work located in the Restricted Trading Zone in the Coopers Creek Alluvial Groundwater Source,
 - (l) an access licence that nominates a water supply work that is not located on the Coopers Creek being amended to nominate a water supply work located on Coopers Creek, or
 - (m) an access licence which nominates a water supply work located in the Lower Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source being amended to nominate a water supply work located in the Upper Coopers Creek Alluvial Management Zone in the Coopers Creek Alluvial Groundwater Source.
- (3) 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.
 - (4) 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.

[93] Part 12

Omit the Part. Insert instead:

Part 12 Mandatory conditions

Note. Part 13 allows for amendments to be made to this Part.

Division 1 General

80A General

In this Part:

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

Note. 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.

Division 2 Access licences

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

81 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 1 of Part 9 of this Plan,
- (b) the relevant access rules for the taking of water specified in Division 3 of Part 9 of this Plan,
- (c) the holder of the access licence upon becoming aware of a breach of any conditions must:
- (i) notify the Minister as soon as practicable, and
- (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
- (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these water sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of the access licence must keep a Logbook,
- (b) the holder of the access licence must record the following in the Logbook:
- (i) each date and start and end time during which water was taken under the access licence,
- (ii) the volume of water taken on that date,
- (iii) the water supply work approval number of the water supply work used to take the water on that date,
- (iv) the purpose or purposes for which the water taken on that date was used,
- (v) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences with share components that specify one of these water sources, excluding the Richmond Regulated

- Water Source, 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 52 (2),
- (vi) for domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences with share components that specify one of these water sources, excluding the Richmond Regulated Water Source, 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 52 (3),
 - (vii) for domestic and stock, local water utility, regulated river (high security) and regulated river (general security) access licences with a share component that specifies the Richmond Regulated Water Source only, the volume of water taken in any water year in which this Plan has effect, by comparison to the volume of water permitted to be taken in that water year under clause 53 (2), and
 - (viii) 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) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).
- (4) An access licence for an approved EP&A Act development must have mandatory conditions where required to give effect to the rules for the use of water supply works located within the restricted distances specified in clause 72.

Division 3 Water supply work approvals

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

82 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 3 of Part 9 of this Plan,
 - (b) unless exempt by the Minister by notice in writing, the approval holder for a water supply work used to take water from the Richmond Regulated Water Source 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, as specified in the notice,

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

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

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

- (d) 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,
 - (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 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,
 - (g) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger or is used for the purpose of taking water under basic landholder rights only, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must record the following in the Logbook:
 - (i) each date and start and end time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) the number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water was taken on that date,

- (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times, and pump capacity per unit of time,
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection, when requested,
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).
 - (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
 - (5) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 65 (2).

83 Water supply works used to take water from these alluvial sediments, the Richmond Regulated Alluvial Water Source and the Coopers Creek Alluvial Groundwater Source

- (1) This clause applies to all water supply work approvals for water supply works that may be used to take water contained within these alluvial sediments, the Richmond Regulated Alluvial Water Source and the Coopers Creek Alluvial Groundwater Source.
- (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 specified in clause 72,
 - (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 68–71, and
 - (ii) comply with the construction standards prescribed for that type of bore in the Minimum Construction Requirements for Water Bores in Australia, 2003, and
 - (iii) be constructed to prevent contamination between aquifers, and
 - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,

- (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the Minimum Construction Requirements for Water Bores in Australia, unless otherwise directed by the Minister in writing,
 - (e) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (f) the approval holder must, within sixty days of completion of the construction of the water supply work, or within sixty days after the issue of the water supply work approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
 - (g) if, during the construction of the 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, placing 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 68 (2) (d) applies must have a mandatory condition where required to give effect to clause 68 (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 67.

Note. Part 13 of this Plan allows for amendments to be made to clause 83.

[94] Clause 84 General

Insert after clause 84 (2):

- (3) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

Note. For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.

[95] Clause 85 Part 1

Omit clause 85 (a). Insert instead:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof), or to modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,

[96] Clause 86A

Insert after clause 86:

86A Part 7

Part 7 may be amended to vary the long-term average annual extraction limit that applies to the EMU 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.

[97] Clause 88 Part 9

Insert “Coopers Creek,” after “Bangalow Area,” in clause 88 (2) (h).

[98] Clause 88 (2) (j) (vii)

Omit the subparagraph.

[99] Clause 88 (o) – (q)

Omit the paragraphs. Insert instead:

- (o) amend clause 60 or 60A to remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (l) and/or (n) to protect a proportion of flow within each flow class for the environment,
- (p) amend clause 60 or 60A to reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (m) and (n),
- (q) amend clause 60 to modify the volume of water permitted to be taken for stock watering purposes,
- (r) amend the flow reference point and flow classes specified in Table B in clause 59 of this Plan for the Coopers Creek Water Source to specify the Coopers Creek at Fairmeadow gauge (203060) once the Minister is satisfied that suitable flow records have been established for this gauge. The amended flow classes will approximate the 95th percentile at the Coopers Creek at Ewing Bridge gauge (203024),
- (s) establish or assign new TDELs in these water sources or management zones, excluding the Kyogle Area Water Source, the Bangalow Area Water Source, Gradys Creek Water Source and the Terania Creek Water Source, to protect a proportion of flow within each flow class for the environment.
- (t) amend clause 60 or 60A to establish rules which restrict the extraction of water in the Bangalow Area, Gradys Creek, Kyogle Area, Coopers Creek and Upper Richmond River Water Sources to assist with the passage of the Eastern Freshwater Cod, subject to:
 - (i) the availability of new information that identifies the flow requirements of the Eastern Freshwater Cod, the hydrology of the respective water source, levels of water extraction, geomorphological characteristics of the rivers within the respective water source and instream barriers, and
 - (ii) consideration of the socio-economic impacts of any proposed change to licence holder access,

[100] Clause 89 Part 10

Omit clause 89 (a). Insert instead:

- (a) amend clause 65 (1) to specify additional water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third order or higher streams,

[101] Clause 91

Omit the clause. Insert instead:

91 Part 12

Part 12 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including in relation to requirements for Logbooks,
- (b) amend clause 82 or 83 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

[102] Clause 92 Schedules

Omit “and/” from clause 92 (1).

[103] Clause 92 (1A)

Insert after subclause (1):

(1A) Schedule 1A may be amended to:

- (a) remove an access licence or Water Act 1912 entitlement specified in Column 1 and the corresponding water source and access rule in Column 2 and Column 3 of the Schedule,
- (b) add a new access licence to Column 1 and specify a water source and access rule in Column 2 and Column 3 of the Schedule, if, in the Minister’s opinion:
 - (i) the cease to take conditions that were specified on the Water Act 1912 entitlement were higher than the access rules specified in clause 60 of this Plan, and
 - (ii) the access rule to be specified in Column 2 for that access licence is no more restrictive than the cease to take conditions that were specified on the Water Act 1912 entitlement.

[104] Clause 92 (3) (d)

Omit the paragraph. Insert instead:

- (d) remove a local water utility or an unregulated river (subcategory “town water supply”) access licence or entitlement from clause 2 of Schedule 3 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 its purpose ceases to exist.

[105] Clause 92 (4A) – (4D)

Insert after subclause (4):

- (4A) Schedule 3A may be amended to add a new access licence, if in the Minister’s opinion the access licence was used to take water from an off-river pool in the Coopers Creek Water Source after the commencement of the *Water Sharing Plan for the Coopers Creek Water Source 2003*. The holder of the access licence must, to the Minister’s satisfaction, demonstrate a history of extraction regarding the taking of water from an off-river pool and provide any other information as required by the Minister.
- (4B) Schedule 3A or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (4C) Schedule 3B may be amended to do any of the following:
 - (a) add a new access licence to clause 1 of Schedule 3B, 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 60A (8) (a) and that the purpose was specified on, or referred to in the conditions of, the former 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 3B, 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 3B if:
 - (i) an access licence dealing results in the water being extracted under the licence being taken from a different location,
 - (ii) an alternative water supply is obtained, or
 - (iii) the licence is surrendered or cancelled or its purpose ceases to exist,
 - (d) remove a local water utility, an access licence of the subcategory “Town water supply” or a Water Act 1912 entitlement from clause 2 of Schedule 3B 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 its purpose ceases to exist.
- (4D) Schedule 3B or part thereof may be deleted if the Minister is satisfied that it is no longer required.

[106] Clause 93 Other

Insert after subclause (6):

- (7) 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.
- (8) 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.
- (9) 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.
- (10) Any amendment under subclause (9) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (11) Before making an amendment pursuant to subclause (9) the Minister should consult with relevant Government agencies and stakeholders.

[107] Schedule 1 Dictionary

Omit “under section 4 of” and insert “it has in” at the end of the definition of *Aboriginal person*.

[108] Schedule 1

Omit the definition of *drawdown*. Insert instead:

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.

[109] Schedule 1

Omit the definition of *runoff harvesting dam*. Insert instead:

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

[110] Schedule 1

Insert the following in alphabetical order:

approved EP&A Act development means:

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

cease to take condition means any term or condition on a water supply work approval, an access licence or Water Act 1912 entitlement that prohibits the taking of water in a particular circumstance.

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

in-river pool means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only commences to flow during high flows.

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.

off-river pool means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size), or
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

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.

Year 5 of this Plan means from the date of 1 July 2015 to 30 June 2016.

Year 6 of this Plan means from the date of 1 July 2016 to 30 June 2017.

[111] Schedule 1

Omit the definition of *Registered Map*, *replacement groundwater work*, *stream order* and *water year*.

[112] Schedule 1A

Insert after Schedule 1:

Schedule 1A Access licences subject to the cease to take condition specified in clause 60 (3) of this Plan

This clause applies to each access licence listed in the table below.

Column A	Column B	Column C
Access licence	Water Source	Access rules
30AL305155	Bangalow Area Water Source	Water must not be taken when the flow in Barlings Creek at Schielers Road is less than 4 ML/day.

[113] Schedules 3A and 3B

Insert after Schedule 3:

Schedule 3A Access licences used to take surface water exempt from the cease to take condition in clause 60A (5)

This clause applies to each access licence listed in the table below.

Access licences

Note. At the commencement of this Plan there are no access licences listed in this Schedule. Clause 92 (4A) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

Schedule 3B Access licences used to take surface water exempt from cease to take conditions rules in the Coopers Creek Water Source

1 General

This clause applies to each access licence listed in the table below.

Access licences
30AL300279
30AL300287
30AL300512
30AL300308
30AL300382
30AL300386
30AL300389

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

This clause applies to each access licence listed in the table below.

Local water utility access licences or access licences of the subcategory “Town water supply”

Note. At the commencement of this Plan there are no access licences listed in this Schedule. Clause 92 (4C) (d) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

[114] Schedule 5 Contamination sources in these water sources

Omit paragraph (c). Insert instead:

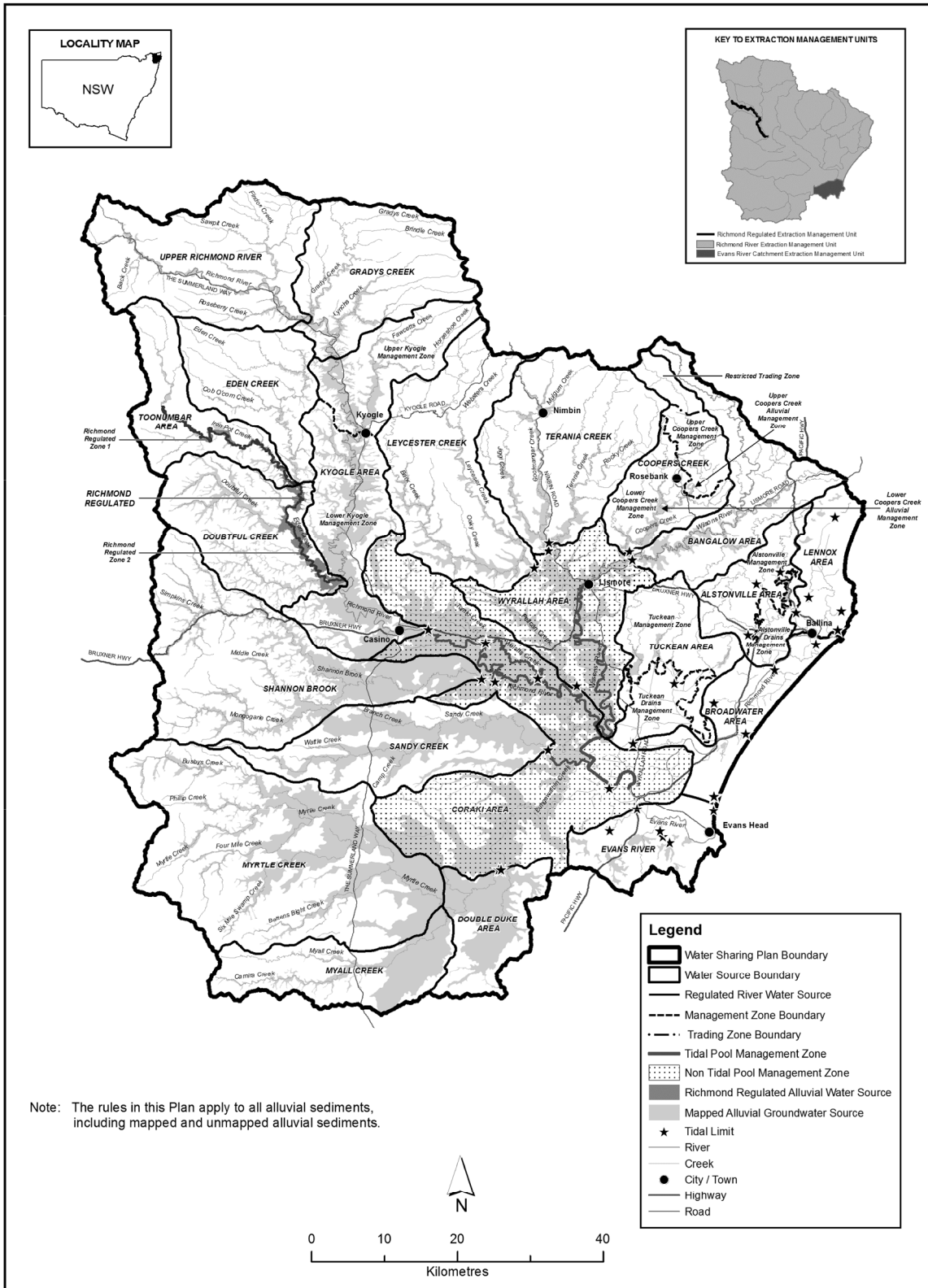
- (c) any sites that are or have been the subject of an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time,

[115] Appendix 1

Omit the Appendix. Insert instead:

Appendix 1 Overview of Plan Map

Overview of the Plan Map (WSP008_Version 2), Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010



[116] Appendix 2

Omit the Appendix. Insert instead:

Appendix 2 Inspection of Plan Map

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

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

DPI Water
NSW Department of Primary Industries
135 Main Street
MURWILLUMBAH NSW 2484

DPI Water
NSW Department of Primary Industries
DPI Research Station, Bruxner Highway
ALSTONVILLE NSW 2477

DPI Water
NSW Department of Primary Industries
L3, 49 Victoria St
GRAFTON NSW 2460

[117] Appendix 3

Omit the Appendix. Insert instead:

Appendix 3 Office

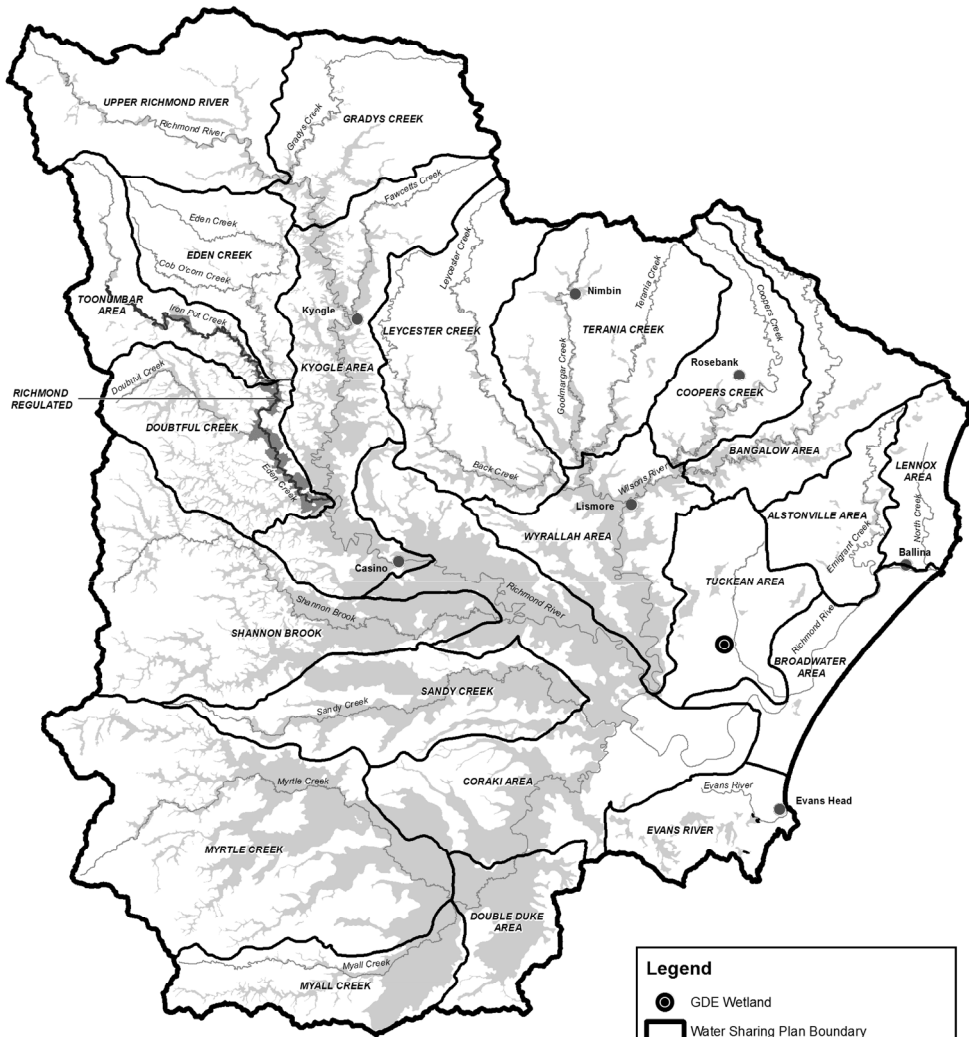
Any notifications that may be required to be made to the Minister, as specified in this Plan can be made to the following office:

DPI Water
NSW Department of Primary Industries
Locked Bag 10
GRAFTON NSW 2460

[118] Appendix 4

Omit the Appendix. Insert instead:

Appendix 4 Map of high priority groundwater dependent ecosystems



Legend

- GDE Wetland
- Water Sharing Plan Boundary
- Water Source Boundary
- Regulated River Water Source
- Richmond Regulated Alluvial Water Source
- Mapped Alluvial Groundwater Source
- River / Creek
- City / Town

