



New South Wales

Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources Amendment Order 2020

under the

Water Management Act 2000

I, Melinda Pavey, Minister for Water, Property and Housing, in pursuance of section 45 (1) 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 Hastings Unregulated and Alluvial Water Sources 2019*.

Dated this 9th day of December 2020.

MELINDA PAVEY, MP

Minister for Water, Property and Housing

Explanatory note

This Order is made under section 45 (1) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019*. The concurrence of the Minister for 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 Hastings Unregulated and Alluvial Water Sources Amendment Order 2020

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1 Name of Order

This Order is the *Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources Amendment Order 2020*.

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 Hastings Unregulated and Alluvial Water Sources 2019

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

Omit “;” from the end of clause 25 (q). Insert instead “.”.

[2] Clause 25 (r)

Omit the paragraph.

[3] Clause 45 Access rules for the upriver alluvial sediments

Omit clause 45 (1). Insert instead:

- (1) The rules in this clause apply to the taking of water from the upriver alluvial sediments. This clause does not apply to the taking of water—
 - (a) using a water supply work that is located more than 40 metres from the top of the high bank of a river, or
 - (b) under an access licence used only to account for the taking of water in association with an aquifer interference activity for an approved EP&A Act development when—
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (c) under an access licence used only to account for the taking of water in association with an aquifer interference activity when—
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (d) under an access licence with a share component that specifies the Hastings River Coastal Floodplain Alluvial Groundwater Source.

[4] Clause 45 (9)

Omit clause 45 (9). Insert instead:

- (9) Subject to subclause (26), water must not be taken under the following access licences with a share component that specifies the Mortons Creek Water Source for a period of 24 hours after the flows at the Mortons Creek at Mortons Creek Road gauge (207017) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class —

- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence,
- (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take water from the upriver alluvial sediments.

[5] Clause 45 (13)

Omit “urpriver alluvial sediments” from the end of clause 45 (13) (b).

Insert instead “upriver alluvial sediments”.

[6] Clause 45 (21)

Omit clause 45 (21). Insert instead:

- (21) Subject to subclause (26), from Year 6 of this Plan, water must not be taken under an access licence with a share component that specifies the Mortons Creek Water Source for a period of 24 hours after the flows at the Mortons Creek at Mortons Creek Road gauge (207017) first exceed 1 ML/day following any period during which flows in that water source were in the Very Low Flow Class. This subclause does not apply to—
- (a) an aquifer access licence that has arisen from a conversion from an unregulated river access licence, or
 - (b) an access licence, other than an aquifer access licence, that nominates a water supply work that is capable of being used to take water from the upriver alluvial sediments.

[7] Clause 49 Granting or amending water supply work approvals

Omit the Note at the end of clause 49 (5).

[8] Clause 66 Mandatory conditions on access licences

Omit clause 66 (2) (c). Insert instead:

- (b) the licence holder must retain the information required to be recorded in the logbook for five years from the date to which that information relates.

[9] Clause 68 Water supply works authorised to take groundwater

Omit clause 68 (2) (j). Insert instead:

- (j) if contaminated water is encountered during the construction of the water supply work, 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
 - (iv) place an impermeable seal in the borehole annulus when and as directed by the Minister, and
 - (v) comply with any other written requirements specified by the Minister, which may include a requirement to provide a report in a specified form detailing the quality of any water obtained using the water supply work,

[10] Clause 68 (2) (k)

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

[11] Clause 68 (2) (m)

Omit the paragraph.