



New South Wales

Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023

under the

Water Management Act 2000

I, the Minister for Water, make the following plan under the *Water Management Act 2000*, section 50.

ROSE JACKSON, MLC

Minister for Water

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Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023

under the

Water Management Act 2000

Part 1 Introduction

Note— Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Northern Rivers Water Management Area.

1 Name of Plan

This Plan is the Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023.

2 Commencement

This Plan commences on 1 July 2023.

3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Northern Rivers Water Management Area—
 - (a) Bilambil Creek Water Source,
 - (b) Brays Creek Water Source,
 - (c) Burringbar River Water Source,
 - (d) Byrrell Creek Water Source,
 - (e) Christies Creek Water Source,
 - (f) Clothiers Creek Water Source,
 - (g) Cobaki Broadwater Water Source,
 - (h) Cobaki Creek Water Source,
 - (i) Crystal Creek Water Source,
 - (j) Cudgen Lake Water Source,
 - (k) Cudgera Creek Water Source,
 - (l) Doon Doon Creek Water Source,
 - (m) Dunbible Creek Water Source,
 - (n) Dungay Creek Water Source,
 - (o) Duroby Creek Water Source,
 - (p) Hopping Dicks Creek Water Source,
 - (q) Lower Oxley River Water Source,
 - (r) Mid Rous River Water Source,
 - (s) Mid Tweed River Water Source,
 - (t) Mooball Creek Water Source,

- (u) Nobbys Creek Water Source,
 - (v) Piggabeen Creek Water Source,
 - (w) Pumpenbil Creek Water Source,
 - (x) Rowlands Creek Water Source,
 - (y) Sheens Creek Water Source,
 - (z) Smiths Creek Water Source,
 - (za) Terranora Broadwater Water Source,
 - (zb) Tweed River Area Coastal Floodplain Alluvial Groundwater Source,
 - (zc) Tweed Estuary Water Source,
 - (zd) Upper Oxley River Water Source,
 - (ze) Upper Rous River Water Source,
 - (zf) Upper Tweed River Water Source.
- (2) The water sources, other than the Tweed River Area Coastal Floodplain Alluvial Groundwater Source, include—
- (a) surface water,
 - (b) groundwater contained in Cenozoic sediments, other than—
 - (i) groundwater contained in the Tweed River Area Coastal Floodplain Alluvial Groundwater Source, and
 - (ii) groundwater to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
- (3) The Tweed River Area Coastal Floodplain Alluvial Groundwater Source—
- (a) includes groundwater contained in Cenozoic sediments, and
 - (b) does not include surface water.

4 Management zones to which Plan applies

- (1) The Burringbar River Water Source is divided into the following management zones shown on the Plan Map—
- (a) Burringbar River Management Zone,
 - (b) Crabbes Creek Management Zone.
- (2) The Tweed Estuary Water Source is divided into the following management zones shown on the Plan Map—
- (a) Rous River Tidal Pool Management Zone,
 - (b) Tweed Estuary Management Zone.

5 Extraction management units established by Plan—the Act, s 20(2)(a)

The following extraction management units are established—

- (a) the Clothiers Creek Catchment Extraction Management Unit, consisting of the following water sources—
 - (i) Clothiers Creek Water Source,
 - (ii) Cudgen Lake Water Source,

- (b) the Burringbar River Catchment Extraction Management Unit, consisting of the following water sources—
 - (i) Burringbar River Water Source,
 - (ii) Christies Creek Water Source,
 - (iii) Cudgera Creek Water Source,
 - (iv) Mooball Creek Water Source,
 - (v) Sheens Creek Water Source,
- (c) the Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Tweed River Area Coastal Floodplain Alluvial Groundwater Source,
- (d) the Tweed River Catchment Extraction Management Unit, consisting of all other water sources to which this Plan applies.

6 Interpretation

- (1) The Dictionary in Schedule 5 defines words used in this Plan.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

Note— The following maps adopted by this Plan are available on the Department's website—

- (a) the Plan Map,
 - (b) the High Priority Groundwater-Dependent Ecosystem Map.
- (2) A map that amends or replaces a map adopted by this Plan only has effect if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision statement—the Act, s 35(1)(a)

The vision for this Plan is to provide for the following—

- (a) the health and enhancement of the water sources and their dependent ecosystems,
- (b) the continuing productive extraction of water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities that result from water.

9 Objectives of Plan—the Act, s 35(1)(b)

The objectives of this Plan are as follows—

- (a) to protect and, where possible, enhance and restore the condition of the water sources and their water-dependent ecosystems,
- (b) to maintain and, where possible, improve access to water to optimise economic benefits for agriculture, water-dependent industries and local economies,
- (c) to maintain and, where possible, improve the spiritual, social, customary and economic values and uses of water by Aboriginal people,
- (d) to provide access to water to support water-dependent social and cultural values,
- (e) to help prevent structural damage to aquifers resulting from groundwater extraction.

10 Strategies for reaching objectives—the Act, s 35(1)(c)

- (1) The strategies for reaching the objectives of this Plan include the following—
 - (a) reserve all water in excess of each long-term average annual extraction limit for the environment,
 - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
 - (c) restrict the take of water from an in-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
 - (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity with tidal pools and estuaries,
 - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights and town water supply,
 - (f) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,

- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
 - (h) provide a stable and predictable framework for sharing water among water users,
 - (i) provide for flexibility of access to water,
 - (j) manage access to water consistently with the exercise of native title rights, and domestic and stock rights,
 - (k) provide for water associated with Aboriginal cultural values and uses, and community development.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

11 Performance indicators—the Act, s 35(1)(d)

- (1) The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—
- (a) the ecological condition of the water sources,
 - (b) economic benefits,
 - (c) Aboriginal cultural benefits,
 - (d) social and cultural benefits.
- (2) The performance indicators must be monitored and evaluated in the way approved by the Minister.

Part 3 Requirements for water

Division 1 Requirements for water to satisfy basic landholder rights— the Act, s 20(1)(b)

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 2,516ML/year distributed as follows—

- (a) 49ML/year in the Bilambil Creek Water Source,
- (b) 73ML/year in the Brays Creek Water Source,
- (c) 230ML/year in the Burringbar River Water Source,
- (d) 47ML/year in the Byrill Creek Water Source,
- (e) 63ML/year in the Christies Creek Water Source,
- (f) 68ML/year in the Clothiers Creek Water Source,
- (g) 20ML/year in the Cobaki Broadwater Water Source,
- (h) 41ML/year in the Cobaki Creek Water Source,
- (i) 75ML/year in the Crystal Creek Water Source,
- (j) 28ML/year in the Cudgen Lake Water Source,
- (k) 88ML/year in the Cudgera Creek Water Source,
- (l) 72ML/year in the Doon Doon Creek Water Source,
- (m) 171ML/year in the Dunbible Creek Water Source,
- (n) 145ML/year in the Dungay Creek Water Source,
- (o) 45ML/year in the Duroby Creek Water Source,
- (p) 56ML/year in the Hopping Dicks Creek Water Source,
- (q) 126ML/year in the Lower Oxley River Water Source,
- (r) 71ML/year in the Mid Rous River Water Source,
- (s) 111ML/year in the Mid Tweed River Water Source,
- (t) 14ML/year in the Mooball Creek Water Source,
- (u) 56ML/year in the Nobbys Creek Water Source,
- (v) 38ML/year in the Piggabeen Creek Water Source,
- (w) 85ML/year in the Pumpenbil Creek Water Source,
- (x) 62ML/year in the Rowlands Creek Water Source,
- (y) 31ML/year in the Sheens Creek Water Source,
- (z) 55ML/year in the Smiths Creek Water Source,
- (za) 29ML/year in the Terranora Broadwater Water Source,
- (zb) 50ML/year in the Tweed River Area Coastal Floodplain Alluvial Groundwater Source,
- (zc) 197ML/year in the Tweed Estuary Water Source,
- (zd) 55ML/year in the Upper Oxley River Water Source,

- (ze) 92ML/year in the Upper Rous River Water Source,
- (zf) 173ML/year in the Upper Tweed River Water Source.

13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under the native title determination for the Githabul Nation Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2007/001).

Note— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

14 Harvestable rights

On the commencement of this Plan, the amount of water required to satisfy harvestable rights is estimated to be 8,037ML/year distributed as follows—

- (a) 80ML/year in the Bilambil Creek Water Source,
- (b) 273ML/year in the Brays Creek Water Source,
- (c) 641ML/year in the Burringbar River Water Source,
- (d) 45ML/year in the Byrill Creek Water Source,
- (e) 203ML/year in the Christies Creek Water Source,
- (f) 318ML/year in the Clothiers Creek Water Source,
- (g) 371ML/year in the Cobaki Broadwater Water Source,
- (h) 115ML/year in the Cobaki Creek Water Source,
- (i) 95ML/year in the Crystal Creek Water Source,
- (j) 352ML/year in the Cudgen Lake Water Source,
- (k) 238ML/year in the Cudgera Creek Water Source,
- (l) 237ML/year in the Doon Doon Creek Water Source,
- (m) 419ML/year in the Dunbible Creek Water Source,
- (n) 145ML/year in the Dungay Creek Water Source,
- (o) 147ML/year in the Duroby Creek Water Source,
- (p) 194ML/year in the Hopping Dicks Creek Water Source,
- (q) 282ML/year in the Lower Oxley River Water Source,
- (r) 95ML/year in the Mid Rous River Water Source,
- (s) 208ML/year in the Mid Tweed River Water Source,
- (t) 119ML/year in the Mooball Creek Water Source,
- (u) 107ML/year in the Nobbys Creek Water Source,
- (v) 101ML/year in the Piggabeen Creek Water Source,
- (w) 685ML/year in the Pumpenbil Creek Water Source,
- (x) 73ML/year in the Rowlands Creek Water Source,
- (y) 166ML/year in the Sheens Creek Water Source,

- (z) 76ML/year in the Smiths Creek Water Source,
- (za) 369ML/year in the Terranora Broadwater Water Source,
- (zb) 1080ML/year in the Tweed Estuary Water Source,
- (zc) 195ML/year in the Upper Oxley River Water Source,
- (zd) 125ML/year in the Upper Rous River Water Source,
- (ze) 483ML/year in the Upper Tweed River Water Source.

Division 2 Requirements for water for extraction under access licences

15 Share components of access licences in the water sources—the Act, s 20(1)(c)

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 177ML/year distributed as follows—
 - (a) 2ML/year in the Bilambil Creek Water Source,
 - (b) 21ML/year in the Burringbar River Water Source,
 - (c) 7ML/year in the Byrill Creek Water Source,
 - (d) 69ML/year in the Cobaki Broadwater Water Source,
 - (e) 7ML/year in the Cobaki Creek Water Source,
 - (f) 1ML/year in the Crystal Creek Water Source,
 - (g) 5ML/year in the Cudgera Creek Water Source,
 - (h) 4ML/year in the Doon Doon Creek Water Source,
 - (i) 1ML/year in the Dunbible Creek Water Source,
 - (j) 4ML/year in the Dungay Creek Water Source,
 - (k) 3ML/year in the Duroby Creek Water Source,
 - (l) 5ML/year in the Hoping Dicks Creek Water Source,
 - (m) 5ML/year in the Lower Oxley River Water Source,
 - (n) 1ML/year in the Mid Rous River Water Source,
 - (o) 27ML/year in the Mid Tweed River Water Source,
 - (p) 1ML/year in the Piggabeen Creek Water Source,
 - (q) 3ML/year in the Pumpenbil Creek Water Source,
 - (r) 3ML/year in the Tweed Estuary Water Source,
 - (s) 5ML/year in the Upper Oxley River Water Source,
 - (t) 3ML/year in the Upper Tweed River Water Source,
 - (u) 0ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 27,613ML/year distributed as follows—
 - (a) 27,567ML/year in the Mid Tweed River Water Source,
 - (b) 46ML/year in the Upper Oxley River Water Source,
 - (c) 0ML/year in all other water sources.

- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 7,106 unit shares distributed as follows—
- (a) 213 unit shares in the Bilambil Creek Water Source,
 - (b) 183 unit shares in the Brays Creek Water Source,
 - (c) 768 unit shares in the Burringbar River Water Source,
 - (d) 240 unit shares in the Byrill Creek Water Source,
 - (e) 63 unit shares in the Christies Creek Water Source,
 - (f) 123 unit shares in the Clothiers Creek Water Source,
 - (g) 128 unit shares in the Cobaki Broadwater Water Source,
 - (h) 95 unit shares in the Cobaki Creek Water Source,
 - (i) 57 unit shares in the Crystal Creek Water Source,
 - (j) 580 unit shares in the Cudgen Lake Water Source,
 - (k) 188 unit shares in the Cudgera Creek Water Source,
 - (l) 52 unit shares in the Doon Doon Creek Water Source,
 - (m) 27 unit shares in the Dunbible Creek Water Source,
 - (n) 131 unit shares in the Dungay Creek Water Source,
 - (o) 213 unit shares in the Duroby Creek Water Source,
 - (p) 229.5 unit shares in the Hopping Dicks Creek Water Source,
 - (q) 240 unit shares in the Lower Oxley River Water Source,
 - (r) 435 unit shares in the Mid Rous River Water Source,
 - (s) 1,228 unit shares in the Mid Tweed River Water Source,
 - (t) 3 unit shares in the Mooball Creek Water Source,
 - (u) 42 unit shares in the Nobbys Creek Water Source,
 - (v) 188 unit shares in the Piggabeen Creek Water Source,
 - (w) 391.5 unit shares in the Pumpenbil Creek Water Source,
 - (x) 32 unit shares in the Rowlands Creek Water Source,
 - (y) 116 unit shares in the Sheens Creek Water Source,
 - (z) 5 unit shares in the Smiths Creek Water Source,
 - (za) 396 unit shares in the Terranora Broadwater Water Source,
 - (zb) 219 unit shares in the Tweed Estuary Water Source,
 - (zc) 205 unit shares in the Upper Oxley River Water Source,
 - (zd) 44 unit shares in the Upper Rous River Water Source,
 - (ze) 271 unit shares in the Upper Tweed River Water Source,
 - (zf) 0 unit shares in all other water sources.

Note—On the commencement of this Plan, there were no unregulated river (high flow) access licences.

- (4) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 450 unit shares distributed as follows—

- (a) 5 unit shares in the Brays Creek Water Source,
- (b) 55 unit shares in the Burringbar River Water Source,
- (c) 4 unit shares in the Clothiers Creek Water Source,
- (d) 15 unit shares in the Crystal Creek Water Source,
- (e) 295 unit shares in the Cudgen Lake Water Source,
- (f) 5 unit shares in the Dunbible Creek Water Source,
- (g) 6 unit shares in the Dungay Creek Water Source,
- (h) 40 unit shares in the Mid Tweed River Water Source,
- (i) 12 unit shares in the Rowlands Creek Water Source,
- (j) 10 unit shares in the Tweed Estuary Water Source,
- (k) 3 unit shares in the Upper Rous River Water Source,
- (l) 0 unit shares in all other water sources.

Note— The total share components of access licences in the water sources may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination is in the public interest—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1ML/unit share,
 - (d) for unregulated river (high flow) access licences—1ML/unit share,
 - (e) for aquifer access licences—1ML/unit share.

Note— When this Plan was made, there were no unregulated river (high flow) access licences.

- (3) This section is subject to sections 22 and 26.

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Division 2 Extraction limits—the Act, s 20(1)(e)

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

3-year average higher flow extraction means the average of the annual higher flow extractions for 3 consecutive water years most recently calculated for an extraction management unit.

3-year average standard extraction means the average of the annual standard extractions for 3 consecutive water years most recently calculated for an extraction management unit.

annual higher flow extraction means the sum of the volume of water taken from an extraction management unit under all higher flow extraction licences within the extraction management unit.

Note— The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

annual higher flow extraction limit means the annual higher flow extraction limit established by section 23.

annual standard extraction means the volume of water taken from an extraction management unit—

- (a) under an access licence, excluding extractions under a higher flow extraction licence, or
- (b) in the exercise of basic landholder rights.

Note— The determination of the volume of water taken from each extraction management unit excludes water committed as licensed environmental water—see the Act, section 8F(5).

higher flow extraction licence means the following—

- (a) an unregulated river (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) an access licence subject to a condition with the effect of prohibiting the take of water unless flows are in the B Class or higher,
- (d) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

reduced available water determinations means available water determinations that are less than the amount specified in section 16(2) for the category of licence in relation to which the determination is made.

standard LTAAEL means the standard long-term average annual extraction limit established by section 19.

Subdivision 2 Standard LTAAELs

19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

- (a) Burringbar River Catchment Extraction Management Unit—5,355ML/year,
- (b) Clothiers Creek Catchment Management Unit—2,409ML/year,
- (c) Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—725ML/year,
- (d) Tweed River Catchment Extraction Management Unit—56,936ML/year.

Note— The standard LTAAELs are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

20 Calculation of annual standard extraction

As soon as practicable after the end of a water year, the annual standard extraction for each extraction management unit must be calculated for the water year.

21 Assessment of compliance with standard LTAAELs

- (1) As soon as practicable after the end of a water year, the standard LTAAEL for each extraction management unit must be compared against—
 - (a) for the Burringbar River Catchment Extraction Management Unit, the Clothiers Creek Extraction Management Unit and the Tweed River Catchment Extraction Management Unit—the 3-year average standard extraction for the extraction management unit, or
 - (b) for the Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—the annual standard extraction for the extraction management unit for the previous water year.
- (2) In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the standard LTAAEL—
 - (a) the share components of an access licence cancelled to grant a higher flow extraction licence after the commencement of this Plan,
 - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is non-compliance with the standard LTAAEL if—
 - (a) for the Burringbar River Catchment Extraction Management Unit, the Clothiers Creek Extraction Management Unit and the Tweed River Catchment Extraction Management Unit—the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more, or
 - (b) for the Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—the annual standard extraction for the previous water year exceeds the standard LTAAEL for the water year.

22 Compliance with standard LTAAELs

- (1) This section applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made for one or both of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an aquifer access licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Subdivision 3 Annual higher flow extraction limits

22A Application of Subdivision

This Subdivision does not apply to the Tweed River Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit.

23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit for the Burringbar River Catchment Extraction Management Unit, the Clothiers Creek Extraction Management Unit and the Tweed River Catchment Extraction Management Unit is the largest sum of the share components of all higher flow extraction licences within each extraction management unit occurring within a water year.

Note— The annual higher flow extraction limits are taken to be varied by a change to the amount of water committed as licensed environmental water—see the Act, section 8F(2).

24 Calculation of annual higher flow extraction

As soon as practicable after the end of a water year, the annual higher flow extraction for each extraction management unit must be calculated for the water year.

25 Assessment of compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average higher flow extraction for each extraction management unit must be compared against the annual higher flow extraction limit for the extraction management unit.
- (2) In determining the annual higher flow extraction limit for the water year, the share components of an access licence must be excluded from the annual higher flow extraction limit if—
 - (a) the access licence was cancelled for an environmental purpose during the water year, and
 - (b) before its cancellation, the access licence was in the extraction management unit.
- (3) There is non-compliance with the annual higher flow extraction limit if the 3-year average higher flow extraction exceeds the limit by 5% or more.

26 Compliance with annual higher flow extraction limits

- (1) This section applies to an extraction management unit if there is non-compliance with the annual higher flow extraction limit for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a non-compliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the annual higher flow extraction limit, must be made for one or more categories of higher flow extraction licences.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.

Subdivision 4 Total daily extraction limits

27 Total daily extraction limits for certain water sources and categories of access licences

[Not applicable]

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

28 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
 - (a) an unregulated river (Aboriginal community development) access licence in one of the following water sources—
 - (i) Crystal Creek Water Source,
 - (ii) Hopping Dicks Creek Water Source,
 - (iii) Mid Rous River Water Source,
 - (iv) Nobbys Creek Water Source,
 - (v) Upper Rous River Water Source,
 - (b) an aquifer (Aboriginal community development) access licence in the Tweed River Area Coastal Floodplain Alluvial Groundwater Source.

Note— A person may also apply for a specific purpose access licence in circumstances where the regulations provide that an application for the licence may be made—see the Act, section 61(1)(a).

- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) An application for an unregulated river (Aboriginal community development) access licence must not be made unless—
 - (a) water will be taken from B class flows only, and
 - (b) the total share components of all unregulated river (Aboriginal community development) access licences in the water source is no more than the following—
 - (i) for the Crystal Creek Water Source—33ML/year,
 - (ii) for the Hopping Dicks Creek Water Source—72ML/year,
 - (iii) for the Mid Rous River Water Source—30ML/year,
 - (iv) for the Nobbys Creek Water Source—18ML/year,
 - (v) for the Upper Rous River Water Source—68ML/year.
- (4) An application for an aquifer (Aboriginal community development) access licence must not be made unless—
 - (a) the total share components of all aquifer (Aboriginal community development) access licences in the water source is no more than 500ML/year, and
 - (b) the total share components of all access licences in the water source is no more than 725ML/year.
- (5) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10ML/year, and

- (b) the licence is only for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) recreational, cultural and ceremonial purposes.
- (6) In this section—

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

28A Domestic and stock access licences

An application must not be made for a domestic and stock access licence that permits the take of surface water in the Tweed Estuary Water Source.

29 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

30 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–5—commits water as planned environmental water 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, and
- (c) in Divisions 3–5—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Accounting for water allocation accounts—the Act, s 21(c)

Note— Clause 17 of the *Water Management (General) Regulation 2018* also includes provisions regarding the debiting of water allocation accounts.

31 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence, other than an access licence in the Tweed River Area Coastal Floodplain Alluvial Groundwater Source, must not be more than the relevant sum during a period of 3 consecutive water years.
- (2) In this section—

debited means taken, assigned under the Act, section 71T or otherwise debited or withdrawn from a water allocation account.

relevant sum means the sum of following—

- (a) the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
- (b) the amount of water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (c) the water allocations reccredited to the water allocation account under the Act, section 76.

32 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an access licence in the Tweed River Area Coastal Floodplain Alluvial Groundwater Source—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount equal to the following—
 - (i) for access licences with share components expressed as ML/year— 100% of the share component,

- (ii) for access licences with share components expressed as a number of unit shares—IML/unit share.

Division 3 Flow classes

33 Flow classes for specified water sources and management zones—the Act, s 21(a)

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, the flow class applies when the water source or management zone flow meets the flow specified under the flow class threshold for the water source or management zone as measured or observed at the flow reference point specified.

34 Minister may determine flow classes in certain circumstances

- (1) If the Minister is satisfied that accurate flow data is not available from a gauge used to determine a flow class, the Minister may determine the flow class.
- (2) If the Minister determines a flow class, the Minister must cause a notice to be published on the Department's website specifying the following—
 - (a) the flow class and flow class threshold determined by the Minister,
 - (b) the water source and management zone, if any, to which the flow class applies,
 - (c) the day on which the flow class applies.
- (3) In determining the flow class, the Minister may consider the following—
 - (a) evidence of past and current flows,
 - (b) readings at other functioning upstream and downstream gauges.
- (4) A flow class published in a notice under this section is taken to be a flow class established by this Plan.

Division 4 Access rules for take of surface water—the Act, s 21(a)

35 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water is taken, except from the following locations—
 - (a) an in-river pool, or
 - (b) an off-river pool, or
 - (c) an in-river dam pool, or
 - (d) Tweed Estuary Water Source.
- (2) Surface water must not be taken from—
 - (a) an in-river pool that is below full capacity, or
 - (b) an off-river pool that is below full capacity, or
 - (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam.

36 Specific access rules

- (1) Surface water must not be taken if flows in the water source or management zone are in the Very Low Flow Class.

- (2) Surface water must not be taken under the following access licences unless flows are in the B Class or higher—
 - (a) an unregulated river (Aboriginal community development) access licence,
 - (b) an unregulated river (high flow) access licence.
- (3) Surface water must not be taken under an access licence with a share component specifying one of the following water sources if the flow at Eungella gauge is equal to or greater than 125ML/day and no more than 795ML/day—
 - (a) Brays Creek Water Source,
 - (b) Hopping Dicks Creek Water Source,
 - (c) Lower Oxley River Water Source,
 - (d) Pumpenbil Creek Water Source,
 - (e) Upper Oxley River Water Source.
- (4) Surface water must not be taken under an access licence with a share component specifying one of the following water sources if the flow at Palmers Road gauge (201015) is equal to or greater than 45ML/day and no more than 147ML/day—
 - (a) Byrill Creek Water Source,
 - (b) Doon Doon Creek Water Source,
 - (c) Mid Tweed River Water Source,
 - (d) Rowlands Creek Water Source,
 - (e) Smiths Creek Water Source,
 - (f) Upper Tweed River Water Source.
- (5) Surface water must not be taken for more than 6 hours/day under an access licence with a share component specifying a water source or extraction component specifying a management zone in the table to this subsection if flows are less than the amount specified opposite.

Water source or management zone	Flow
Bilambil Creek Water Source, Cobaki Broadwater Water Source, Cobaki Creek Water Source, Duroby Creek Water Source or Piggabeen Creek Water Source	In the Cobaki Creek at Cobaki gauge (201012)—1ML/day
Brays Creek Water Source, Hopping Dicks Creek Water Source, Lower Oxley River Water Source, Pumpenbil Creek Water Source or Upper Oxley River Water Source	In the Oxley River at Eungella gauge (201001)—13ML/day
Burringbar River Management Zone	In the Burringbar River at Burringbar gauge (202002)—1.5ML/day
Byrill Creek Water Source, Doon Doon Creek Water Source, Mid Tweed River Water Source, Rowlands Creek Water Source, Smiths Creek Water Source or Upper Tweed River Water Source	In the Tweed River at Palmers Road gauge (201015)—6ML/day

- (6) Surface water must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.

37 Exceptions

- (1) Section 35(2)(b) does not apply to the take of surface water from an off-river pool subject to a cease-to-take condition that permits the taking of water when the off-river pool is below full capacity.
- (2) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,
 - (c) from a runoff harvesting dam,
 - (d) under access licence 21606 or 30306 specified in Schedule 2, Table B until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs,
 - (e) under access licence 23834 specified in Schedule 2, Table B,
 - (f) under a local water utility access licence that takes from the Mid Tweed River Water Source when releases from the following are made in accordance with Part 6A—
 - (i) Clarrie Hall Dam,
 - (ii) Bray Park Weir,
 - (g) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned.
- (3) Sections 36(1)–(5) do not apply to an access licence specified in Schedule 3.
- (4) Section 36 does not apply to the take of surface water in the following circumstances—
 - (a) from an off-river pool in a water source or management zone to which that section applies, or
 - (b) from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.

Division 5 Access rules for take of groundwater—the Act, s 21(a)

38 General

Groundwater must not be taken in the following circumstances—

- (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater,
- (b) if the location closest to the water supply work being used to take groundwater is a pool that is below full capacity.

39 Specific access rules

- (1) Groundwater must not be taken if flows in the water source or management zone are in the Very Low Flow Class.
- (2) Groundwater must not be taken under an access licence with a share component specifying one of the following water sources if the flow at Eungella gauge is equal to or greater than 125ML/day and no more than 795ML/day—
 - (a) Brays Creek Water Source,
 - (b) Hopping Dicks Creek Water Source,
 - (c) Lower Oxley River Water Source,
 - (d) Pumpenbil Creek Water Source,
 - (e) Upper Oxley River Water Source.
- (3) Groundwater must not be taken under an access licence with a share component specifying one of the following water sources if the flow at Palmers Road gauge (201015) is equal to or greater than 45ML/day and no more than 147ML/day—
 - (a) Byrrill Creek Water Source,
 - (b) Doon Doon Creek Water Source,
 - (c) Mid Tweed River Water Source,
 - (d) Rowlands Creek Water Source,
 - (e) Smiths Creek Water Source,
 - (f) Upper Tweed River Water Source.
- (4) Groundwater must not be taken for more than 6 hours/day under an access licence with a share component specifying a water source or extraction component specifying a management zone in the table to this subsection if flows are less than the amount specified opposite.

Water source or management zone	Flow
Bilambil Creek Water Source, Cobaki Broadwater Water Source, Cobaki Creek Water Source, Duroby Creek Water Source or Piggabeen Creek Water Source	In the Cobaki Creek at Cobaki gauge (201012)— 1ML/day
Brays Creek Water Source, Hopping Dicks Creek Water Source, Lower Oxley River Water Source, Pumpenbil Creek Water Source or Upper Oxley River Water Source	In the Oxley River at Eungella gauge (201001)— 13ML/day

Burringbar River Management Zone In the Burringbar River at Burringbar gauge (202002)—1.5ML/day

Byrill Creek Water Source, Doon Doon Creek Water Source, Mid Tweed River Water Source, Rowlands Creek Water Source, Smiths Creek Water Source or Upper Tweed River Water Source In the Tweed River at Palmers Road gauge (201015)—6ML/day

- (5) Groundwater must not be taken under an access licence specified in Schedule 3 in contravention of the specified cease-to-take condition.

40 Exceptions

- (1) Sections 38 and 39 do not apply to the take of groundwater in the following circumstances—
- (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,
 - (c) under an access licence specified in Schedule 2, Table B until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs,
 - (d) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
 - (e) using a water supply work that is not located on waterfront land.
- (2) Sections 39(1)–(4) do not apply to an access licence specified in Schedule 3.
- (3) Section 39 does not apply to the following—
- (a) the Tweed River Area Coastal Floodplain Alluvial Groundwater Source,
 - (b) take of groundwater using a water supply work that is not located on waterfront land, unless the aquifer access licence was granted following a dealing under section 71O of the Act to convert an unregulated river access licence.

Part 6A Rules for local water utility storages—the Act, s 21(a)

40A Bray Park Weir

- (1) This section applies to releases of water made from Bray Park Weir in the Mid Tweed River Water Source.
- (2) A release at least equal to the target flow rate specified in the table to this subsection must be made from Bray Park Weir through the fish ladders each day the water storage level of Clarrie Hall Dam is at the level specified opposite.

Water storage levels—Clarrie Hall Dam	Target flow rate
Equal to or greater than 75%	8ML/day
Greater than 50% and less than 75%	5ML/day
Less than or equal to 50%	3ML/day

- (3) The Minister may, by written notice given to the holder of the water supply work approval for Bray Park Weir, suspend or adjust the requirements in subsection (2) if the Minister is satisfied the suspension or adjustment is necessary for the purposes of—
 - (a) an emergency, or
Example— an algae bloom
 - (b) maintenance, refurbishment or modification works to the dam, which may temporarily affect the flow rate or behaviour of water for at least 24 hours.

40B Clarrie Hall Dam

- (1) This section applies to releases of water made from Clarrie Hall Dam in the Doon Doon Creek Water Source.
- (2) A release at least equal to the target flow rate specified in the table to this subsection, including releases for local water utility purposes, must be made from Clarrie Hall Dam each day the flow measured at the flow reference point is at the level specified opposite.

Flow at flow reference point	Target flow rate
Equal to or greater than 13ML/day	4ML/day
Greater than 3ML/day and less than 13ML/day	2ML/day
Less than or equal to 3ML/day	1ML/day

- (3) The Minister may, by written notice given to the holder of the water supply work approval for Clarrie Hall Dam, suspend or adjust the requirements in subsection (2) if the Minister is satisfied the suspension or adjustment is necessary for the purposes of—
 - (a) an emergency, or
Example— an algae bloom
 - (b) maintenance, refurbishment or modification works to the dam, which may temporarily affect the flow rate or behaviour of water for at least 24 hours.

- (4) In this section—

flow reference point means the Oxley River at Eungella gauge (201001) in the Lower Oxley River Water Source.

Part 7 Construction and use of water supply works—the Act, s 21(b)

Note— An approval must not be granted in contravention of this Part—see the Act, section 95(3). An application to amend an approval relating to additional uses, works, activities or land must be assessed and determined in the same way as an application for a new approval, but only in relation to the additional uses, works, activities or land—see the Act, section 107(5). This does not affect works that can be constructed under a basic landholder right.

Division 1 Preliminary

41 Application of Part

- (1) Division 2 applies to a water supply work used to take surface water.
- (2) Division 3 applies to a water supply work used to take groundwater.
- (3) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.

Division 2 Water supply works taking surface water

42 In-river dams

- (1) An in-river dam on a third order or higher stream must not be constructed within the following water sources and management zones—
 - (a) Brays Creek Water Source,
 - (b) Burringbar River Management Zone,
 - (c) Byrrill Creek Water Source,
 - (d) Doon Doon Creek Water Source,
 - (e) Lower Oxley Water Source,
 - (f) Mid Tweed River Water Source,
 - (g) Mooball Creek Water Source,
 - (h) Pumpenbil Creek Water Source,
 - (i) Terranora Broadwater Water Source,
 - (j) Upper Oxley River Water Source,
 - (k) Upper Tweed River Water Source.
- (2) Subsection (1) does not apply to—
 - (a) a water supply work that, in the Minister's opinion, replaces an existing water supply work that takes surface water,
 - (b) a water supply work to be used for town water supply purposes by a local water utility.
- (3) Subsection (2)(b) does not apply to an in-river dam in the Byrrill Creek Water Source.

43 Wetlands

A water supply work must not be constructed on land within the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—

- (a) within 3km upstream of, or within, a declared Ramsar wetland,
- (b) within 200m upstream of, or within, coastal wetlands.

Division 3 Water supply works taking groundwater

44 Replacement groundwater work

- (1) In this Division, *replacement groundwater work* means a water supply work that—
- (a) replaces a water supply work authorised by a water supply work approval (the *replaced water supply work*), and
 - (b) is constructed to extract water—
 - (i) from the same water source or management zone as the replaced water supply work, and
 - (ii) from the same depth as the replaced water supply work, and
 - (c) is located—
 - (i) within 20m of the replaced water supply work, and
 - (ii) if the replaced water supply work is located on waterfront land—at the same or a further distance away from the river, and
 - (d) has an internal diameter or excavation footprint the same as or less than the replaced water supply work unless—
 - (i) if the replaced water supply work is no longer manufactured—the internal diameter of the water supply work will not exceed 120% of the internal diameter of the replaced water supply work, or
 - (ii) if the internal diameter of the replaced water supply work is less than 100mm—the internal diameter of the water supply work will not exceed 100mm.
- (2) A water supply work that does not meet the requirements in subsection (1)(b)(ii) or (c)(i) is taken to be a replacement groundwater work if, in the Minister’s opinion, the water supply work is not likely to—
- (a) result in a greater adverse impact than the replaced water supply work on the following—
 - (i) a water source,
 - (ii) a high priority groundwater-dependent ecosystem,
 - (iii) public health and safety,
 - (iv) a groundwater-dependent culturally significant area, and
 - (b) adversely affect the ability of another person to take water using an existing water supply work.

- (3) In this section—

excavation footprint means the authorised dimensions of an unlined excavation constructed for the purposes of water supply only.

internal diameter means the diameter of the inside of the casing of a water bore.

45 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 200m of a water supply work—
 - (i) located on another landholding, and
 - (ii) authorised to take water solely for basic landholder rights from the same

- water source,
 - (b) 200m of a water supply work—
 - (i) located on another landholding, and
 - (ii) nominated by another access licence to take water from the same water source,
 - (c) 100m of the boundary of the landholding on which the water supply work is located unless the owner of the landholding adjoining the boundary has provided written consent,
 - (d) 500m of a water supply work nominated by a local water utility access licence or a major utility access licence authorised to take water from the same water source unless the holder of the licence has provided written consent,
 - (e) 100m of a water supply work that is a Government monitoring or observation bore.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only 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 remediation activities or emergency services, or
 - (d) in the Minister’s opinion, the location of the water supply work from an existing water supply work at a lesser distance than the distance specified in subsection (1) would result in no more than a minimal detrimental effect on the water available for take using the existing water supply work.

46 Contamination sources

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 500m of a contamination source,
 - (b) 250m of the edge of a plume associated with a contamination source,
 - (c) between 250m and 500m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250m of the plume.
- (2) Subsection (1) does not apply if, in the Minister’s opinion—
- (a) the location of the water supply work is adequate to protect the water source, the environment, and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work must not be constructed on land within 250m of an on-site sewage disposal system unless the water supply work is—
- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20m from the ground surface, and
 - (b) located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.
- (4) The Minister may reduce the depth requirement in subsection (3)(a) if, in the Minister’s opinion—
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or

- (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this section—
- contamination source** means a contamination source specified in Schedule 4.

47 Groundwater-dependent ecosystems

- (1) A water supply work must not be constructed on land within the following areas—
- (a) waterfront land for a river other than a first or second order stream,
 - (b) waterfront land for a first or second order stream, unless—
 - (i) the water supply work is drilled into the underlying parent material and the slotted intervals of the work commence deeper than 30m, or
 - (ii) the applicant submits a hydrogeological study that, in the Minister’s opinion, adequately demonstrates that the water supply work will have no more than minimal impact on base flows in the stream,
 - (c) 200m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion, there is not a high probability of groundwater dependence for the relevant ecosystem,
 - (d) 200m of a wetland,
 - (e) 500m of a karst,
 - (f) 200m of a spring.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only 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 remediation activities or emergency services, or
 - (d) in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the water source and its associated ecosystems and ecological processes, high priority groundwater-dependent ecosystem, wetland, karst or spring concerned.

48 Potential acid sulfate soils

- (1) A water supply work must not be constructed on land within an area classed as having a high probability of occurrence of acid sulfate soils on the Acid Sulfate Soil Risk Map.
- (2) Subsection (1) does not apply if there is not likely to be a significant risk of acidification of the water sources as a result of the construction and location of the water supply work.
- (3) In this section—

Acid Sulfate Soil Risk Map means an Acid Sulfate Soil Risk Map authorised by the Department and published on the Department’s website.

acid sulfate soils means naturally occurring sediments and soils containing iron sulphides, principally pyrite, or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulphuric acid, for example, by drainage or excavation.

49 Groundwater-dependent culturally significant areas

- (1) A water supply work must not be constructed on land within 200m of a groundwater-dependent culturally significant area.

Note— Groundwater-dependent culturally significant areas may be identified after the commencement of this Plan.

- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only 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 remediation activities or emergency services, or
 - (d) in the Minister’s opinion, the location of the water supply work at a lesser distance would result in no more than minimal harm to a groundwater-dependent culturally significant area.

50 Water supply works used only for basic landholder rights

- (1) A water supply work used only for basic landholder rights must not be constructed on land within the following areas—
- (a) waterfront land for a river other than a first or second order stream,
 - (b) waterfront land for a first or second order stream, unless—
 - (i) the water supply work is drilled into the underlying parent material and the slotted intervals of the work commence deeper than 30m, or
 - (ii) the applicant submits a hydrogeological study that, in the Minister’s opinion, adequately demonstrates that the water supply work will have no more than minimal impact on base flows in the stream,
 - (c) 100m of a Government monitoring or observation bore,
 - (d) 100m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion—
 - (i) there is not a high probability of groundwater dependence for the relevant ecosystem, and
 - (ii) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem,
 - (e) 100m of a groundwater-dependent culturally significant area unless, in the Minister’s opinion, the water supply work is likely to cause no more than minimal harm to the groundwater-dependent culturally significant area,
 - (f) 200m of wetland,
 - (g) 500m of a karst,
 - (h) 200m of a spring.
- (2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.
- (3) Subsection (1)(e)–(h) does not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the wetland, karst or spring concerned.

Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Note— The access licence dealing principles established by the *Access Licence Dealing Principles Order 2004* prevail over the access licence dealing rules in this Part to the extent of an inconsistency.

50A General

In this Part, a share component sum is *not exceeded* if, as a result of an assignment or a dealing, the sum of the share components of all access licences in the following does not exceed the sum of the share components of all access licences in the water source or with extraction components specifying the management zone concerned as of the date this Plan commenced—

- (a) in the water source or with an extraction component specifying the management zone to which rights are being assigned,
- (b) in the water source or with an extraction component specifying the management zone in which the licence is being granted,
- (c) in the water source or with an extraction component specifying the management zone in which a work is being nominated.

51 Conversion of access licences to new category dealings

A dealing under the Act, section 71O is prohibited unless the conversion is from—

- (a) an unregulated river access licence to an aquifer access licence in the same water source, other than the Tweed River Area Coastal Floodplain Alluvial Groundwater Source, or
- (b) an unregulated river access licence to an unregulated river (high flow) access licence in the following water sources, and the dealing will not cause the sum of share components of unregulated river (high flow) access licences to exceed the specified amount for the water source—
 - (i) Brays Creek Water Source—183 unit shares,
 - (ii) Lower Oxley River Water Source—240 unit shares,
 - (iii) Pumpenbil Creek Water Source—391 unit shares,
 - (iv) Upper Tweed River Water Source—271 unit shares.

Note— The *Access Licence Dealing Principles Order 2004*, clause 11 contains restrictions relating to dealings under the Act, section 71O, including with respect to conversion factors.

52 Assignment of rights dealings

- (1) The following assignments of rights under the Act, section 71Q in the same water source are prohibited—
 - (a) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (b) an assignment from an access licence with an extraction component specifying the Burringbar River Water Source to an access licence with an extraction component specifying a different management zone,
 - (c) an assignment from an access licence with an extraction component specifying the Tweed Estuary Management Zone to an access licence with an extraction component specifying the Rous River Tidal Pool Management Zone, unless the dealing will not cause the sum of the share components of all access

licences with an extraction component specifying the Rous River Tidal Pool Management Zone to exceed 125 unit shares.

- (2) The following assignments of rights under the Act, section 71Q between water sources in the same water management area are prohibited—
- (a) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (b) an assignment to an access licence in a different extraction management unit,
 - (c) an assignment from an access licence in a water source to which this Plan does not apply,
 - (d) an assignment to an access licence in one of the following water sources—
 - (i) Brays Creek Water Source,
 - (ii) Burringbar River Water Source,
 - (iii) Byrril Creek Water Source,
 - (iv) Christies Creek Water Source,
 - (v) Cobaki Broadwater Water Source,
 - (vi) Cudgera Creek Water Source,
 - (vii) Doon Doon Creek Water Source,
 - (viii) Hopping Dicks Creek Water Source,
 - (ix) Mooball Creek Water Source,
 - (x) Pumpenbil Creek Water Source,
 - (xi) Sheens Creek Water Source,
 - (xii) Terranora Broadwater Water Source,
 - (xiii) Upper Oxley River Water Source,
 - (xiv) Upper Tweed River Water Source,
 - (e) an assignment to an access licence in a water source specified in the table to this paragraph, unless the assignment is from the water source specified opposite.

Water source from which rights are assigned	Water source to which rights are assigned
Bilambil Creek Water Source	Duroby Creek Water Source
Brays Creek Water Source, Hopping Dicks Creek Water Source, Pumpenbil Creek Water Source or Upper Oxley River Water Source	Lower Oxley River Water Source
Cobaki Creek Water Source	Piggabeen Creek Water Source
Duroby Creek Water Source	Bilambil Creek Water Source
Piggabeen Creek Water Source	Cobaki Creek Water Source

- (f) an assignment to an access licence in one of the following water sources, unless it will not cause the sum of the share components of unregulated river access licences to exceed the specified amount for the water source—
 - (i) Rowlands Creek Water Source—1,903 unit shares,

- (ii) Smiths Creek Water Source—28 unit shares,
- (iii) Upper Rous River Water Source—429 unit shares.

53 Amendment of share component dealings—change of water source

- (1) The following dealings under the Act, section 71R are prohibited—
- (a) the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
 - (b) the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies,
 - (c) the cancellation of an access licence in a different water source to grant an access licence in one of the following water sources—
 - (i) Brays Creek Water Source,
 - (ii) Burringbar River Water Source,
 - (iii) Byrrill Creek Water Source,
 - (iv) Christies Creek Water Source
 - (v) Cobaki Broadwater Water Source,
 - (vi) Cudgera Creek Water Source,
 - (vii) Doon Doon Creek Water Source,
 - (viii) Hopping Dicks Creek Water Source,
 - (ix) Mooball Creek Water Source,
 - (x) Pumpenbil Creek Water Source,
 - (xi) Sheens Creek Water Source,
 - (xii) Terranora Broadwater Water Source,
 - (xiii) Upper Oxley River Water Source,
 - (xiv) Upper Tweed River Water Source,
 - (d) the cancellation of an access licence to grant an access licence in a water source specified in the table to this paragraph, unless the cancelled access licence was in the water source specified opposite,

Water source in which licence is cancelled	Water source in which licence is granted
Bilambil Creek Water Source	Duroby Creek Water Source
Brays Creek Water Source, Hopping Dicks Creek Water Source, Pumpenbil Creek Water Source or Upper Oxley River Water Source	Lower Oxley River Water Source
Cobaki Creek Water Source	Piggabeen Creek Water Source
Duroby Creek Water Source	Bilambil Creek Water Source
Piggabeen Creek Water Source	Cobaki Creek Water Source

- (e) the cancellation of an access licence to grant an access licence in one of the following water sources, unless the dealing will not cause the sum of share components of all unregulated river access licences in the water source to exceed the amount specified for the water source—

- (i) Rowlands Creek Water Source—1,903 unit shares,
 - (ii) Smiths Creek Water Source—28 unit shares,
 - (iii) Upper Rous River Water Source—429 unit shares.
- (2) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.

54 Amendment of extraction component dealings

The following dealings under the Act, section 71S(1)(b) are prohibited—

- (a) amendment of the extraction component of an access licence in the Burringbar River Water Source to specify a different management zone,
- (b) amendment of the extraction component of an access licence in the Tweed Estuary Management Zone to specify the Rous River Tidal Pool Management Zone.

Note— The *Access Licence Dealing Principles Order 2004*, clause 16 regulates dealings under the Act, section 71S(1)(a).

55 Assignment of water allocations dealings

- (1) The following assignments of water allocations under the Act, section 71T in the same water source are prohibited—
- (a) an assignment to an access licence of a different category,
 - (b) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (c) an assignment from an access licence with an extraction component specifying a management zone of the Burringbar River Water Source to an access licence with an extraction component specifying a different management zone,
 - (d) an assignment from an access licence with an extraction component specifying the Tweed Estuary Management Zone to an access licence with an extraction component specifying the Rous River Tidal Pool Management Zone, unless the assignment will not cause the sum of water allocations credited to the water allocation accounts of all access licences with an extraction component specifying the Rous River Tidal Pool Management Zone to exceed the sum of water allocations credited to the water allocation accounts of all access licences with an extraction component specifying the management zone as of the date this Plan commenced.
- (2) The following assignments of water allocations under the Act, section 71T between water sources in the same water management area are prohibited—
- (a) an assignment from an aquifer access licence that does not nominate a water supply work located on waterfront land to an access licence that does nominate a water supply work located on waterfront land,
 - (b) an assignment from an access licence to an access licence in a different extraction management unit,
 - (c) an assignment from an access licence in a water source to which this Plan does not apply,
 - (d) an assignment to an access licence of a different category,

- (e) an assignment from an access licence in a different water source to an access licence in one of the following water sources—
- (i) Brays Creek Water Source,
 - (ii) Burringbar River Water Source,
 - (iii) Byrill Creek Water Source,
 - (iv) Christies Creek Water Source
 - (v) Cobaki Broadwater Water Source,
 - (vi) Cudgera Creek Water Source,
 - (vii) Doon Doon Creek Water Source,
 - (viii) Hopping Dicks Creek Water Source,
 - (ix) Mooball Creek Water Source,
 - (x) Pumpenbil Creek Water Source,
 - (xi) Sheens Creek Water Source,
 - (xii) Terranora Broadwater Water Source,
 - (xiii) Upper Oxley River Water Source,
 - (xiv) Upper Tweed River Water Source,
- (f) an assignment to an access licence in a water source specified in the table to this paragraph, unless the assignment is from the water source specified opposite.

Water source from which water allocations are assigned	Water source to which water allocations are assigned
Bilambil Creek Water Source	Duroby Creek Water Source
Brays Creek Water Source, Hopping Dicks Creek Water Source, Pumpenbil Creek Water Source or Upper Oxley River Water Source	Lower Oxley River Water Source
Cobaki Creek Water Source	Piggabeen Creek Water Source
Duroby Creek Water Source	Bilambil Creek Water Source
Piggabeen Creek Water Source	Cobaki Creek Water Source

- (3) In this section—

credited means credited from both of the following in the water year—

- (a) available water determinations,
- (b) assignments of water allocations under the Act, section 71T.

56 Interstate access licence transfer and assignment of water allocations dealings prohibited

Dealings under the Act, sections 71U and 71V are prohibited.

57 Prohibited nominations of water supply works dealings

The following dealings under the Act, section 71W are prohibited—

- (a) an access licence under which groundwater may be taken being amended to nominate a water supply work authorised by its approval to take surface water,
- (b) an access licence under which surface water may be taken being amended to nominate a water supply work authorised by its approval to take groundwater,

- (c) an aquifer access licence that does not nominate a water supply work located on waterfront land being amended to nominate a water supply work located on waterfront land,
- (d) an access licence being amended to nominate a water supply work located in a water source to which this Plan does not apply.

Note—The *Access Licence Dealing Principles Order 2004*, clause 20, and the *Water Management (General) Regulation 2018*, clause 12, regulate dealings under section 71W of the Act, including with respect to amending an access licence to nominate works in another water source or location.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

58 Definitions

In this Part—

AS 4747 has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

Logbook, means a written record, kept in hard copy or electric form.

Minimum Construction Requirements for Water Bores in Australia means the document titled *Minimum Construction Requirements for Water Bores in Australia*, ISBN 978-0-646-81881-8, published by the National Uniform Drillers Licensing Committee, 2020.

operational meter means an operational meter that complies with the requirements for meters under paragraph 63(2)(a) of this Plan or, following the repeal of subsection 63(2) in accordance with subsection 63(3), AS 4747.

mandatory metering equipment condition has the same meaning as in the *Water Management (General) Regulation 2018*, clause 228.

water account debit means a water allocation that is taken, assigned under the Act, section 71T or 71V, or otherwise debited or withdrawn from a water allocation account.

Division 2 Access licences

59 General conditions

Each access licence must be subject to the following mandatory conditions—

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 31,
- (b) the access rules for the taking of water specified in Part 6, Divisions 4 and 5 that are relevant to the access licence,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (d) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 60(1).

60 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must—
 - (a) confirm a cease-to-take condition does not apply, and
 - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.
- (2) Each access licence must be subject to the following mandatory conditions—

- (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have an operational meter or an operational data logger—
 - (i) the date, start-time and end-time during which water was taken under the 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 purposes for which the water was taken on that date,
 - (v) the volume of water taken in a water year compared with the water account debit permitted under section 31 for the licence,
 - (b) the licence holder must keep the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (3) Subsections (1)(b) and (2)(a) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the mandatory metering equipment condition applies to the water sources.
- Note—** See the *Water Management (General) Regulation 2018*, clause 230(1).

Division 3 Water supply work approvals

61 General conditions

Each water supply work approval must be subject to the following mandatory conditions—

- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
- (c) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with sections 62 and 63.

62 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water, the approval holder must—
 - (a) confirm a cease-to-take condition does not apply, and
 - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook.
- (3) The approval holder must—
 - (a) record the following information in a Logbook whenever the water supply work does not have an operational meter or an operational data logger—
 - (i) the date, start-time and end-time during which water was taken using the water supply work,

- (ii) the volume of water taken on that date,
 - (iii) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
 - (iv) the purposes for which the water was taken on that date,
 - (v) details of 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) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
 - (vii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running times, pump power usage or pump fuel usage, pump start-times, pump stop-times and pump capacity per unit of time, and
- (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.
- (4) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.
- (5) Subsections (2)(b), (3)(a) and (4) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

Note— See the *Water Management (General) Regulation 2018*, clause 230(1).

63 Metering conditions

- (1) This section applies to water supply works used to take water under an access licence.
- (2) The approval holder must, if directed by the Minister to install metering equipment under the Act, install metering equipment that complies with AS 4747.
- (3) If directed to install metering equipment under subsection (2), the approval holder must ensure the following—
 - (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,
 - (b) the metering equipment is operated and maintained in a proper and efficient way at all times,
 - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.
- (4) This section is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the mandatory metering equipment condition applies to the water source.

Note— See the *Water Management (General) Regulation 2018*, clause 230(1).

Division 4 Water supply work approvals for groundwater

64 Application of Division

- (1) This Division, other than section 67, sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.
- (2) Section 67 sets out a condition required to be imposed on a water supply work approval for a water bore taking groundwater.

65 Water supply work construction conditions

- (1) The holder of a water supply work approval (the *approval holder*) must ensure the water supply work to which the approval relates is constructed as follows—
 - (a) the water supply work must be constructed in the location authorised in the approval,
 - (b) water must be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work,
 - (c) the water supply work must be sealed off from all other water sources,
 - (d) construction of a water bore must comply with the construction standards for the type of bore, as prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
 - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
 - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed to monitor or remediate contaminated water, the approval holder must—
 - (a) within 48 hours of becoming aware of the contaminated water, give the Minister written notice, and
 - (b) take all reasonable steps to minimise contamination and environmental harm, and
 - (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
 - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
 - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—
 - (a) within 60 days of completion of the construction of the water supply work, or
 - (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.
- (4) The approval holder must ensure—
 - (a) the construction of the water supply work is completed within 3 years of the approval being granted (the *relevant period*), and

- (b) the water supply work is not used unless construction is completed within the relevant period.
- (5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.
- (6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 44(1)(b)–(d).

Note— For the definition of *replacement groundwater work*—see section 44.

66 Water quality condition

The approval holder must, if directed by the Minister by written notice, provide a report in the form specified in the notice detailing the quality of water obtained using the water supply work within the time frame, if any, specified in the notice.

67 Water bore decommissioning condition

- (1) An approval holder must, at least 60 days before decommissioning a water bore, give written notice to the Minister of the intention to decommission the water bore.
- (2) The written notice must include a work plan for the decommission.
- (3) The work plan must be prepared in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.
- (4) The Minister may, within 60 days of receiving notice under this section, give a direction that the water bore—
 - (a) must not be decommissioned, or
 - (b) must be decommissioned in accordance with the requirements specified in the direction.
- (5) The approval holder must not decommission the water bore if the Minister has given a direction that the water bore must not be decommissioned.
- (6) In decommissioning the water bore, the approval holder must comply with—
 - (a) the work plan, and
 - (b) if the Minister has given a direction—the requirements specified in the direction.
- (7) The approval holder must, no later than 60 days after decommissioning the water bore, give the Minister written notice of—
 - (a) the decommissioning of the water bore, and
 - (b) the name of the driller who decommissioned the water bore.

Part 10 Amendment of this Plan—the Act, s 17(d)

68 Amendments

- (1) This Plan may be amended as follows—
 - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source—
 - (i) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow, and
 - (ii) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (e) if the amendments will not substantially change a long-term average annual extraction limit—to add provisions relating to the following—
 - (i) total daily extraction limits,
 - (ii) individual daily extraction components,
 - (f) to add or modify rules for local water utility storages by amending Part 6A,
 - (g) to add or modify provisions relating to the following—
 - (i) the management of waters in coastal sands,
 - (ii) managed aquifer recharge,
 - (iii) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (iv) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (v) the protection of groundwater-dependent culturally significant areas,
 - (vi) stormwater harvesting,
 - (h) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (i) if, within 3 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted in accordance with the 2006 Harvestable Rights

- Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,
- (j) to amend Schedule 1 to modify a flow class threshold for one or more of the following water sources if, at least 5 years after the commencement of this Plan, an assessment of water usage and socioeconomic impacts determines the flow specified under the flow class threshold must be increased to restrict the take of water or decreased to facilitate the take of water—
 - (i) Bilambil Creek Water Source,
 - (ii) Byrrill Creek Water Source,
 - (iii) Cobaki Broadwater Water Source,
 - (iv) Cobaki Creek Water Source,
 - (v) Doon Doon Creek Water Source,
 - (vi) Duroby Creek Water Source,
 - (vii) Mid Rous River Water Source,
 - (viii) Mid Tweed River Water Source,
 - (ix) Piggabeen Creek Water Source,
 - (x) Rowlands Creek Water Source,
 - (xi) Smiths Creek Water Source,
 - (xii) Tweed Estuary Water Source,
 - (xiii) Upper Rous River Water Source,
 - (xiv) Upper Tweed River Water Source,
 - (k) to add, modify or remove a definition,
 - (l) to modify Schedule 2 or 3 to add or remove an access licence,
 - (m) to add or remove a contamination source by amending Schedule 4,
 - (n) to make amendments consequential on an amendment to the Act or regulations.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

Schedule 1 Flow classes

section 33

Column 1	Column 2	Column 3	Column 4	Column 5	
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point	
Bilambil Creek		Very Low Flow Class	0.5ML/day or less	Cobaki Creek at Cobaki gauge (201012) in the Cobaki Creek Water Source	
		A Class	More than 0.5ML/day		
Brays Creek		Very Low Flow Class	8ML/day or less	Oxley River at Eungella gauge (201001) in the Lower Oxley River Water Source	
		A Class	More than 8ML/day and less than or equal to 43ML/day		
		B Class	More than 43ML/day		
Burringbar River	Burringbar River	Very Low Flow Class	1.1ML/day or less	Burringbar River at Burringbar gauge (202002) in the Burringbar River Management Zone	
		A Class	More than 1.1ML/day		
Byrrill Creek	Crabbes Creek	Very Low Flow Class	No visible flow	Crabbes Creek Road crossing over Crabbes Creek	
		A Class	Visible flow		
			Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge (201015) in the Mid Tweed River Water Source
			A Class	More than 4ML/day	
Christies Creek		Very Low Flow Class	No visible flow	Kanes Road crossing over Christies Creek	
		A Class	Visible flow		
Cobaki Broadwater		Very Low Flow Class	0.5ML/day or less	Cobaki Creek at Cobaki gauge (201012) in the Cobaki Creek Water Source	
		A Class	More than 0.5ML/day		
Cobaki Creek		Very Low Flow Class	0.5ML/day or less	Cobaki Creek at Cobaki gauge (201012) in the Cobaki Creek Water Source	
		A Class	More than 0.5ML/day		
Crystal Creek		Very Low Flow Class	6.8ML/day or less	Rous River at Boatharbour No. 3 gauge (201005) in the Mid Rous River Water Source	
		A Class	More than 6.8ML/day and less than or equal to 28ML/day		

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
		B Class	More than 28ML/day	
Cudgera Creek		Very Low Flow Class	No visible flow	Cudgera Creek Road bridge (east of Pacific Highway) crossing over Cudgera Creek
		A Class	Visible flow	
Doon Doon Creek		Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge (201015) in the Mid Tweed River Water Source
		A Class	More than 4ML/day	
Dunbible Creek		Very Low Flow Class	No visible flow	Stokers Road crossing over Dunbible Creek
		A Class	Visible flow	
Dungay Creek		Very Low Flow Class	No visible flow	Dungay Creek Road crossing over Dungay Creek
		A Class	Visible flow	
Duroby Creek		Very Low Flow Class	0.5ML/day or less	Cobaki Creek at Cobaki gauge (201012) in the Cobaki Creek Water Source
		A Class	More than 0.5ML/day	
Hopping Dicks Creek		Very Low Flow Class	8ML/day or less	Oxley River at Eungella Gauge (201001) in the Lower Oxley River Water Source
		A Class	More than 8ML/day and less than or equal to 43ML/day	
		B Class	More than 43ML/day	
Lower Oxley River		Very Low Flow Class	8ML/day or less	Oxley River at Eungella gauge (201001) in the Lower Oxley River Water Source
		A Class	More than 8ML/day and less than or equal to 43ML/day	
		B Class	More than 43ML/day	
Mid Rous River		Very Low Flow Class	2ML/day or less	Rous River at Boatharbour No. 3 gauge (201005) in the Mid Rous River Water Source
		A Class	More than 2ML/day and less than or equal to 28ML/day	
		B Class	More than 28ML/day	
Mid Tweed River		Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge (201015) in the Mid Tweed River Water Source
		A Class	More than 4ML/day	
Nobby Creek		Very Low Flow Class	6.8ML/day or less	Rous River at Boatharbour No.3

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Piggabeen Creek		A Class	More than 6.8ML/day and less than or equal to 28ML/day	gauge (201005) in the Mid Rous River Water Source
		B Class	More than 28ML/day	
		Very Low Flow Class	0.5ML/day or less	Cobaki Creek at Cobaki gauge (201012) in the Cobaki Creek Water Source
Pumpenbil Creek		A Class	More than 0.5ML/day	
		Very Low Flow Class	8ML/day or less	Oxley River at Eungella gauge (201001) in the Lower Oxley River Water Source
		A Class	More than 8ML/day and less than or equal to 43ML/day	
Rowlands Creek		B Class	More than 43ML/day	
		Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge (201015) in the Mid Tweed River Water Source
Sheens Creek		A Class	More than 4ML/day	
		Very Low Flow Class	No visible flow	Sleepy Hollow Road crossing over Sheens Creek
Smiths Creek		A Class	Visible flow	
		Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge (201015) in the Mid Tweed River Water Source
Tweed Estuary	Rous River Tidal Pool	A Class	More than 4ML/day	
		Very Low Flow Class	2ML/day or less	Rous River at Boatharbour No. 3 gauge (201005) in the Mid Rous River Water Source
Upper Oxley River		A Class	More than 2ML/day	
		Very Low Flow Class	8ML/day or less	Oxley River at Eungella gauge (201001) in the Lower Oxley River Water Source
Upper Rous River		A Class	More than 8ML/day	
		Very Low Flow Class	2ML/day or less	Rous River at Boatharbour No. 3 gauge (201005) in the Mid Rous River Water Source
		A Class	More than 2ML/day and less than or equal to 28ML/day	
Upper Tweed River		B Class	More than 28ML/day	
		Very Low Flow Class	4ML/day or less	Tweed River at Palmers Road gauge

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
		A Class	More than 4ML/day and less than or equal to 43ML/day	(201015) in the Mid Tweed River Water Source
		B Class	More than 43ML/day	

Schedule 2 Access licences exempt from specified access rules

sections 37(1)(a), (d) and (e) and 40(1)(a) and (c)

Table A – Access licences other than access licences of the subcategory “Town water supply”

Water source	Management zone	Access licence number
Brays Creek		21541, 23831
Burringbar River	Burringbar River	23827
Christies Creek		21549
Clothiers Creek		23835
Cudgen Lake		21573, 21574
Dunbible Creek		41059
Dungay Creek		30294
Mid Rous River		21604
Mid Tweed River		21615, 21623, 21625
Nobbys Creek		21520
Pumpenbil Creek		21698, 21700
Tweed Estuary	Tweed Estuary	23821
Tweed Estuary	Rous River Tidal Pool	21717
Upper Oxley River		21648, 21649

Table B – Local water utility access licences and access licences of the subcategory “Town water supply”

Water source	Management zone	Access licence number
Mid Tweed River		21606, 30306
Upper Oxley River		23834

Schedule 3 Access licences and approvals subject to cease-to-take condition of a former entitlement

sections 37(3)(b) and 40(2)

Access licence number	Water source	Cease to take condition
21648	Upper Oxley River	The authorised works must not be used for aquaculture unless the discharge of the Oxley River at the Eungella gauge is greater than 26ML/day

Schedule 4 Contamination sources

section 46(5)

Contamination sources are as follows—

- (a) a site declared to be significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*,
- (b) a site notified to the Environment Protection Authority under the *Contaminated Land Management Act 1997*, section 60.

Schedule 5 Dictionary

section 6

2006 Harvestable Rights Order means the *Order under section 54, the Act for harvestable rights—Eastern and Central Division*, Gazette No 40, 31 March 2006, pages 1628–1630.

3-year average higher flow extraction—see section 18.

3-year average standard extraction—see section 18.

annual higher flow extraction—see section 18.

annual higher flow extraction limit—see section 18.

annual standard extraction—see section 18.

AS 4747—see section 58.

borehole annulus means the space between the bore casing and the wall of the borehole.

cease-to-take condition means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

coastal wetlands means land identified as coastal wetlands on the Coastal Wetlands and Littoral Rainforests Area Map.

Coastal Wetlands and Littoral Rainforests Area Map has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Note— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at www.planningportal.nsw.gov.au.

declared Ramsar wetland has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

extraction management unit means an extraction management unit established under section 5.

flood-runner means a stream or part of a stream that only flows during a flood.

former entitlement has the same meaning as in the Act, Schedule 10, clause 2.

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

Government monitoring or observation bore means a bore owned or operated by or on behalf of the Minister, the Ministerial Corporation, the Department or WaterNSW and used for observation or monitoring purposes.

groundwater means water occurring beneath the ground surface in the saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

groundwater-dependent culturally significant area means an area determined by the Minister to be a groundwater-dependent culturally significant area.

groundwater-dependent ecosystem means an ecosystem that has its species composition and natural ecological processes wholly or partially determined by groundwater.

high priority groundwater-dependent ecosystem means a high priority groundwater-dependent ecosystem identified on the High Priority Groundwater-Dependent Ecosystem Map.

High Priority Groundwater-Dependent Ecosystem Map means the Tweed River Area Unregulated and Alluvial Water Sources 2022 High Priority Groundwater-Dependent Ecosystem Map (GDE033 Version 1).

Note— The High Priority Groundwater-Dependent Ecosystem Map is available on the Department's website.

higher flow extraction licence—see section 18.

in-river dam means a dam located in a river.

in-river pool means a natural pool, lagoon or lake within a river or stream, but does not include—

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

karst means an area of land, including subterranean land, developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity.

kl/day means kilolitres per day.

Logbook—see section 58.

Minimum Construction Requirements for Water Bores in Australia—see section 58.

ML/unit share means megalitres per unit share.

ML/year means megalitres per year.

off-river pool means a natural pool, lagoon or lake that is not within a river or stream, regardless of stream size, and located on—

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

operational meter—see section 58.

Plan Map means the Tweed River Area Unregulated and Alluvial Water Sources 2022 Plan Map (WSP007 Version 2).

Note— The Plan Map is available on the Department's website.

planning approval means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4, or
- (b) a State significant infrastructure approval under that Act, Part 5.1, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

Note— The *Environmental Planning and Assessment Act 1979*, Schedule 6A has been transferred to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

reduced available water determinations—see section 18.

replacement groundwater work—see section 44.

standard LTAAEL—see section 18.

surface water means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map.

the Act means the *Water Management Act 2000*.

the water sources—see section 3.

third order or higher stream means a stream identified as a third order or higher stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 58.

water year means a period of 1 year commencing on 1 July.

wetland means either of the following—

- (a) coastal wetlands,
- (b) a declared Ramsar wetland.