

Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009

[2009-345]



New South Wales

Status Information

Currency of version

Historical version for 8 January 2010 to 7 March 2013 (accessed 30 June 2024 at 6:56)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 January 2010

Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009



New South Wales

Contents

Part 1 Introduction	7
1 Name of this Plan	7
2 Nature and Status of this Plan	7
3 Date of commencement	7
4 Water sources to which this Plan applies	7
5 Management Zones	9
6 Amendment of this Part	10
7 Interpretation	10
Part 2 Vision, objectives, strategies and performance indicators	10
8 Vision, objectives, strategies and performance indicators	10
9 Vision	10
10 Objectives	10
11 Strategies	11
12 Performance indicators	12
Part 3 Basis for water sharing	12
13 Basis for water sharing	12
14 Climatic variability	12
15 Extraction management unit for these water sources	13
16 Flow reference points	14
17 Flow classes for these surface water sources	14

Part 4 Environmental water provisions	16
18 Environmental water provisions	16
19 Planned environmental water.....	16
20 Adaptive environmental water	18
Part 5 Basic landholder rights	18
21 Basic landholder rights	18
22 Domestic and stock rights	18
23 Native title rights.....	19
24 Harvestable rights	19
Part 6 Bulk access regime	20
25 Bulk access regime.....	20
Part 7 Requirements for water under access licences	20
26 Requirements for water under access licences	20
27 Share component of domestic and stock access licences	21
28 Share component of local water utility access licences.....	21
29 Share component of unregulated river access licences.....	21
30 Share component of unregulated river high flow access licences	22
31 Share component of aquifer access licences.....	22
32 Changes to total share components.....	23
Part 8 Rules for granting access licences	23
33 Rules for granting access licences.....	23
Part 9 Rules for granting or amending water supply works approvals	24
Division 1 General	24
34 Granting or amending water supply works approvals	24
35 Runoff harvesting dams.....	24
36 In-river dams	24
Division 2 Water supply works used to take water from the alluvial sediments in these water sources	25

37 Rules for granting or amending approvals for water supply works used to take water from the alluvial sediments in these water sources	25
38 Rules for granting or amending water supply works approvals	25
39 Rules for granting or amending water supply works approvals near contamination sources	27
40 Rules for granting or amending water supply works approvals near sensitive environmental areas	28
Part 10 Limits to the availability of water	29
Division 1 Long-term average annual extraction limit	29
41 Limits to the availability of water	29
42 Extraction management units for these water sources	29
43 Long-term average annual extraction limit	30
44 Variation of the long-term average annual extraction limits	30
45 Assessment of the long-term average annual extraction limit	30
46 Compliance with the long-term average annual extraction limits	31
Division 2 Available water determinations	32
47 Available water determinations	32
48 Available water determinations for domestic and stock access licences	32
49 Available water determinations for local water utility access licences	32
50 Available water determinations for unregulated river access licences	33
51 Available water determinations for unregulated river (high flow) access licences	33
52 Available water determinations for aquifer access licences	33
Part 11 Rules for managing access licences	33
Division 1 General	33
53 Rules for managing access licences	33
Division 2 Water allocation account management	34
54 Individual access licence account management rules	34
Division 3 Sharing surface water flows on a daily basis	35
55 Sharing surface water flows on a daily basis	35
56 Total daily extraction limits	35

57 Initial assignment of the TDEL to categories of access licence	36
58 Unassigned TDEL.....	36
59 Granting of unassigned TDEL	36
60 Individual daily extraction limits for access licences	36
61 Amendments to this Plan for the purposes of sharing of surface water flows on a daily basis.....	36
62 Access to the Very Low Flow Class in these water sources.....	37
Division 4 Management of surface and groundwater connectivity	37
63 Access licences which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources	37
Part 12 Access licence dealing rules	37
64 Access licence dealing rules	37
65 Rules relating to constraints within these water sources.....	38
66 Rules for change of water source	39
67 Rules for conversion of access licence category.....	40
68 Rules for interstate access licence transfer and assignment of water allocation	41
69 Rules for water allocation assignments between water sources	41
Part 13 Mandatory conditions	42
Division 1 Mandatory conditions on access.....	42
70 Mandatory conditions on access licences.....	42
71 Mandatory conditions relating to the taking of water.....	42
72 Mandatory conditions for access to the Very Low Flow Class	44
73 Mandatory conditions on domestic and stock access licences	45
74 Mandatory conditions on aquifer access licences.....	45
75 Mandatory conditions on Aboriginal cultural access licences	46
76 New access licences granted in these water sources.....	46
Division 2 Mandatory conditions on water supply work approvals	46
77 Mandatory conditions on all water supply work approvals (except works taking water from the alluvial sediments)	46
78 Mandatory conditions on approvals for water supply works taking water from the alluvial sediments in these water sources	46

.....	47
79 Mandatory conditions for existing water supply works taking water from the alluvial sediments in these water sources	
.....	50
Part 14 Amendment of this Plan	50
80 Amendment of this Plan	50
81 Amendments due to floodplain harvesting	50
82 Amendments for alluvial aquifers downstream of the tidal limit	51
83 Amendments for stormwater harvesting	51
84 Amendments in relation to Schedule 2 (Very Low Flow)	51
Dictionary	51
Schedule 2 Licences with access to very low flows	53
Schedule 3 Contamination sources in the Coffs Harbour Area Unregulated and Alluvial Water Sources	
.....	54
Schedule 4 High priority groundwater dependent ecosystems	54
Appendix 1 Coffs Harbour Area Unregulated Water Sources, and the Station Creek Catchment, the Corindi River Catchment, the Arrawarra Creek Catchment, the Woolgoolga Creek Catchment, the Double Crossing Creek Catchment, the Moonee Creek Catchment, the Korora Basin, the Coffs Creek Catchment, the Boambee Creek Catchment and the Bonville Creek Catchment Extraction Management Units	
.....	54
Appendix 2 Location of registered plans	55

Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009



New South Wales

Part 1 Introduction

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* (hereafter **this Plan**).

2 Nature and Status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter **the Act**).
- (2) This Plan is a plan for water sharing, and generally deals with the matters set out in sections 20 and 21 of the Act.

3 Date of commencement

This Plan commences on 1 August 2009.

4 Water sources to which this Plan applies

- (1) The water sources in respect of which this Plan applies are:

- (a) the Arrawarra Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

- (b) the Boambee Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

- (c) the Bonville Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(d) the Coffs Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(e) the Corindi River Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(f) the Dirty Creek Water Source,

(g) the Double Crossing Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(h) the Korora Basin Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(i) the Moonee Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(j) the Pine-Bundagaree Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(k) the Red Bank River Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(l) the Station Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

(m) the Woolgoolga Creek Water Source,

Note—

This water source excludes alluvial groundwater downstream of the tidal limits.

and shall be known as the The Coffs Harbour Area Unregulated and Alluvial Water Sources (hereafter ***these water sources***).

Note—

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

(2) These water sources are shown on the registered plan called The Coffs Harbour Area

Unregulated and Alluvial Water Sources (WSP004) held by the Department (hereafter the **registered plan for these water sources**).

Note—

Copies of registered plans for these water sources may be inspected at offices of the Department listed in Appendix 2.

(3) Subject to subclause (4), these water sources include:

- (a) all water occurring naturally on or below the surface of the ground shown on the registered plan for these water sources, and
- (b) all water in rivers, lakes and wetlands in these water sources, and
- (c) all water contained within all alluvial sediments below the surface of the land shown on the registered plan for these water sources (hereafter the alluvial sediments in these water sources).

(4) These water sources do not include:

- (a) any water contained in alluvial sediments downstream of the tidal limit in these water sources,

Note—

This exclusion applies to part of the Arrawarra Creek, Boambee Creek, Bonville Creek, Coffs Creek, Corindi River, Double Crossing Creek, Korora Basin, Moonee Creek, Pine-Bundagaree Creek, Red Bank, Station Creek and Woolgoolga Creek Water Sources.

- (b) any water contained in the coastal sands in these water sources,
- (c) any water contained in fractured rock aquifers and basement rocks in these water sources, and
- (d) the area of land below the mangrove limit, except for the Arrawarra Creek, the Double Crossing Creek, the Korora Basin, the Station Creek and the Woolgoolga Creek Water Sources where the extent is to the mouth of the river.

Note—

The mangrove limit is defined in the dictionary.

(5) These water sources are within part of the Upper North Coast Water Management Area.

5 Management Zones

For the purpose of this Plan, the Boambee Creek Water Source is divided into the following management zones and are shown on the registered plan for these water sources:

- (a) Cordwells Creek Management Zone, and
- (b) Boambee Creek Management Zone.

6 Amendment of this Part

The Minister may amend this Part to:

- (a) amend (including to amend the boundaries of) an existing water source or management zone in these water sources, or
- (b) establish new or additional water sources or management zones in these water sources.

Note—

The registered plan for these water sources may be amended or updated from time to time including as a result of any amendment made by this Plan.

7 Interpretation

- (1) Words and expressions that are defined in the Act have the same meaning in this Plan.
- (2) Words and expressions that are defined in Schedule 1 of this Plan have the meanings set out in that Schedule.
- (3) Notes in the text of this Plan do not form part of this Plan.
- (4) Schedules to this Plan form part of this Plan.
- (5) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

This part is made in accordance with section 35 (1) of the Act.

9 Vision

The vision of this Plan is to provide healthy and enhanced water dependant ecosystems and equitable water sharing among users in these water sources.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain or enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
- (b) protect, preserve, maintain or enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,

- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (f) provide sufficient flexibility in water account management to encourage responsible use of available water,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater, and
- (i) adaptively manage these water sources.

Note—

For the purposes of the *Inter-governmental Agreement on the National Water Initiative* (2004), the environmental and other public benefit outcomes provided for under this Plan includes:

1. the important river flow dependent environmental, Aboriginal, cultural and heritage values of these water sources are protected, preserved, maintained or enhanced,
2. these water sources are managed to ensure equitable sharing between users,
3. basic landholder rights of owners of land are protected, and
4. the maintenance of water quality contributed to.

11 Strategies

The strategies of this Plan are to:

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

12 Performance indicators

The following indicators are to be used to determine the performance of this Plan against its objectives:

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in groundwater extraction relative to the long-term average annual extraction limit,
- (d) change in local water utilities access,
- (e) change in, or maintenance of, ecological value of key water sources and their dependent ecosystems,
- (f) extent to which basic landholder rights requirements have been met,
- (g) extent to which local water utility requirements have been met,
- (h) extent to which native title rights requirements have been met,
- (i) change in economic benefits derived from water extraction and use, and
- (j) extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Note—

This Plan is to be audited pursuant to section 44 of the Act for the purpose of ascertaining whether its provisions are being given effect to.

Part 3 Basis for water sharing

13 Basis for water sharing

This Part is made in accordance with sections 20 (2) (a) and 20 (2) (c) of the Act.

14 Climatic variability

This Plan recognises the effects of climatic variability on river flow and groundwater level variability in these water sources by having provisions that manage:

- (a) the sharing of water in these water sources within the limits of water availability on a long-term average annual basis,
- (b) the sharing of flows that occur in specified water sources on a daily basis, and
- (c) water extraction to maintain groundwater dependent ecosystems.

15 Extraction management unit for these water sources

- (1) The availability of water for extraction from these water sources on a long-term average annual basis will be determined at the level of an extraction management unit.
- (2) The extraction management units for these water sources are the Station Creek Catchment Extraction Management Unit, the Corindi River Catchment Extraction Management Unit, the Arrawarra Creek Catchment Extraction Management Unit, the Woolgoolga Creek Catchment Extraction Management Unit, the Double Crossing Creek Catchment Extraction Management Unit, the Moonee Creek Catchment Extraction Management Unit, the Korora Basin Extraction Management Unit, the Coffs Creek Catchment Extraction Management Unit, the Boambee Creek Catchment Extraction Management Unit and the Bonville Creek Catchment Extraction Management Unit, and are shown on the registered plan for these water sources.
- (3) The Station Creek Catchment Extraction Management Unit consists of the Station Creek Water Source.
- (4) The Arrawarra Creek Catchment Extraction Management Unit consists of the Arrawarra Creek Water Source.
- (5) The Woolgoolga Creek Catchment Extraction Management Unit consists of the Woolgoolga Creek Water Source.
- (6) The Double Crossing Creek Catchment Extraction Management Unit consists of the Double Crossing Creek Water Source.
- (7) The Moonee Creek Catchment Extraction Management Unit consists of the Moonee Creek Water Source.
- (8) The Korora Basin Extraction Management Unit consists of the Korora Basin Creek Water Source.
- (9) The Coffs Creek Catchment Extraction Management Unit consists of the Coffs Creek Water Source.
- (10) The Boambee Creek Catchment Extraction Management Unit consists of the Boambee Creek Water Source.
- (11) The Corindi River Catchment Extraction Management Unit consists of the following water sources:
 - (a) Dirty Creek Water Source,
 - (b) Red Bank River Water Source, and
 - (c) Corindi River Water Source.

(12) The Bonville Creek Catchment Extraction Management Unit consists of the following water sources:

- (a) Bonville Creek Water Source, and
- (b) Pine-Bundagaree Creek Water Source.

16 Flow reference points

- (1) For the purposes of this Plan all flows referred to in clause 17 (1) are estimated flows at the flow reference point(s) for each water source or management zone, and are shown on the registered plan for these water sources, or are as otherwise stated in the Plan.
- (2) The Minister may establish flow reference points in the Dirty Creek Water Source upon granting of an access licence under Part 8 of this Plan.

Note—

The registered plan for these water sources may be amended as a result of the establishment of, or changes to, flow reference points under this Part.

Note—

In the event of any failure of a flow reference point in these water sources, flow classes in the water source may be imposed pursuant to an order made under section 324 of the Act.

17 Flow classes for these surface water sources

- (1) This Plan establishes the following flow classes as the basis for sharing of daily flows from these water sources:

Note—

The following flow classes apply to all access licences taking water from surface water specified for each water source or management zone from the commencement date of this Plan, excluding those access licences listed under clause 72 and access licences that nominate a runoff harvesting dam. They will also apply to all existing aquifer access licence holders taking water from alluvial aquifers within 40 metres of the high bank of the river from year six of this Plan, except where provided for under clause 63 (2) of this Plan. For those aquifer access licences outside the 40 metres, flow classes in clause 17 (1) will not apply.

- (a) for the Arrawarra Creek Water Source, no flow classes are established by this Plan,
- (b) for the Cordwells Creek Management Zone in the Boambee Creek Water Source, at the Cordwells Creek Walkway under the Pacific Highway, southern end of Lindsays Road:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (c) for the Boambee Creek Management Zone in the Boambee Creek Water Source, at the Lindsays Road Crossing, 900 metres from the Pacific Highway:

- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (d) for the Bonville Creek Water Source, at the Crossmaglen Road crossing, 400 metres north of Gleniffer Road junction:
- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

Note—

These flow classes may be amended if an unregulated river (high flow) access licence is granted in this water source, in accordance with clause 17 (4) of this Plan.

- (e) for the Coffs Creek Water Source, at Shephards Lane Crossing, McCanns Bridge 300 metres from North Coramba Road junction:
- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (f) for the Corindi River Water Source, at the Corindi River Road Bridge, at Coral Street, 200 metres from the Pacific Highway:
- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

Note—

These flow classes may be amended if an unregulated river (high flow) access licence is granted in this water source, in accordance with clause 17 (4) of this Plan.

- (g) for the Dirty Creek Water Source, at the flow reference point to be defined under clause 16 (2) of this Plan:
- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (h) for the Double Crossing Creek Water Source, no flow classes are established by this Plan,
- (i) for the Korora Basin Water Source, at James Small Drive over Pine Brush Creek Crossing, 100 metres from the Pacific Highway:
- (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

- (j) for the Moonee Creek Water Source, no flow classes are established by this Plan,
 - (k) for the Pine-Bundagaree Creek Water Source, no flow classes are established by this Plan,
 - (l) for the Red Bank River Water Source, no flow classes are established by this Plan,
 - (m) for the Station Creek Water Source, no flow classes are established by this Plan, and
 - (n) for the Woolgoolga Creek Water Source, at Woolgoolga Creek at Reserve upstream of the Pacific Highway:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow.
- (2) The Minister may amend this Plan to amend subclauses (1) (b), (1) (c) and (1) (j) to establish a new or additional flow class or flow classes in the Boambee Creek, the Korora Basin and Moonee Creek Water Sources if a Drainage Management Plan, Floodplain Management Plan or similar management plan is developed for all or part of the water source.
- (3) The Minister may amend this Plan to amend subclauses (1) (a) to (1) (n) to establish a new or additional flow class or flow classes in any water source or management zone, where water sources or management zones are added or amended during the term in accordance with clause 6 of this Plan.
- (4) If an unregulated river access licence is converted to an unregulated river (high flow) access licence under clause 67 (2) in the Bonville Creek Water Source or the Corindi River Water Source, then the Minister may amend subclauses (1) (d) or (1) (f) such that B Class is when flows are greater than a flow that is equal to the 50th percentile daily flow.

Note—

The percentiles refer to lowest flow month at the gauge and include all days of record.

Part 4 Environmental water provisions

18 Environmental water provisions

This Part is made in accordance with sections 8, 8A, 8B, 8C, 8D, 8E and 20 (1) (a) of the Act.

19 Planned environmental water

- (1) Planned environmental water is identified and established in these water sources as follows:

- (a) water volume in excess of the respective long-term average annual extraction limit established in clause 43 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction, and
 - (b) for all water sources, the water remaining in the water source after taking water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3).
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 46 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) The planned environmental water established in subclause (1) (b) is maintained as follows:
- (a) in management zones or water sources with a Very Low Flow Class, the holders of access licences, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 72 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 63 of this Plan, and access licences that nominate a runoff harvesting dam, are not permitted to take water when flows are within the Very Low Flow Class, and
 - (b) in all water sources, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 72 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 63 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated approved water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition:
 - (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool.

Note—

These rules protect the water for the environment by limiting both water extracted over the long-term and the taking of water, in accordance with the relevant objectives of this Plan.

Note—

This Plan recognises that the environmental water provisions provide non-extractive benefits, including traditional Aboriginal spiritual, social, customary, economic, cultural and recreational benefits, and contributes to improved water quality.

- (4) Following the establishment of a flow class or flow classes within the Moonee Creek and Boambee Creek Water Sources under clause 17 (2), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.
- (5) Following the establishment of a flow class or flow classes within these water sources under clause 17 (3), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.

20 Adaptive environmental water

- (1) The holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the access licence, pursuant to section 8B of the Act.
- (2) An access licence may be granted in these water sources, pursuant to sections 8C or 8D of the Act.
- (3) If an adaptive environmental water condition on an access licence in these water sources requires the water to be left in the water source for environmental purposes, the Minister may establish Total Daily Extraction Limits under clause 56 (3) of this Plan in the relevant water source or management zone.

Note—

TDELs referred to in subclause (3) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

Part 5 Basic landholder rights

21 Basic landholder rights

This Part is made in accordance with section 20 (1) (b) of the Act.

22 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 3.56 megalitres per day (hereafter **ML/day**) and are distributed as follows:
 - (a) 0.10 ML/day in the Arrawarra Creek Water Source,
 - (b) 0.56 ML/day in the Boambee Creek Water Source,
 - (c) 0.77 ML/day in the Bonville Creek Water Source,

- (d) 0.45 ML/day in the Coffs Creek Water Source,
- (e) 0.31 ML/day in the Corindi River Water Source,
- (f) 0.10 ML/day in the Dirty Creek Water Source,
- (g) 0.11 ML/day in the Double Crossing Creek Water Source,
- (h) 0.20 ML/day in the Korora Basin Water Source,
- (i) 0.28 ML/day in the Moonee Creek Water Source,
- (j) 0.27 ML/day in the Pine-Bundagaree Creek Water Source,
- (k) 0.10 ML/day in the Red Bank River Water Source,
- (l) 0.10 ML/day in the Station Creek Water Source, and
- (m) 0.21 ML/day in the Woolgoolga Creek Water Source.

- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note—

Domestic and stock rights must be exercised in accordance with any mandatory guidelines established under section 336B of the Act with respect to the taking and use of water for domestic consumption or stock watering.

An increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting rivers and lakes or overlying alluvial groundwater in these water sources and/or as a result of the increase in the exercise of basic landholder rights by existing landholders.

Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these groundwater sources should not be consumed without it first being tested and appropriately treated.

23 Native title rights

- (1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

Note—

A change in native title rights may occur pursuant to the provisions of the [Native Title Act 1993](#) (Cth).

24 Harvestable rights

The requirement for water under harvestable rights is the amount of water that owners of land are entitled to capture pursuant to a harvestable rights order made under section 54 of the Act and published from time to time in the NSW Government Gazette.

Part 6 Bulk access regime

25 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 10, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 10, Division 2 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 10 and 11 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 10 of this Plan.

Part 7 Requirements for water under access licences

26 Requirements for water under access licences

This Part is made in accordance with section 20 (1) (c) of the Act.

Note—

The amount of water specified in this Part represents the total volumes or unit shares specified in the share components on access licences in these water sources. The actual volumes of water available at any time will depend on climate, access licence priority and the rules in this Plan.

27 Share component of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to extract water from these water sources will total 59 megalitres per year (hereafter **ML/year**), distributed as follows:

- (a) 0 ML/year in the Arrawarra Creek Water Source,
- (b) 19 ML/year in the Boambee Creek Water Source,
- (c) 8 ML/year in the Bonville Creek Water Source,
- (d) 4 ML/year in the Coffs Creek Water Source,
- (e) 0 ML/year in the Corindi River Water Source,
- (f) 0 ML/year in the Dirty Creek Water Source,
- (g) 2 ML/year in the Double Crossing Creek Water Source,
- (h) 13 ML/year in the Korora Basin Water Source,
- (i) 3 ML/year in the Moonee Creek Water Source,
- (j) 3 ML/year in the Pine-Bundagaree Creek Water Source,
- (k) 0 ML/year in the Red Bank River Water Source,
- (l) 0 ML/year in the Station Creek Water Source, and
- (m) 7 ML/year in the Woolgoolga Creek Water Source.

28 Share component of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to extract water from these water sources will total 10 ML/year, distributed as follows:

- (a) 10 ML/year in the Woolgoolga Creek Water Source, and
- (b) 0 ML/year in all other water sources.

29 Share component of unregulated river access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to extract water from these water sources will total 2,472.5 unit shares, distributed as follows:

- (a) 0 unit shares in the Arrawarra Creek Water Source,
- (b) 524 unit shares in the Boambee Creek Water Source,

- (c) 457 unit shares in the Bonville Creek Water Source,
- (d) 405 unit shares in the Coffs Creek Water Source,
- (e) 37 unit shares in the Corindi River Water Source,
- (f) 0 unit shares in the Dirty Creek Water Source,
- (g) 71.5 unit shares in the Double Crossing Creek Water Source,
- (h) 363 unit shares in the Korora Basin Water Source,
- (i) 130 unit shares in the Moonee Creek Water Source,
- (j) 158 unit shares in the Pine-Bundagaree Creek Water Source,
- (k) 57 unit shares in the Red Bank River Water Source,
- (l) 0 unit shares in the Station Creek Water Source, and
- (m) 270 unit shares in the Woolgoolga Creek Water Source.

30 Share component of unregulated river high flow access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river high flow access licences authorised to extract water from these water sources will total 0 unit shares, distributed as follows:

- (a) 0 unit shares in the Bonville Creek Water Source, and
- (b) 0 unit shares in the Corindi River Water Source.

Note—

The Bonville Creek Water Source and the Corindi Creek Water Source are the only water sources within the Plan area which have been identified as suitable for unregulated river high flow access licences. This Plan allows for a specified amount of unregulated river access licences to be converted to the unregulated river high flow access licences. However, at the commencement of this Plan, there are no existing access licences of this category, hence the 0 unit shares indicated.

31 Share component of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to extract water from these water sources will total 149 unit shares, distributed as follows:

- (a) 0 unit shares in the Arrawarra Creek Water Source,
- (b) 30 unit shares in the Boambee Creek Water Source,
- (c) 22 unit shares in the Bonville Creek Water Source,

- (d) 19 unit shares in the Coffs Creek Water Source,
- (e) 78 unit shares in the Corindi River Water Source,
- (f) 0 unit shares in the Dirty Creek Water Source,
- (g) 0 unit shares in the Double Crossing Creek Water Source,
- (h) 0 unit shares in the Korora Basin Water Source,
- (i) 0 unit shares in the Moonee Creek Water Source,
- (j) 0 unit shares in the Pine-Bundagaree Creek Water Source,
- (k) 0 unit shares in the Red Bank River Water Source,
- (l) 0 unit shares in the Station Creek Water Source, and
- (m) 0 unit shares in the Woolgoolga Creek Water Source.

32 Changes to total share components

This Plan recognises that the total requirements for water for extraction within these water sources may change during the term of this Plan as a result of:

- (a) the granting, surrender or cancellation of access licences,
- (b) the granting, surrender or cancellation of access licences through a dealing under Part 12 of this Plan,
- (c) the variation of local water utility licences under section 66 of the Act, and
- (d) any changes due to the volumetric conversion of [Water Act 1912](#) entitlements that are currently non-volumetric.

Part 8 Rules for granting access licences

33 Rules for granting access licences

- (1) This Part is made in accordance with sections 20 (2) (b), 61 and 63 of the Act, having regard to the limits to water availability in these water sources and the need to protect dependent ecosystems and water quality.
- (2) In addition to those applications for specific purpose access licences permitted under clause 19 of the [Water Management \(General\) Regulation 2004](#) (hereafter **the Regulation**), applications may also be made in these water sources for an access licence that may be granted in accordance with a dealing.

Note—

Section 61 (b) of the Act also allows a person to apply for an access licence with a zero share component and section 61 (c) of the Act allows for a person to apply for an access licence where the right to apply that

access licence has been acquired under section 65 of the Act.

- (3) An access licence of the subcategory “Aboriginal cultural” shall only be granted if the application does not exceed 10 ML/year.
- (4) A specific purpose access licence shall only be granted if the share or extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.

Note—

Any new access licence granted in these water sources may be subject to specific mandatory conditions as set out in Part 13 of this Plan.

Part 9 Rules for granting or amending water supply works approvals

Division 1 General

34 Granting or amending water supply works approvals

This Part is made in accordance with sections 21 (b) and 21 (e) of the Act.

35 Runoff harvesting dams

- (1) A water supply work approval for a runoff harvesting dam in these water sources shall not be granted if the dam capacity exceeds the volume equivalent to the share component for the access licence proposing to nominate the work.
- (2) If the share component of an access licence which nominates a water supply work which is a runoff harvesting dam is reduced either by the Minister, or on application of the access licence holder, or by a dealing under Part 12 of this Plan, the Minister shall amend the water supply work approval for the runoff harvesting dam to impose a condition requiring the dam to be modified so as to reduce its capacity, consistent with the reduction in share component of the access licence.

Note—

The taking of water from a runoff harvesting dam requires an access licence and a water supply works approval, except to the extent that the runoff harvesting dam is an owner or an occupier’s harvestable right entitlement under section 53 of the Act, in which case it will not require an access licence or water supply work.

Note—

Following the assignment of water allocations from a water allocation account of an access that nominates an approval for a runoff harvesting dam, the Minister may impose conditions requiring that runoff harvesting dam to by-pass flows.

36 In-river dams

A water supply work approval for a new in-river dam on a 3rd or higher order stream may be considered within these water sources consistent with the principles of the [Water](#)

Management Act 2000.

Note—

The practice of approving in-river dams is not endorsed and will only be considered under exceptional circumstances and in line with current legislation and policy.

Note—

Stream order is defined in the Dictionary.

Note—

The taking of water from an in-river dam requires an access licence unless it is taken in accordance with section 52 of the Act (domestic and stock rights). The construction and the use of an in-river dam requires a water supply work approval, unless it is exempted under the Act or the regulations, or it is being used for stock and domestic rights in which case a water supply work approval is required only for the construction of the in-river dam. All new or modified in-river dams require assessment under the *Fisheries Management Act 1994*.

Division 2 Water supply works used to take water from the alluvial sediments in these water sources

37 Rules for granting or amending approvals for water supply works used to take water from the alluvial sediments in these water sources

This division is made in accordance with sections 21 (c) and 21 (e) of the Act.

Note—

The taking of groundwater results in the draw down of water levels in the water source in vicinity of the extraction. Extraction may result in unacceptable water level declines in other water supply works/bores close by, increasing the pumping costs associated with this extraction, or even cutting off supply altogether. It may interfere with the results of the regional water level monitoring undertaken by the Department. It may also lower the water levels in groundwater dependent ecosystems and cultural features close by. Finally, it may mobilise contaminated groundwater in the area, drawing it towards a point of extraction. It is important, therefore, to manage the location at which groundwater is extracted to minimise these local impacts, by applying a minimum distance conditions to water supply works.

38 Rules for granting or amending water supply works approvals

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
 - (a) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
 - (b) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
 - (c) 100 metres from the property boundary,

(d) 500 metres from a water supply works being constructed or used to take water from alluvial sediments in these water sources by a local water utility or a major utility, or

(e) 400 metres of a Departmental observation or monitoring bore.

Note—

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

(2) The distance restrictions specified in subclause (1) do not apply where the application:

(a) relates to a water supply work which is constructed or used solely for the purpose of exercising basic landholder rights,

(b) is for a replacement bore, or

Note—

Replacement bore is defined in the Dictionary.

(c) relates to a water supply work which is to be constructed or used to take water from the alluvial sediments in these water sources for monitoring, environmental management purposes, or remedial works.

(3) Where the distance restrictions specified in subclause (1) cannot be met, a water supply work approval may be granted provided:

(a) a hydrogeological study undertaken by the applicant, and assessed as adequate by the Department, demonstrates that the water supply work will have no more than minimal impacts on the existing licenced taking of water from the water source,

(b) all potentially affected persons in the near vicinity of the water supply work, holding an access licence or having a right under the Act to take water, have been notified by the applicant, and

Note—

These persons may include neighbouring access licence, approval holders or other persons having a right to take water in the near vicinity of the water supply work.

(c) any approval granted contains conditions setting out a process for remediation in the event that any more than minimal impact on existing extraction from the water source occurs in the future.

Note—

In some water sources the general size of properties means that the application of exclusion distances would result in no new or replacement bores being able to be installed. Applicants must apply to the Department for special consideration in these instances.

- (4) The Minister may amend this Plan to alter the distance restriction in specified in this clause or add additional restrictions after year 5 of this Plan or if a temporary water restriction order is made in these water sources under section 324 (2) of the Act.

39 Rules for granting or amending water supply works approvals near contamination sources

- (1) A water supply work approval shall not granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister's satisfaction, that:
 - (i) a lesser distance will result in no more than minimal harm to the water source, and
 - (ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or
 - (b) a greater distance than in subclause (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.
- (2) A water supply work approval shall not be granted for a new water supply work to be constructed or used to take water from the alluvial sediments in these water sources for any purpose, except basic landholder rights, which is between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the applicant provides evidence, to the Minister's satisfaction, that no drawdown of groundwater within 100 metres of the respective contamination source will occur.

Note—

Schedule 3 is relevant to the granting of access licences and approvals for water supply works to be constructed or used to take water from the alluvial sediments in these water sources.

- (3) The distance restrictions specified in subclauses (1) and (2) do not apply to:
- (a) a water supply work to be constructed or used for monitoring, environmental management purposes or remedial works, or
 - (b) an application for a replacement bore.

Note—

Replacement bore is defined in the Dictionary.

- (4) The Minister may amend this Plan to include or remove a contamination source from Schedule 3, based on the results of a site inspection or any other relevant information

provided to the Minister.

- (5) Subclauses (1) and (2) may be applied by the Minister in relation to contamination sources not in Schedule 3, based on the results of a site inspection or other relevant information provided to the Minister.

40 Rules for granting or amending water supply works approvals near sensitive environmental areas

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (b) 200 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (c) 500 metres of a high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, or
 - (d) 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
 - (e) 40 metres of first and second order stream, unless the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres.

Note—

Subclause (1) will not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources at current or equal share component.

- (2) The distance restrictions specified in subclause (1) do not apply to:
- (a) a water supply work which is constructed or used for extracting water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works, or
 - (b) a water supply work which is constructed or used for taking water from the alluvial sediments in these water sources that is part of a bore network which is nominated by a major utility access licence, a local water utility access licence or an access licence of subcategory “town water supply”.

- (3) Where the distance restrictions specified in subclauses (1) (a) and (1) (b) cannot be met, a water supply work approval may be granted provided:
 - (a) a hydrogeological study is undertaken by the applicant, and assessed as adequate by the Department, and
 - (b) the applicant providing evidence that no drawdown of the groundwater at the outside edge of the perimeter of the groundwater dependent ecosystem in Schedule 4 will occur.
- (4) The restrictions specified in subclause (1) (e) on the drilling into the underlying parent material and the depth of slotted intervals may be amended if the applicant can demonstrate, to the satisfaction of the Department, that the water supply work to be constructed or used to take water from the alluvial sediments in these water sources will have no more than minimal impact on base flows in the stream.
- (5) Subclause 1 (d) and 1 (e) do not apply to a new water supply work which is constructed or used to take water from the alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 710 of the Act.
- (6) The Minister may amend this Plan to:
 - (i) alter the exclusion distances in subclause (1), during the term of this Plan, based on further studies of groundwater ecosystem dependency, or
 - (ii) include a new identified high priority groundwater dependent ecosystems in Schedule 4 during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
 - (iii) delete a high priority groundwater dependent ecosystem from Schedule 4 identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

Part 10 Limits to the availability of water

Division 1 Long-term average annual extraction limit

41 Limits to the availability of water

This Division is made in accordance with section 20 (2) (a) of the Act.

42 Extraction management units for these water sources

The availability of water to be taken from these water sources and the management of the long-term average annual extraction of water limit in these water sources will be undertaken in the Station Creek Catchment, the Corindi River Catchment, the Arrawarra Creek Catchment, the Woolgoolga Creek Catchment, the Double Crossing Creek

Catchment, the Moonee Creek Catchment, the Korora Basin, the Coffs Creek Catchment, the Boambee Creek Catchment and the Bonville Creek Catchment Extraction Management Units (hereafter **these Units**).

43 Long-term average annual extraction limit

The long-term average annual extraction limit for each of these Units is equal to the total of:

- (a) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 of the [Water Act 1912](#) in the Unit, immediately prior to the commencement of this Plan, plus
- (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Unit at the commencement of this Plan, plus
- (c) the sum of share components of access licences granted in the Unit under the Regulation, and Part 8 of this Plan and any transitional regulations made pursuant to this Plan.

44 Variation of the long-term average annual extraction limits

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or through a dealing under Part 12 of this Plan.
- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.
- (3) The long-term average annual extraction limit for the Corindi River Catchment and the Bonville Creek Catchment Extraction Management Units may vary upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (4) The variation in subclause (3) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

45 Assessment of the long-term average annual extraction limit

- (1) This clause applies from the third year of this Plan.
- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units will be assessed each water year to determine if the long-term average annual extraction limit established by clause 43 for each extraction management unit has been exceeded.

- (3) The assessment referred to in subclause (2) is to be based on a comparison of the water extracted in the current water year in these Units, against the average extraction within these Units over the preceding 2 water years.

46 Compliance with the long-term average annual extraction limits

Note—

Compliance with the long-term average annual extraction limit is managed through the making of available water determinations, under section 59 of the Act, for access licences in these water sources. The rules for making the available water determinations contained in Division 2 of this Part, are subject to this clause.

- (1) If the assessment in clause 45 determines that the long-term average annual extraction limit for any extraction management unit in these water sources established under clause 43 has been exceeded by 5% or greater, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be reduced as necessary to return total water extraction under basic landholder rights and access licences in the respective extraction management unit to the long-term average annual extraction limit.
- (2) If the assessment in clause 45 determines that the long-term average annual extraction limit for any extraction management unit in these water sources is less than 95% of the respective long-term average annual extraction limit established for any extraction management unit in these water sources under clauses 43, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences, and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be increased as necessary to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to increase to the long-term average annual extraction limit.
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences shall be the same.
- (4) Any reduction or increase to the available water determinations made Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, in these water sources under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to return to the long-term average annual extraction limit.
- (5) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 43, the taking of water pursuant to an access

licence that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

Division 2 Available water determinations

47 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

Note—

Section 59 (1A) of the Act provides that an available water determination that is made in relation to a particular category of access licence applies to all subcategories of that category, except to the extent to which it otherwise provides.

Where the long-term average annual extraction limit in these water sources has been exceeded, or not reached, by 5% or more, then available water determinations for certain access licences in these water sources will be increased or reduced in accordance with Division 1 of this Part, to allow extraction to return to the long-term average annual extraction limit.

48 Available water determinations for domestic and stock access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for domestic and stock access licences in these water sources, should be for 200% of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for domestic and stock access licences in these water sources and should, where possible, be for 100% of access licence share component.

49 Available water determinations for local water utility access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for local water utility access licences in these water sources, should be for

200% of access licence share component.

- (2) The available water determination made at the commencement of each subsequent water year for local water utility access licences in these water sources and should, where possible, be for 100% of access licence share component.

50 Available water determinations for unregulated river access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres per unit share of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river access licences in these water sources and should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 46.

51 Available water determinations for unregulated river (high flow) access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river (high flow) access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river (high flow) access licences in these water sources should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 46.

52 Available water determinations for aquifer access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for aquifer access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for aquifer access licences in these water sources should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 46.

Part 11 Rules for managing access licences

Division 1 General

53 Rules for managing access licences

This Part is made in accordance with sections 20 (2) (b), 21 (a) and 21 (c) of the Act, having regards to:

- (a) environmental water provisions in this Plan,
- (b) requirements for water to satisfy basic landholder rights, and
- (c) requirements for water for extraction under access licences.

Division 2 Water allocation account management

54 Individual access licence account management rules

- (1) Water taken by a nominated water supply work under an access licence will be debited against the water allocation account for the access licence.

Note—

The volume of water extracted by a nominated water supply work is used to account for the extractions against an individual access licence water allocation account.

It is an offence under the Act to take water when there is no, or insufficient water allocations credited to a water allocation account for an access licence.

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources in any 3 consecutive water years may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in those years,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources in the first 3 water years of this Plan may not exceed a volume equal to:
 - (a) 3 times the access licence share component (for access licences with share

- components expressed as megalitres per year), or 3 megalitres per unit share of access licence share component (for access licences with share components expressed as a number of unit shares),
- (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (5) The maximum water allocation that can be carried over in the accounts of a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources from one water year to the next shall be equal to:
- (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) If water that, pursuant to an access licence in these water sources is committed as adaptive environmental water to be left in a water source for environmental purposes, then the water allocation taken under that access licence shall be assumed to be 100% of the available water determination made in Division 2 Part 10 of this Plan.

Division 3 Sharing surface water flows on a daily basis

55 Sharing surface water flows on a daily basis

This Division is made in accordance with sections 20 (2) (b) and 21 (a) of the Act.

56 Total daily extraction limits

- (1) At the commencement this Plan, total daily extraction limits (hereafter **TDELS**) have not been established in these water sources.
- (2) Following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 67 of this Plan, the Minister may amend this Plan to amend subclause (1) to establish a TDEL for A Class in the relevant water source or management zone.
- (3) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELS in the relevant water

source or management zone.

Note—

TDELs referred to in subclauses (2) and (3) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

57 Initial assignment of the TDEL to categories of access licence

At the commencement this Plan, no TDELs will be initially assigned to any category of access licence in these water sources.

58 Unassigned TDEL

At the commencement this Plan, there is no unassigned TDEL in these water sources.

59 Granting of unassigned TDEL

At the commencement of this Plan, there is no unassigned TDEL in these water sources, therefore rules to grant unassigned TDELs are not specified.

60 Individual daily extraction limits for access licences

At the commencement of this Plan, there are no individual daily extraction limits (hereafter **IDELs**) established or assigned to access licence holders in these water sources.

61 Amendments to this Plan for the purposes of sharing of surface water flows on a daily basis

- (1) This Part may be amended for the purpose of enabling the sharing of surface water flows on a daily basis.
- (2) Any such amendment may include, but need not be limited to:
 - (a) the establishment or modification of TDELs in these water sources,
 - (b) the establishment or modification of IDELs for access licences in these water sources,
 - (c) the establishment or modification of approved groups and rules to govern the operation of those groups, with respect to TDELs or IDELs in these water sources,
 - (d) the imposition, removal or modification of mandatory conditions, or
 - (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

62 Access to the Very Low Flow Class in these water sources

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 72 of this Plan.

Note—

Clause 84 provides for amendments to Schedule 2.

Division 4 Management of surface and groundwater connectivity

63 Access licences which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources

- (1) Except for an aquifer access licence referred to in subclause (2), all aquifer access licences in these water sources which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located at or less than 40 metres from the top of the high bank of a river, shall, from year six of this Plan, be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (2) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under Part 12 of this Plan, shall be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (3) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the local water utility access licence.
- (4) A mandatory condition imposed on an unregulated river access licence under clause 71 of this Plan which requires a visible flow at the pump site shall, for the purposes of an aquifer access licence or a local water utility access licence to which this clause applies, be taken to mean a visible flow in the river immediately adjacent to the water supply work nominated by the aquifer access licence or the local water utility access licence.

Part 12 Access licence dealing rules

64 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) An access licence dealing may only be made in accordance with the water

management principles, the access licence dealing rules established by this Plan and any access licence dealing principles order which is in force under section 71Z of the Act.

- (3) If permitted pursuant to the principles and rules referred to in subclause (2), an access licence with an adaptive environmental water condition in these water sources may be the subject of an assignment dealing under section 71T of the Act, but only to the extent that any part of the water allocation of an access licence which is subject to an adaptive environmental water condition is not required to meet the adaptive environmental water condition.
- (4) If permitted pursuant to the principles and rules referred to in subclause (2), an access licence with an adaptive environmental water condition in these water sources may be the subject of a dealing, provided that the benefit to the environment provided for in the adaptive environmental condition remains the same.

Note—

There are a number of mechanisms within the Act, called access licence dealings, to change either the holder of all or part of an access licence, or the location within a water source at which all or part of the share and extraction components of access licences can be exercised.

Note—

Where there is an inconsistency between access licence dealing rules established in this Plan and Minister's access licence dealing principles gazetted subsequent to the commencement of this Plan, section 71Z of the Act provides for the Minister's access licence dealing principles to prevail.

65 Rules relating to constraints within these water sources

- (1) This clause applies to any dealings under sections 71Q, 71S, 71T and 71W of the Act within these water sources.
- (2) Dealings specified in subclause (1) are prohibited if:
 - (a) the dealing would result in the amount of total extraction of water from the alluvial sediments in these water sources, under aquifer access licences which nominate a water supply work used to take water from alluvial sediments in these water sources, plus basic landholder rights extractions, requiring a temporary water restriction order to be made under section 324 (2) of the Act,
 - (b) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an aquifer access licence that nominates a water supply works which may be used to take water from the alluvial sediments in these water source, which is located more than 40 metres from the top of the bank of a river to a water supply works which may be used to take water from the alluvial sediments in these water source, which is located within 40 metres from the top of the bank of a river,

- (c) the dealing involves an assignment of access rights under section 71T of the Act, or an allocation assignment under section 71T of the Act from an unregulated river (high flow) access licence to an access licence of another category within these water sources,
- (d) the dealing involves an access licence that nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, which is located more than 40 metres from the top of the bank of a river being amended under section 71W of the Act to nominate a water supply work which may be used to take water from the alluvial sediment in these water sources which is located within 40 metres from the top of the bank of a river, and
- (e) the access licence dealing involves an access licence that nominate a water supply works which may be used to take water from the alluvial sediments in these water sources to nominate a water supply work which may be used to take water from the alluvial sediment in these water sources which is located within the distance restrictions under clauses 38, 39 and 40 of this Plan.

66 Rules for change of water source

- (1) This clause relates to dealings under section 71R and 71W of the Act.

Note—

Section 71R dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been affected, if permitted, the new license will have to nominate specified works (by a dealing under section 71W of the Act) in the receiving water source before extraction can commence.

- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if:
- (a) the dealing is into the Arrawarra Creek Water Source, the Boambee Creek Water Source, the Coffs Creek Water Source, the Corindi River Water Source, the Dirty Creek Water Source, the Double Crossing Creek Water Source, the Korora Basin Water Source, the Moonee Creek Water Source, the Red Bank River Water Source, the Station Creek Water Source and the Woolgoolga Creek Water Source,
 - (b) the dealing is into the Bonville Creek Water Source from any water sources, except the Pine-Bundagaree Creek Water Source, and
 - (c) the dealing is into the Pine-Bundagaree Creek Water Source from any water sources, except Bonville Creek Water Source.
- (3) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71R and 71W of the Act to change the water source to which

an access licence applies are prohibited in these water sources if the dealing would result in the total extraction pursuant to access licences which nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, plus basic landholder rights extraction requiring a temporary water restriction order to be made under section 324 (2) of the Act.

- (5) Unless the application is for a replacement water supply work which may be used to take water from the alluvial sediments in these water sources that is part of a bore network for a local water utility or town water supply or a new water supply works which may be used to take water from alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act and clause 67 of this Plan, consent to a nominated work under section 71W, is not to be granted in these groundwater sources, if it would result in a water supply work which may be used to take water from the alluvial sediments in these water sources being authorised to extract water within 40 metres of the top of the high bank of a river.
- (6) An access licence with a share component specifying a water source outside of these water sources may be cancelled and a new licence issued in a water source in these water sources only if:
 - (a) the access licence cancelled is in a water source that is within the Woolli Creek Extraction Management Unit or Sandon River Extraction Management Unit, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (7) The share component on any access licence issued under this clause is to be equal to the cancelled access licence share component.
- (8) The extraction component of any cancelled access licence is not to be carried over to the new access licence.

67 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71O of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is permitted only if the conversion is from:
 - (a) an unregulated river access licence to an aquifer access licence, or
 - (b) an unregulated river access licence to an unregulated river high flow access licence in the Bonville Creek Water Source, and the Corindi River Water Source.
- (3) For any conversion of an access licence under subclauses (2) (a) and 2 (b), the access licence being converted shall be cancelled and a new licence issued.

- (4) The share component on an access licence issued under subclause 2 (a) is to be equal to the cancelled access licence share component.
- (5) The volume of share component on an access licence issued under subclause (2) (b) is to be equal to 2.5 times the cancelled access licence share component.
- (6) The Plan establishes the following limits for the total amount of all access licence share component that may be converted to unregulated river (high flow) access licences under subclause (2) (b):
 - (a) 46 unit shares in the Bonville Creek Water Source, and
 - (b) 104 unit shares in the Corindi River Water Source.

Note—

Approval for conversion of an unregulated river access licence to an unregulated river (high flow) access licence will be subject to assessment of the application in regard to the level of impact of the proposed conversion. This should include consideration of the potential impact on high flow (e.g. flows greater than the 50th percentile flow) values, and any potential impact on the water source as a whole.

68 Rules for interstate access licence transfer and assignment of water allocation

- (1) This clause relates to dealings under section 71U and 71V of the Act.
- (2) Dealings that result in the interstate transfer of an access licence into or out of these water sources, or the interstate assignment of water allocations to or from these water sources are prohibited.

69 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act.
- (2) Dealings under section 71T that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of the water sources are prohibited in these water sources if the dealing would result in the total extraction under access licences through nominated water supply works which may be used to take water from alluvial sediments in these water sources, plus basic landholder rights extraction, requiring a temporary water restriction order to be made under section 324 (2) of the Act.
- (3) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited if:
 - (a) the dealing is into the Arrawarra Creek Water Source, the Boambee Creek Water Source, the Coffs Creek Water Source, the Corindi River Water Source, the Dirty Creek Water Source, the Double Crossing Creek Water Source, the Korora Basin Water Source, the Moonee Creek Water Source, the Red Bank River Water Source,

the Station Creek Water Source and the Woolgoolga Creek Water Source,

(b) the dealing is into the Bonville Creek Water Source from any water sources, except the Pine-Bundagaree Creek Water Source, and

(c) the dealing is into the Pine-Bundagaree Creek Water Source from any water sources, except Bonville Creek Water Source, and.

(d) the dealing involves an unregulated river (high flow) access licence.

(4) Dealings that assign water allocations to or from an access licence inside one of the water sources to or from a water source outside these water sources, but inside the Woolli River Extraction Management Unit or the Sandon River Extraction Management Unit, are permitted only if the access licence dealing rules in the other water source permit such a dealing.

Part 13 Mandatory conditions

Division 1 Mandatory conditions on access

70 Mandatory conditions on access licences

(1) This Division is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.

(2) All access licences in these water sources must have mandatory conditions to give effect to the following:

(a) water must not be taken pursuant to an access licence otherwise than:

(i) by means of a water supply work nominated on the access licence, as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,

(ii) in accordance with the conditions specified on the water supply work approval for the nominated water supply work,

(b) water must not be taken pursuant to an access licence in excess of the volume of water allocated to, or assigned to, or recredited to the water allocation account for that access licence,

(c) the water allocation account management rules in Division 2 of Part 11 of this Plan,

(d) any other conditions required to implement the provisions of this Plan.

71 Mandatory conditions relating to the taking of water

(1) Subject to subclause (2), in these water sources, water must not be taken pursuant to

an access licence, if any of the following apply:

- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when the Very Low Flow Class applies in the water source specified on the access licence, subject to clause 72 of this Plan,
- (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
- (c) when there is no visible flow in the water source in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.

(2) Subclause (1) does not apply to:

- (a) unregulated river (high flow) access licences,

Note—

See subclause (3) below.

- (b) aquifer access licences in these water sources,

Note—

See subclause (4) below.

- (c) local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources,

Note—

See subclause (5) below.

- (d) access licences which nominate a water supply work which is a runoff harvesting dam, but only in relation to water taken using the runoff harvesting dam,

- (e) access licences which nominate a water supply work which is an in-river dam, but only if the in-river dam is passing or releasing the amount of all inflows into the in-river dam,

(3) All unregulated river (high flow) access licences in these water sources must have a mandatory condition specifying that water must not be taken, if any of the following apply:

- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the water source are below B Class,
- (b) if the access licence replaces a *Water Act 1912* entitlement which contained a

cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that [Water Act 1912](#) entitlement,

- (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool when there is no visible inflow and outflow to and from that pool.
- (4) All aquifer access licences in these water sources must have mandatory conditions to give effect to clause 63 of this Plan.
 - (5) All local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources, must have a mandatory condition to give effect to clause 63 (3) of this Plan.

72 Mandatory conditions for access to the Very Low Flow Class

- (1) This clause only applies to:
 - (a) an access licence which replaces a [Water Act 1912](#) entitlement listed in Schedule 2 of this Plan, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan,
 - (b) a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence which replaces a [Water Act 1912](#) entitlement that allowed water to be taken in the Very Low Flow Class, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan.
- (2) A local water utility access licence to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence:
 - (a) for the purposes of town water supply only, and
 - (b) only until major augmentation to the utility’s water supply work(s) has taken place.
- (3) For the purposes of subclause (2), major augmentation includes anything which enhances or increases the local water utility’s capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility’s existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.
- (4) An access licence to which this clause applies, other than a local water utility access licence, a domestic and stock access licence or a domestic and stock (subcategory

“domestic”) access licence, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for any of the following purposes only:

- (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purpose of hygiene.
- (5) The maximum daily volume that may be taken under subclause (4) must:
- (a) be the minimum required to satisfy the purpose,
 - (b) be specified on each access licence, and
 - (c) not exceed 20 kilolitres per day.
- (6) Once specified under subclause (5) (b), the maximum daily volume must not be increased.
- (7) For the first three years of this Plan only, a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence to which this clause applies, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for domestic consumption only.

Note—

Domestic consumption is defined in section 52 of the Act.

73 Mandatory conditions on domestic and stock access licences

In addition, all domestic and stock access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence for the purposes of domestic consumption or stock watering.

Note—

Domestic consumption and stock watering are defined in section 52 of the Act.

74 Mandatory conditions on aquifer access licences

In addition, all aquifer access licences in these water sources must have a mandatory condition which specifies that water must only be taken from an aquifer in these water sources.

75 Mandatory conditions on Aboriginal cultural access licences

In addition, all access licences of the subcategory “Aboriginal cultural” in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

76 New access licences granted in these water sources

- (1) In addition, new access licences granted in these water sources must have a mandatory condition specifying that water must not be taken unless flows exceed a level or flow class which is specified on the access licence if it is a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act.
- (2) In addition, the following new access licences granted in these water sources, pursuant to Part 8 of this Plan, must have a mandatory condition which specifies that water must not be taken when flows in the water source specified on the access licence are below B Class:
 - (a) a new local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (b) an access licence with a zero share component, which specifies a water source in which B Class is established under clause 17 (1) of this Plan.

Division 2 Mandatory conditions on water supply work approvals

77 Mandatory conditions on all water supply work approvals (except works taking water from the alluvial sediments)

- (1) All water supply work approvals which authorise the construction or use of a water supply work in these water sources, other than a water supply work approval which authorises the construction or use of a water supply works to take water from the alluvial sediments in these water sources, must have mandatory conditions to give effect to the following:
 - (a) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (b) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,

- (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister,
 - (c) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
 - (d) the water supply work must not be used to take water, if any of the following apply:
 - (i) if the water supply work approval replaces a [Water Act 1912](#) entitlement which contained a cease to pump limit, when flows in the water source are equal to or less than the cease to pump limit (if any) specified on that [Water Act 1912](#) entitlement,
 - (ii) when there is no visible flow in the water source in the immediate downstream vicinity of the water supply work or, where the water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool, and
 - (e) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval which authorises the construction or use of a water supply work which is an in-river dam in these water sources must include a mandatory condition requiring the in-river dam to pass or release such flows as the Minister determines to be appropriate.
- (3) A new water supply work approval granted pursuant to clause 38 (3) must have a mandatory condition to give effect to clause 38 (3) (c) of this Plan.
- (4) A water supply work approval which authorises the construction or use of a water supply work which is a runoff harvesting dam in these water sources must, if the share component of the access licence that nominates the water supply work is reduced, be amended to impose a mandatory condition to give effect to clause 35 (2) of this Plan.

78 Mandatory conditions on approvals for water supply works taking water from the alluvial sediments in these water sources

A water supply work approval which authorises the construction or use of a water supply work to take water from the alluvial sediments in these water sources must have mandatory conditions to give effect to the following:

- (a) the approval holder must not construct the work, or cause or allow the work to be constructed, unless the construction is carried out by a person holding a current driller's licence issued pursuant to the [Water Act 1912](#) or the [Water Management Act 2000](#), which is of a class that allows construction of the work to be constructed,
- (b) the approval holder must ensure that the construction of the work complies with:
 - (i) the construction standards prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2003*, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any standards or requirements, in accordance with those standards or requirements (if any) specified by the Minister,
 - (iii) must prevent contamination between aquifers through appropriate construction,
- (c) the approval holder must ensure that any work which is decommissioned or abandoned complies with:
 - (i) the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2003*, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any other standards or requirements, in accordance with the standards or requirements (if any) specified by the Minister,
- (d) within 2 months of the decommissioning or abandonment of the work, the approval holder must notify the Minister that the work has been decommissioned or abandoned in accordance with paragraph (c),
- (e) any new or replacement bore to take water for basic landholder rights must be constructed to a sufficient depth to ensure that access to water is not unacceptably impacted by other authorised extractions,
- (f) the approval holder must, within 2 months of completion of the construction of the work, or within 2 months after the issue of the approval if the work is existing, submit to the Department the following:
 - (i) the completed approved form,
 - (ii) details of the location of the work on a copy of the lot and deposited plan, its GPS reference, and the respective distance(s) of the work from the property boundaries,
 - (iii) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests as required by the Minister,

- (g) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Department,
 - (ii) ensure that such water is sealed off by:
 - (1) inserting casing to a depth sufficient to exclude the saline or contaminated water from the work,
 - (2) if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister,
 - (iii) if the Minister has specified any other requirements, comply with the requirements (if any) specified by the Minister,
- (h) the approval holder must supply to the Minister on request, and to the required standard, a report pertaining to the quality of any water obtained from the work,
- (i) the work must be constructed within 3 years of the approval being granted,
- (j) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
- (k) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister.
- (l) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (m) if the water supply work approval replaces a [Water Act 1912](#) entitlement which contained a limit(s) on the amount of water that may be taken through the work, the

water supply work must not be used to take more water than the limit(s) (if any) contained on the [Water Act 1912](#) entitlement,

(n) any other conditions required to implement the provisions of this Plan.

79 Mandatory conditions for existing water supply works taking water from the alluvial sediments in these water sources

- (1) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within 500 metres of a contamination source identified in this Plan, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.
- (2) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within the distance criteria specified in clauses 38, 39 or 40, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.

Part 14 Amendment of this Plan

80 Amendment of this Plan

- (1) This Plan may be amended as specified in this Plan, pursuant to section 45 of the Act.
- (2) Any amendment to this Plan, that is authorised by a provision of this Plan, which results in a variation to the bulk access regime, is an amendment authorised by this Plan for the purposes of section 87 (2) (c) of the Act.

81 Amendments due to floodplain harvesting

This Plan may be amended to provide for the floodplain harvesting of water, subject to the amendments not affecting the outcomes of the long-term average annual extraction limit specified within this Plan.

Note—

This means that this Plan can be changed to issue and manage floodplain harvesting licences provided that the long-term average annual extraction limit (LTAAEL) does not increase or decrease. Floodplain harvesting in coastal systems is limited compared to inland systems. By not amending the LTAAEL with the granting of these licences, coastal systems are being consistent with inland systems where growth is managed within the existing LTAAEL.

82 Amendments for alluvial aquifers downstream of the tidal limit

The Minister may amend this Plan, where required, to include provisions and rules for any alluvial aquifer that is downstream of the tidal limit and within or outside of the area of this Plan.

83 Amendments for stormwater harvesting

The Minister may amend this Plan to include rules for any new category of access licence established under the Act for the purpose of stormwater harvesting.

84 Amendments in relation to Schedule 2 (Very Low Flow)

The Minister may amend this Plan to:

- (a) add a [Water Act 1912](#) entitlement to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in this clause and the purpose existed prior to 1 July 2008, or
- (b) remove a [Water Act 1912](#) entitlement from Schedule 2, if:
 - (i) any access licence dealing results in water being extracted, under the access licence which replaced the [Water Act 1912](#) entitlement, from a different location, or
 - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
 - (iii) the access licence which replaced the [Water Act 1912](#) entitlement is surrendered or cancelled.
- (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences.

Dictionary

The following definitions apply to this Plan in addition to the definitions set out in the Act:

drawdown refers to a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

flow gauging station is a device that is used to measure the height of a river or flow in a river.

groundwater is water that occurs beneath the ground surface in the saturated zone.

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

high priority groundwater dependent ecosystems include groundwater dependent ecosystems

which are considered high priority for protection or restoration.

in-river dam is a dam located in or on a river.

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

management zone is an area within the surface water source in which daily extraction limits may be defined or where dealing restrictions are approved. Management zones may be designated where the surface water source to which the plan applies is divided into areas and total daily extraction limits are defined for each area. They may also be designated where local dealing restrictions are in place.

mangrove limit has the same meaning as defined in the 'DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2003' (NSW Dept of Commerce, Manly Hydraulics Laboratory) 2005.

monitoring bore refers to a bore constructed for the purpose of measuring water levels and/or taking samples for water quality analysis.

recharge is the addition of water, usually by infiltration, to an aquifer.

registered plan for these water sources means the registered plan called The Coffs Harbour Area Unregulated and Alluvial Water Sources (WSP004) maintained by the Department.

Note—

An overview of the registered plan is shown in Appendix 1. Copies of the registered plan may be inspected at offices of the Department listed in Appendix 2.

replacement bore, for the purposes of this Plan, refers to the replacement of an existing water supply work constructed or used to take water from the alluvial sediments in these water sources, where the share component for the access licence nominating the water supply work has not increased and is within the specifications of the water supply work approval, provided that:

- (a) the replacement water supply work is within 20 metres of the existing water supply work,
- (b) the water supply work approval does not compromise any other rules for granting water supply works being used to take water from alluvial sediments in these water sources,
- (c) the water supply work approval will be subject to the provisions relating to the amendment of an approval under section 107 of the Act.

runoff harvesting dam is a privately owned dam that captures surface or rainfall runoff.

Note—

The taking of water from a runoff harvesting dam requires an access licence and a water supply work approval, except to the extent that the runoff harvesting dam is within an owner or an occupier's harvestable rights entitlement under section 53 of the Act, in which case it will not require an access licence or water supply work approval.

stream order is defined by the Strahler stream ordering method.

Note—

The Strahler stream ordering methods is explained as follows.

- Starting at the top of a catchment, any watercourse that has no other watercourses flowing into it is classed as a 1st order

watercourse,

- Where two 1st order watercourses join, the watercourse becomes a 2nd order watercourse,
- If a 2nd order watercourse is joined by a 1st order watercourse - it remains a 2nd order watercourse,
- When two or more 2nd order watercourses join they form a 3rd order watercourse, and
- A 3rd order watercourse does not become a 4th order watercourse until it is joined by another 3rd order watercourse and so on.

Note—

The Strahler stream ordering method is described in the order made under section 5 of the [Water Act 1912](#) published in the NSW Government Gazette no. 37 on 24 March 2006 page 1500, or as may be amended or updated from time to time by further order.

tidal limit has the same meaning as defined in the '*DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2003*' (NSW Dept of Commerce, Manly Hydraulics Laboratory) 2005.

tidal pool is defined, for the purposes of this Plan, as the area of water between the upper mangrove limit and the lower tidal limits.

Note—

Mangrove limit and tidal limit are defined in the '*DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2003*' (NSW Dept of Commerce, Manly Hydraulics Laboratory).

total daily extraction limit (TDEL) is described in clause 56 of this Plan.

visible flow is the continuous downstream movement of water that is perceptible to the eye.

water year means a year commencing 1 July.

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists [Water Act 1912](#) licences from which access licences will be derived upon commencement of the WSP.

Note—

At the commencement of this Plan there are 21 licences included in this schedule.

Water Act Licences (Local Water Utilities)

30SL028313

Water Act Licences (Non Local Water Utilities)

30SL066459

30SL065708

30SL066326

30SL066420

30SL066682

30SL042409

30SL052102

30SL066426

30SL065350

30SL032016

30SL066429
30SL065355
30SL066430
30SL066314
30SL066294
30SL066197
30SL065703
30SL041947
30SL066438
30SL066363

Schedule 3 Contamination sources in the Coffs Harbour Area Unregulated and Alluvial Water Sources

Contamination sources in these water sources include:

- (a) on site sewage disposal systems or septic tanks,
- (b) any sites where contamination has been assessed as presenting a significant risk of harm under [Contaminated Land Management Act 1997](#),
- (c) any sites with a historical use listed in Table 1 of “*Managing Land Contamination. Planning Guidelines. SEPP 55—Remediation of Land*”, and
- (d) any relevant sites listed in an agency database relating to contamination sources.

Schedule 4 High priority groundwater dependent ecosystems

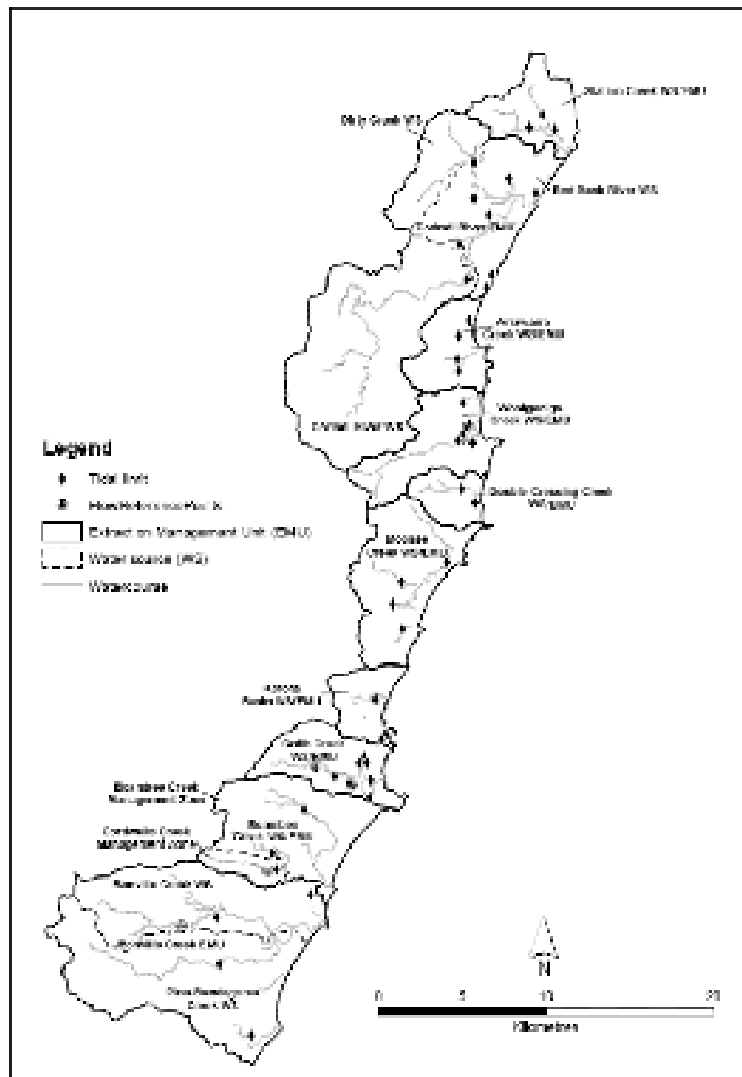
At the commencement of this Plan, no high priority groundwater dependent ecosystems or high priority karst environment groundwater dependent ecosystems have been identified in this Schedule.

Note—

High priority groundwater dependent ecosystems are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Department’s GDE Register and as a precautionary approach, will be considered by staff in the assessment of any works approval within the plan area. If verified as high priority groundwater dependent ecosystems, the Schedule will be amended to include further GDEs.

Appendix 1 Coffs Harbour Area Unregulated Water Sources, and the Station Creek Catchment, the Corindi River Catchment, the Arrawarra Creek Catchment, the Woolgoolga Creek Catchment, the Double Crossing Creek Catchment, the Moonee Creek Catchment, the Korora Basin, the Coffs Creek Catchment, the Boambee Creek Catchment and the Bonville Creek Catchment Extraction

Management Units



Appendix 2 Location of registered plans

Copies of the registered plans in relation to this Plan may be inspected at:

Department of Water and Energy
10 Valentine Ave
PARRAMATTA NSW 2150

Department of Water and Energy
76 Victoria Street
GRAFTON NSW 2460

Department of Water and Energy
AMP Centre
24 Gordon Street

COFFS HARBOUR NSW 2450