

Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003

[2003-174]



New South Wales

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

Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) (not commenced — to commence on 6.7.2012)
- **Note**
In incorporating the amendments made by the *Water Management (Minister's Plans) Order No 2 of 2004*, published in Gazette No 110 of 1.7.2004, p 5072, changes have been made to the numbering of some of the provisions to maintain appropriate numerical or alphabetical order.

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](#).

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Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003



New South Wales

Contents

Part 1 Introduction	7
1 Name of Plan	7
2 Nature and status of this Plan	7
3 Date of commencement	7
4 Area to which this Plan applies	7
5 Waters to which this Plan applies	8
6 Interpretation	8
7 Effect on licences, authorities and permits under the Water Act 1912	9
8 State Water Management Outcomes Plan	9
Part 2 Vision, objectives, strategies and performance indicators	9
9 Vision, objectives, strategies and performance indicators.....	9
10 Vision.....	9
11 Objectives.....	10
12 Strategies	10
13 Performance indicators.....	11
Part 3 Basis for water sharing	12
14 Basis for water sharing	12
15 Climatic variability.....	12
16 Extraction management unit for the surface water source	12

17 Flow classes for the surface water source	12
18 Flow reference point for the surface water source	14
19 Determination of flow class for the surface water source.....	14
20 Recharge for the groundwater source	14
Part 4 Environmental water provisions	14
21 Environmental water provisions	14
22 Planned environmental water.....	14
23 Extraction by water supply work	17
24 Planned environmental water.....	17
25 Adaptive environmental water	17
Part 5 Basic landholder rights	18
26 Basic landholder rights	18
27 Domestic and stock rights	18
28 Native title rights.....	19
29 Harvestable rights	19
Part 6 Bulk access regime	19
30 Bulk access regime.....	19
Part 7 Requirements for water under access licences	20
31 Requirements for water under access licences	20
32 Estimate of water requirements	20
Part 8 Rules for granting access licences	20
33 Rules for granting access licences.....	20
34 Aboriginal assessment of new access licences.....	22
Part 9 Limits to the availability of water	23
Division 1 Long-term average extraction limit	23
35 Limits to the availability of water	23
36 Extraction management unit for the surface water source	23
37 Long-term average extraction limits.....	23
38 Variation of the long-term average extraction limits	23

Division 2 Available water determinations	23
39 Available water determinations	23
Part 10 Rules for managing access licences	26
Division 1 General	26
40 Rules for managing access licences	26
Division 2 Water allocation account management	26
41 Water allocation account management.....	26
42 Water allocation accounts	26
43 Accrual of water allocations.....	27
44 Annual accounting for water extraction.....	27
45 Three year accounting for surface water extraction.....	27
Division 3 Sharing surface water flows on a daily basis	28
46 Sharing surface water flows on a daily basis	28
47 Total daily extraction limits.....	28
48 Initial assignment of the TDEL to categories of access licences.....	30
49 Unassigned TDEL.....	32
50 Daily extraction limits for individual access licence holders.....	33
51 Granting of unassigned TDEL	33
52 Adjustment to TDELS and IDELS.....	35
53 Administrative arrangements for managing access to daily flows.....	36
54 Infrastructure failure in this surface water source	37
Division 4 Management of local impacts in the groundwater source	37
55 Management of local impacts in the groundwater source.....	37
56 Extraction interference between neighbouring bores.....	37
57 Water level management	38
58 Water quality management	38
59 Protection of groundwater dependent ecosystems	39
60 Extraction restrictions	40
61 Group registration	40
62 Infrastructure failure in this groundwater source.....	41

Part 11 Access licence dealing rules	41
63 Access licence dealing rules	41
64 Rules relating to constraints within this surface water source.....	41
65 Rules relating to constraints within this groundwater source	42
66 Rules for access licence dealings which alter the times, rates or circumstances specified in access licence extraction components	42
67 Rules for change of surface water source.....	43
68 Rules for conversion of access licence category.....	43
69 Rules for interstate access licence transfer	44
70 Rules for water allocation assignments between water sources	44
71 Rules for interstate assignment of water allocations	44
Part 12 Mandatory conditions	45
72 Mandatory conditions on access licences	45
73 Very low flow access conditions in the surface water source	46
74 Unregulated river access licences	47
75 Local water utility access licences.....	47
76 Domestic and stock access licences.....	48
77 Runoff harvesting access licences	48
78 Unregulated river and aquifer (Aboriginal cultural) access licences	48
79 Unregulated river (research) and aquifer (research) access licences	49
80 Unregulated river (Aboriginal commercial) access licences	49
81 Mandatory conditions on water supply works approvals	49
Part 13 Granting and amending water supply works approvals	52
82 Granting and amending water supply works approvals.....	52
83 Runoff harvesting dams.....	52
84 In-river dams	52
Part 14 Monitoring and reporting	52
85 Monitoring and reporting of performance indicators	52
Part 15 Amendment of this Plan	53
86 Amendment of this Plan	53

87 Amendment of very low flow provisions	53
88 Review of field verification	54
89 Other amendment of this Plan.....	55
90 Amendment relating to planned environmental water	55
91 Amendment of Plan relating to floodplain harvesting.....	55
Dictionary	56
Schedule 2 Dorrigo Plateau Surface Water Source	58
Schedule 3 Dorrigo Basalt Groundwater Source	58
Schedule 4 Rivers in the Dorrigo Plateau Surface Water Source	59
Schedule 5 Contribution to relevant targets in the December 2002 State Water Management Outcomes	60
Schedule 6 Nymboida River Catchment Extraction Management Unit	65
Schedule 7 Access licences with access to very low flows in the surface water source	65
Schedule 8 High priority groundwater dependent ecosystems	66
Schedule 9 Trading exclusion zones within Zone 2—Bielsdown River	67
Appendix 1 Upper North Coast and Mid North Coast Water Management Areas	67
Appendix 2 Location of maps	68
Appendix 3 Performance indicators	69
Appendix 4 (Repealed)	73

Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003



New South Wales

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003* (hereafter **this Plan**).

2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* as amended (hereafter **the Act**).
- (2) This Plan covers the core provisions of section 20 of the Act for water sharing, and additional provisions of section 21 of the Act, and other relevant matters.

3 Date of commencement

This Plan takes effect on 1 July 2004 and ceases 10 years after that date.

4 Area to which this Plan applies

- (1) The area in respect of which this Plan is made is that area of land within the Upper North Coast Water Management Area and the Mid North Coast Water Management Area known as the Dorrigo Plateau Surface Water Source (hereafter **this surface water source**) as shown on the map in Schedule 2 and the Dorrigo Basalt Groundwater Source (hereafter **this groundwater source**) as shown on the map in Schedule 3.
- (2) This surface water source and this groundwater source will hereafter be referred to collectively as **these water sources**.

Note—

The Upper North Coast Water Management Area and the Mid North Coast Water Management Area are shown on a map in Appendix 1.

Note—

Maps referred to in this Plan may be inspected at offices of the Department of Land and Water Conservation listed in Appendix 2.

- (3) This surface water source is divided into the following management zones shown on the map in Schedule 2:
- (a) Upper Nymboida River management zone (hereafter **Zone 1**),
 - (b) Bielsdown River management zone (hereafter **Zone 2**),
 - (c) Wild Cattle Creek management zone (hereafter **Zone 3**), and
 - (d) Blicks River management zone (hereafter **Zone 4**).

Note—

Daily extraction limits are defined for each management zone.

Note—

Specific conditions apply to access licence dealings within these management zones.

5 Waters to which this Plan applies

- (1) The waters of this surface water source include all water occurring on the land surface shown on the map in Schedule 2 including:
- (a) all rivers in this surface water source including, but not limited to, those nominated in Schedule 4, and
 - (b) all lakes and wetlands in this surface water source.
- (2) The waters of this surface water source exclude all water contained within aquifers underlying this surface water source.
- (3) The waters of this groundwater source, shown in Schedule 3, includes all water contained within the Dorrigo basalt aquifers.

6 Interpretation

- (1) Terms that are defined in the Act have the same meaning in this Plan and the effect of these terms may be explained in Notes.
- (2) Additional terms to those identified in subclause (1) are defined in Schedule 1.
- (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.

7 Effect on licences, authorities and permits under the [Water Act 1912](#)

- (1) This Plan applies from commencement to those matters that are administered under the Act at that time.
- (2) This Plan applies to other matters from the date the relevant provisions of the Act are commenced.

Note—

To the extent possible, the rules embodied in this Plan will apply to matters administered under the [Water Act 1912](#) in the interim.

8 State Water Management Outcomes Plan

- (1) In accordance with section 16 (1) of the Act, this Plan is consistent with the State Water Management Outcomes Plan published in the NSW Government gazette on 20 December 2002 (hereafter **the SWMOP**).
- (2) Schedule 5 identifies the SWMOP targets applicable to this Plan and how this Plan contributes to those targets.

Part 2 Vision, objectives, strategies and performance indicators

9 Vision, objectives, strategies and performance indicators

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

10 Vision

The vision for this Plan is to have informed, productive communities on the Dorrigo Plateau, living sustainably in a healthy environment by protecting:

- (a) groundwater and surface water dependent ecosystems,
 - (b) the quality of water,
 - (c) natural and cultural values of National Parks and Reserves,
 - (d) security for domestic water supplies,
 - (e) access to flows for agricultural industries,
 - (f) Aboriginal cultural knowledge,
 - (g) low flows impacted by structures, and
 - (h) downstream flows and the health of the Clarence River,
- through cooperatively managing water with greater equity and awareness.

11 Objectives

The objectives of this Plan are to:

- (a) protect ecosystems that depend on groundwater in this groundwater source by establishing an extraction limit, and limiting extraction from groundwater,
- (b) protect and enhance water quality in line with the Healthy Rivers Commission's recommendations for the Clarence Catchment through the management of surface flows and groundwater extractions on the Dorrigo Plateau,

Note—

This objective refers to maintaining water quality. Although there are no specific strategies directly related to this objective in this Plan, the environmental water provisions in this Plan make a positive contribution to maintaining water quality.

- (c) protect the natural and cultural values of the National Parks and Reserves, including the gazetted World Heritage areas, by managing flows,
- (d) protect and enhance surface water dependent ecosystems by managing access to flows in this surface water source,
- (e) enable a secure supply of water for the Dorrigo local water utility, domestic and stock users, including the North Dorrigo and Dundurrabin communities, and downstream users, whilst minimising the impact of extraction on low flows,
- (f) allow irrigators access to available flows on the Dorrigo Plateau, particularly in the area of Bielsdown and Little Plains Rivers, whilst encouraging innovative and water-use efficient agriculture,
- (g) enhance the overall health of the Clarence River and estuary by enabling flow contributions from the Dorrigo Plateau, and
- (h) protect flows on the Dorrigo Plateau to prevent the misuse of cultural knowledge of the Gumbaingirr tribal areas.

Note—

Cultural knowledge includes spiritual, social, cultural and practical (for example recreational, food, medicinal and educational) values.

12 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules and manage access to groundwater consistent with those rules,
- (b) establish rules for the protection of basic landholder rights,
- (c) establish cease (and commence) to pump levels and flow classes,

- (d) limit the amount of water that can be extracted on a daily basis from different flow classes,
- (e) limit the long term average extraction of surface water,
- (f) establish an extraction limit for this groundwater source, taking into account the requirements of the environment,
- (g) establish rules for minimising the local impacts of groundwater extraction on the environment, and between users,
- (h) establish rules for the granting of access licences,
- (i) clearly define access rules and conditions for extracting water from these water sources,
- (j) establish rules for determining the water available from time to time under access licences,
- (k) establish conditions that will apply to all access licences and water supply work approvals,
- (l) establish water allocation account management rules, and
- (m) specify access licence dealing rules that maximise flexibility for water users without adversely impacting on these water sources.

13 Performance indicators

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

- (a) change in groundwater extraction relative to the extraction limit,
- (b) change in low flows at the end of this surface water source,
- (c) change in moderate to high flows at end of this surface water source,
- (d) change in local water utilities access,
- (e) change in ecological condition of these water sources and their dependent ecosystems,
- (f) extent to which basic landholder rights requirements have been met,
- (g) change in economic benefits derived from water extraction and use,
- (h) extent to which native title rights requirements have been met,
- (i) extent of recognition of spiritual, social and customary values of water to Aboriginal

people, and

(j) (Repealed)

Note—

Appendix 3 details the objectives to which these performance indicators relate and the methods for assessing these indicators.

Part 3 Basis for water sharing

14 Basis for water sharing

This Part is made in order to give effect to section 5 (3) of the Act, and in accordance with sections 20 (2) (c) and 21 (e) of the Act.

15 Climatic variability

(1) This Plan recognises climatic variability and therefore:

- (a) that river flow will vary in this surface water source, and
- (b) that the level of natural recharge will vary in this groundwater source.

(2) To give effect to subclause (1), this Plan has provisions that manage:

- (a) the sharing of water in these water sources within the limits of water availability on a long-term average basis,
- (b) the sharing of flows that occur in this surface water source on a daily basis, and
- (c) water extractions to enable the protection of groundwater dependent ecosystems, aquifer integrity and water quality of this groundwater source.

16 Extraction management unit for the surface water source

- (1) The availability of water for extraction from this surface water source on a long-term average basis will be determined at the level of an extraction management unit.
- (2) The extraction management unit of which this surface water source is part is known as the Nymboida River Catchment Extraction Management Unit, and is shown on the map in Schedule 6.

17 Flow classes for the surface water source

This Plan establishes, the following flow classes as the basis for sharing of daily flows from this surface water source:

- (a) For Zone 1:
 - (i) very low flow class at or less than 75 megalitres/day (hereafter **ML/day**),

Note—

The 75 ML/day corresponds to the estimated 95th percentile of flows in November, the critical month, and is referred to as the cease to pump on a falling river and the commence to pump on a rising river.

- (ii) A class flows greater than 75 ML/day and at or less than 128 ML/day,
- (iii) B class flows greater than 128 ML/day and at or less than 221 ML/day, and
- (iv) C class flows greater than 221 ML/day.

(b) For Zone 2:

- (i) very low flow class at or less than 23 ML/day,

Note—

The 23 ML/day corresponds to the estimated 98th percentile of flows in November, the critical month, and is referred to as the cease to pump on a falling river and the commence to pump on a rising river.

- (ii) A class flows greater than 23 ML/day and at or less than 60 ML/day,
- (iii) B class flows greater than 60 ML/day and at or less than 128 ML/day, and
- (iv) C class flows greater than 128 ML/day.

(c) For Zone 3:

- (i) very low flow class at or less than 17 ML/day,

Note—

The 17 ML/day corresponds to the estimated 90th percentile of flows in November, the critical month, and is referred to as the cease to pump on a falling river and the commence to pump on a rising river.

- (ii) A class flows greater than 17 ML/day and at or less than 22 ML/day,
- (iii) B class flows greater than 22 ML/day and at or less than 54 ML/day, and
- (iv) C class flows greater than 54 ML/day.

(d) For Zone 4:

- (i) very low flow class at or less than 13 ML/day,

Note—

The 13 ML/day corresponds to the estimated 95th percentile of flows in December, the critical month, and is referred to as the cease to pump on a falling river and the commence to pump on a rising river.

- (ii) A class flows greater than 13 ML/day and at or less than 40 ML/day,
- (iii) B class flows greater than 40 ML/day and at or less than 119 ML/day, and
- (iv) C class flows greater than 119 ML/day.

Note—

Very low flow access conditions are established under clause 73 for cleaning for dairy plants and clause 75 (a) for local water utilities.

Note—

The flow classes have been determined based on flow information that inherently includes seasonal effects as well as evaporation and seepage losses.

18 Flow reference point for the surface water source

For the purpose of this Plan, all flows referred to relate to the estimated flows at the flow reference point at the downstream end of each zone, as shown on the map in Schedule 2.

19 Determination of flow class for the surface water source

Announcement of daily flow classes will be made from time to time by the Minister based on the flow at a flow gauging station, correlated to the flow reference point established in clause 18.

20 Recharge for the groundwater source

(1) The overall basis for sharing groundwater in this Plan is the average annual recharge of 50,000 megalitres per year (hereafter **ML/yr**).

Part 4 Environmental water provisions

21 Environmental water provisions

This Part is made in accordance with sections 5 (3) and 8 (1), 8 (2) and 20 (1) (a) of the Act.

22 Planned environmental water

(1) Environmental health water for this surface water source is identified and established as follows:

(a) In very low flows, the flow occurring in each Zone minus:

- (i) 0.03 ML/day in Zone 1, and minus very low flow access provided for in clause 73,
- (ii) 1.52 ML/day in Zone 2, and minus very low flow access provided for in clause 73,
- (iii) 0.008 ML/day in Zone 3, and minus very low flow access provided for in clause 73, and
- (iv) 0.02 ML/day in Zone 4, and minus very low flow access provided for in clause 73.

Note—

0.03 ML/day, 0.008 ML/day and 0.02 ML/day are the amounts of water estimated at the commencement of the Plan for basic landholder rights in Zones 1, 3, and 4 respectively. 1.52 ML/day is the amount of water estimated at the commencement of the Plan for basic landholder rights and local water utility very low flow access in Zone 2.

(b) In A class flows, the flow occurring in each Zone minus:

- (i) 17.23 ML/day in Zone 1,
- (ii) 36.02 ML/day in Zone 2,
- (iii) 4.408 ML/day in Zone 3, and
- (iv) 8.02 ML/day in Zone 4.

Note—

17.23 ML/day, 36.02 ML/day, 4.408 ML/day, and 8.02 ML/day are the amounts of water estimated at the commencement of the Plan for basic landholder rights in Zones 1, 2, 3, and 4 respectively, plus the total daily extraction limit for each Zone in A class flows.

(c) In B class flows, the flows occurring in each Zone minus:

- (i) 26.53 ML/day in Zone 1,
- (ii) 51.22 ML/day in Zone 2,
- (iii) 10.808 ML/day in Zone 3, and
- (iv) 23.82 ML/day in Zone 4.

Note—

26.53 ML/day, 51.22 ML/day, 10.808 ML/day, and 23.82 ML/day are the amounts of water estimated at the commencement of the Plan for basic landholder rights in Zones 1, 2, 3, and 4 respectively, plus the total daily extraction limit for each Zone in B class flows.

(d) In C class flows, the flow occurring in each Zone minus:

- (i) 43.53 ML/day in Zone 1,
- (ii) 69.02 ML/day in Zone 2,
- (iii) 21.208 ML/day in Zone 3, and
- (iv) 48.62 ML/day in Zone 4.

Note—

43.53 ML/day, 69.02 ML/day, 21.208 ML/day, and 48.62 ML/day are the amounts of water estimated at the commencement of the Plan for basic landholder rights in Zones 1, 2, 3, and 4 respectively, plus the total daily extraction limit for each Zone in C class flows.

- (2) Environmental health water for this surface water source is maintained in very low flows as follows:
- (a) the holders of access licences are not permitted any access in any Zone, unless provided for in clause 73 or clause 75, and
 - (b) persons exercising domestic and stock and native title rights may take a combined total of up to:
 - (i) 0.03 ML/day in Zone 1,
 - (ii) 0.02 ML/day in Zone 2,
 - (iii) 0.008 ML/day in Zone 3, and
 - (iv) 0.02 ML/day in Zone 4.

Note—

The Minister may issue an order under section 328 of the Act to restrict the exercise of domestic and stock rights from this surface water source to protect the environment, for reasons of public health, or to preserve basic landholder rights.

- (3) Environmental health water for this surface water source is maintained in each of A class, B class and C class flows as follows:
- (a) the holders of access licences have restricted access to water as specified in clause 47,
 - (b) persons exercising domestic and stock and native title rights may take water, and
 - (c) if the water taken under domestic and stock and native title rights is assessed to be exceeding the following amounts in these flow classes, then the access to water for access licences will be reduced in accordance with clause 52 to maintain the environmental water in these flow classes:
 - (i) 0.03 ML/day in Zone 1,
 - (ii) 0.02 ML/day in Zone 2,
 - (iii) 0.008 ML/day in Zone 3, and
 - (iv) 0.02 ML/day in Zone 4.
- (4) In all flow classes, limits are imposed on the availability of water in accordance with clauses 37 and 39, that protect a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.

Note—

These rules protect the water for the environment by limiting both the water extracted over the long term, and the rate of extraction of water in different flow ranges, thereby achieving the objectives of this Plan.

- (5) Environmental health water for this groundwater source is identified and established as follows:
- (a) the long-term average storage component of this groundwater source minus the basic landholder rights extraction is reserved for the environment, and
 - (b) 90% of the average annual recharge is reserved for the environment.
- (6) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the proportion of recharge reserved as the planned environmental water in subclause (5) (b) when the total share components in this groundwater source reach 10% of the recharge established in clause 20, based on an assessment by the Minister of the impact of allowing greater levels of groundwater extraction.

Note—

The extent of impact on this change is limited by the provisions in clause 38.

- (7) The assessment at subclause (6) should consider groundwater dependent ecosystems associated with this groundwater source, the linkages between groundwater and surface water, Aboriginal values, the potential economic benefit from additional water use and alternative sources of additional water, including Part 11 of this Plan.
- (8) The Minister should consult with the Minister for the Environment before varying planned environmental water in accordance with subclause (6).

Note—

This Plan recognises that the planned environmental water provisions provide non-extractive benefits, including traditional Aboriginal cultural benefits, and a contribution to improved water quality.

23 Extraction by water supply work

Notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is permitted only if there is visible flow in the river in the vicinity of the work.

24 Planned environmental water

At the commencement of this Plan, there is no water committed for specified environmental purposes in accordance with section 8 (1) (b) of the Act.

25 Adaptive environmental water

- (1) At any time an access licence holder may, by a process determined by the Minister, commit all or part of their licence as adaptive environmental water.
- (2) The Minister may grant an access licence in a water source to which this Plan applies if the licence is subject to an adaptive environmental water condition and arises through water savings in the system made in that water source as referred to in

section 8C (1) of the Act.

- (2A) The Minister may change the category or subcategory of an access licence in a water source to which this Plan applies if the licence is subject to an adaptive environmental water condition that arises through water savings as referred to in section 8D of the Act.
- (3) At the commencement of this Plan there are no access licences committed to an environmental purpose in accordance with section 8 (1) (c) of the Act.

Part 5 Basic landholder rights

26 Basic landholder rights

This Part is made in accordance with sections 5 (3) and 20 (1) (b) of the Act.

Note—

The Minister may issue an Order under section 328 of the Act to restrict the exercise of basic landholder rights from these water sources to protect the environment, for reasons of public health, or to preserve existing basic landholder rights. The order may stipulate restrictions on domestic use, and that stock watering be carried out from off-river water storages, where such facilities exist.

27 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights are estimated to be a total of:
- (a) 0.078 ML/day within this surface water source, comprising:
 - (i) 0.03 ML/day in Zone 1,
 - (ii) 0.02 ML/day in Zone 2,
 - (iii) 0.008 ML/day in Zone 3, and
 - (iv) 0.02 ML/day in Zone 4
 - (b) 111.2 ML/yr within this groundwater source.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note—

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 in this surface water source or an increase in the number of landholdings overlying this groundwater source, and/or as a result of the increase in the exercise of basic landholder rights by existing landholders.

Note—

It is not recommended that the water from this groundwater source be consumed without prior treatment. Land

use activities may have polluted the groundwater in some areas.

28 Native title rights

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

Note—

An increase in native title rights may occur as a result of the granting of native title rights under the Commonwealth's [Native Title Act 1993](#).

29 Harvestable rights

The requirement for water under harvestable rights is the amount of surface water owners of land are entitled to capture pursuant to the harvestable rights Order published in the NSW Gazette on 23 March 2001 under section 54 of the Act.

Part 6 Bulk access regime

30 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 climatic 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 9, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be

made as provided for in Part 9 Division 2 of this Plan,

- (e) establishes rules according to which access licences are managed as provided for in Parts 9 and 10 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 9 of this Plan.

Part 7 Requirements for water under access licences

31 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 specified on access licences in these water sources. It is not a commitment to supply that water.

32 Estimate of water requirements

- (1) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in the area in respect of which this Plan is made, the requirements identified for water for extraction under access licences:
 - (a) within this surface water source will total approximately 9,902 ML/yr, and
 - (b) within this groundwater source will total approximately 254 ML/yr.
- (2) It is estimated that at the time of commencement of Part 2 of Chapter 3 of the Act in this area in respect of which this Plan is made, there will be several runoff harvesting access licences in this surface water source, that will have their access licence share component expressed as the water that can be extracted from time to time from the approved water supply works.
- (3) 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, cancellation or non-renewal of access licences,
 - (b) the variation of local water utility licences under section 66 of the Act, or
 - (c) the volumetric conversion of the share components of existing access licences 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) and 63 of the Act, having

regard to the limits to water availability in these water sources, and the need to protect the ecological health of the river, the groundwater dependent ecosystems and groundwater quality.

- (2) Access licences may be granted in these water sources subject to any embargo on the making of applications for access licences made under Chapter 3 Part 2 Division 7 of the Act.
- (3) The Minister should declare an embargo on the making of applications for access licences in these water sources, other than access licences of the following kind:
 - (a) local water utility access licences,
Note—

Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is a rapid growth in population.
 - (b) domestic and stock access licences,
 - (c) specific purpose access licences for which applications are provided for under the regulations in accordance with section 61 (1) (a) of the Act,
 - (d) an unregulated river (research) access licence where the share component does not exceed 10 ML/yr per application,
 - (e) an unregulated river (Aboriginal cultural) access licence where the share component does not exceed 10 ML/yr per application,
 - (f) an unregulated river (Aboriginal commercial) access licence where the share component does not exceed 10 ML/yr per application,
 - (g) an aquifer (Aboriginal cultural) access licence where the share component does not exceed 10 ML/yr per application, or
 - (h) an aquifer (research) access licence where the share component does not exceed 10 ML/yr per application, or
 - (i) aquifer access licences, while the total aquifer access licence share components in this groundwater source remains less than the extraction limit established in clause 37.
- (4) In applying for a new access licence, the applicant must establish the purpose and circumstance relating to that access licence, and that the share and components sought will be the minimum required to meet that purpose and circumstance.
- (5) Any individual daily extraction limit (hereafter **IDEL**) granted in accordance with this clause should not exceed the IDEL initially assigned to an equivalent share component for that category of access licence, as varied by clause 52.

- (6) Runoff harvesting access licences may have the share component expressed either as a volume in ML/yr or in terms of the amount of water that can be extracted from time to time from specified works.
- (7) (Repealed)
- (8) In this groundwater source, access licences granted under this Part cannot be extracted through a water supply work (bore) located in an area where the full extraction authorised by access licences nominating supply works (bores) located in the area, and the exercise of basic landholder rights, are likely to cause adverse local impact, as outlined in Part 10 Division 4 of this Plan.
- (9) In this groundwater source, if an access licence share component applied for is significant, as determined by the Minister on the basis of the particular aquifer characteristics, the application will not be granted until a water supply work (bore) approval has been granted and the work constructed.
- (10) Once the water supply work (bore) is constructed and the results of a pumping test or its equivalent are supplied by the applicant, in the required form and to the specification of the Minister, the access licence may be granted.
- (11) The share component of the access licence granted under subclause (10) will be the proportion of the share component sought that the water supply work (bore) is capable of extracting without adverse local impact, as outlined in Part 10 Division 4 of this Plan.
- (12) Subclauses (9), (10) and (11) do not apply to a new access licence arising from:
 - (a) section 61 (1) (c), of the Act, where the right has been acquired by auction, tender or other open market process, or
 - (b) an access licence dealing.

34 Aboriginal assessment of new access licences

- (1) The Minister will seek the views of the Dorrigo Plateau Local Aboriginal Lands Council and/or relevant Elders group on all new access licence applications in relation to the impact on sites of significance and appropriate mitigation measures.
- (2) In the event of an application for an unregulated river (Aboriginal commercial) access licence, the Minister will seek the views of the Aboriginal Reference Group as to the benefit derived from the proposed application. Where an Aboriginal Reference Group has yet to be established, the advice of the Dorrigo Plateau Local Aboriginal Lands Council and/or relevant Elders group will be sought.

Part 9 Limits to the availability of water

Division 1 Long-term average extraction limit

35 Limits to the availability of water

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

36 Extraction management unit for the surface water source

In accordance with clause 16 (2), management of the long-term extraction of surface water in this surface water source will be undertaken in the context of the Nymboida River Catchment Extraction Management Unit (hereafter **this Unit**).

37 Long-term average extraction limits

- (1) The long term average extraction limit for this Unit will be 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 this Unit, immediately prior to the commencement of Part 2 of Chapter 3 of the Act for this surface water source, and
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in this surface water source at the commencement of this Plan.
- (2) The long term average extraction limit for this groundwater source each year of this Plan is 5,000 ML/yr which equates to the recharge established in clause 20, minus the proportion of recharge reserved as planned environmental water in clause 22.

38 Variation of the long-term average extraction limits

- (1) The long term average extraction limit of this Unit may be varied by the Minister if dealings under Part 11 of this Plan result in the issuing or cancellation of access licences in this Unit.
- (2) Pursuant to section 45 (1) (b) of the Act, the Minister may vary the long-term average extraction limit for this groundwater source established under clause 37 (2) as a result of any change to the planned environmental water arising from clause 22 (6).
- (3) If there is any change to the long-term average extraction limit arising from subclause (2) then the extraction limit in clause 37 (2) will not decrease, and will not increase, by more than 25%.

Division 2 Available water determinations

39 Available water determinations

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

(2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules for this surface water source:

- (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 37 (1), based on comparison of the extraction limit against the average extraction within this Unit over that year and the preceding 2 years,

Note—

A water accounting year is defined in clause 44 (3).

- (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in a river for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
- (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work,
- (d) for all access licences, an initial available water determination, of such volume of water as is equivalent to two times the access licence share component, should be made on 1 July 2003, and such determination should apply for one water accounting year,
- (e) from 1 July 2004, available water determinations for local water utility and domestic and stock access licences should be of such volume of water as is equivalent to the access licence share component, with priority given to making this water available above the making of water available to all other categories of access licence, and such determinations should be made annually,
- (f) from 1 July 2004, available water determinations for unregulated river access licences, including all subcategories, should be such volume of water as is equivalent to the access licence share component, except as provided in subclauses (g) and (h), and such determinations should be made annually,
- (g) if the 3 year average of extraction in this Unit exceeds the long-term average extraction limit established in clause 37 (1) by 5% or greater, then the available water determination for the following water accounting year for unregulated river access licences in this water source should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
- (h) if the 3 year average of extraction in this Unit is less than 95% of the long-term average extraction limit established in clause 37 (1), the available water determination for unregulated river access licences in this water source shall be

increased to such an extent as to allow extraction to increase to that extraction limit,

- (i) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components,
- (j) a new available water determination for unregulated river access licences determined under subclause (g) or (h) should be repeated for each of the subsequent two water accounting years unchanged in quantity, and
- (k) available water determinations for runoff harvesting access licences should be made annually and should be either the access licence share component or the water that can be extracted from time to time from the approved works, depending on the manner in which the share component is expressed on the licence.

(3) In making available water determinations under Section 59 of the Act, the Minister should consider the following rules for this groundwater source:

- (a) water extraction will be monitored in each water accounting year to determine if any growth in volumes extracted is occurring above the extraction limit in clause 37 (2), based on comparison of the extraction limit against the average extraction within this groundwater source over that year and the preceding 2 years,

Note—

A water accounting year is defined in clause 44 (3).

- (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in the aquifer for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
- (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work (bore),
- (d) if the 3 year average of extraction exceeds the long term average extraction limit established in clause 37 (2) by 5% or greater, the available water determination for the following water accounting year for aquifer access licences should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
- (e) if the 3 year average of extraction is less than 95% of the long term average extraction limit established in clause 37 (2), then the available water

determination for aquifer access licences shall be increased to such an extent as to allow extraction to increase to that extraction limit,

- (f) notwithstanding subclause (e), the available water determination shall not exceed 100% of total access licence share components,
- (g) the available water determination calculated in accordance with this clause will apply to all access licences excepting local water utility and domestic and stock access licences and will be the same percentage for all access licences to which it applies, and
- (h) separate available water determinations will be made for both local water utility and domestic and stock access licences, and subject to section 60 of the Act, this shall be 100% these access licence share components.

Part 10 Rules for managing access licences

Division 1 General

40 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 regard to:

- (a) the environmental water rules established in Part 4 of this Plan,
- (b) requirements for water to satisfy basic landholder rights identified in Part 5 of this Plan, and
- (c) requirements for water for extraction under access licences in Part 7 of this Plan.

Division 2 Water allocation account management

41 Water allocation account management

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

42 Water allocation accounts

In accordance with section 85 of the Act, a water allocation account shall be established for each access licence in these water sources.

Note—

Water allocations may be assigned to, or from, from these accounts by a water allocation assignment made under section 71T of the Act, where these are allowed under rules specified in Part 11 of this Plan.

Note—

In this surface water source, water allocations may also be recredited to these accounts in accordance with section 76 of the Act, subject to the operation of a return flows scheme established under section 75 of the Act.

43 Accrual of water allocations

Water allocations will be accrued into water allocation accounts in accordance with the Minister's available water determinations as specified in clause 39.

44 Annual accounting for water extraction

- (1) Water taken from these water sources will be accounted for at least annually.
- (2) Water extracted by an approved water supply work nominated by an access licence is taken to be extracted and will be periodically debited against the access licence water allocation account.
- (3) A water accounting year shall be the 12 month period commencing 1 July.
- (4) The maximum water allocation that can be carried over from one water accounting year to the next is 100% of the access licence share component.
- (5) In any one water accounting year water taken from this water source under an access licence may not exceed the volume in the water allocation account, subject to clause 45 (1).
- (6) (Repealed)
- (7) In any one water accounting year, subject to local impact management restrictions arising from Part 10, Division 4 of this Plan, water taken from this groundwater source under an aquifer access licence may not exceed a volume consisting of:
 - (a) 100% of the access licence share component,
 - (b) plus any water allocations assigned from another licence under section 71T of the Act in that year, and
 - (c) minus any water allocations assigned to another licence under section 71T of the Act in that year.
- (8) (Repealed)
- (9) Allocations in a water allocation account pertaining to this groundwater source cannot be carried over from one water accounting year to the next.
- (10) A water allocation account shall remain at or above zero at all times.

45 Three year accounting for surface water extraction

- (1) Water taken from this surface water source in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:
 - (a) the water allocations accrued under the licence in those years,

- (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71T of the Act in those years,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocations assigned to another licence, by a water allocation assignment under section 71T of the Act in those years.
- (2) Notwithstanding subclause (1), water taken under an access licence from this surface water source in the first 3 water accounting years of this Plan may not exceed a volume consisting of:
- (a) 3 times the share component of the access licence,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71T of the Act in those years,
 - (c) plus any water allocations re-credited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocations assigned to another licence, by a water allocation assignment under section 71T of the Act in those years.

Division 3 Sharing surface water flows on a daily basis

46 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 and applies to the surface water source.

47 Total daily extraction limits

- (1) In this surface water source, this Plan establishes a total daily extraction limit (hereafter **TDEL**) for each surface water flow class as follows:
- (a) Zone 1:
 - (i) very low flow access in accordance with clause 73 during years 1 to 5 of this Plan, and 0 ML/day in the very low flows during years 6 to 10 of this Plan,
 - (ii) 17.2 ML/day for A class,
 - (iii) 26.5 ML/day for B class, and
 - (iv) 43.5 ML/day for C class.

Note—

These flows represent 13.4% of the top of A class flows, 12% of the top of B class flows and in C class

flows 10% of the 30th percentile flows in November, the critical month.

(b) Zone 2:

- (i) very low flow access for local water utilities in accordance with clause 75, and very low flow access in accordance with clause 73 during years 1 to 5 of this Plan, and 0 ML/day in the very low flows during years 6 to 10 of this Plan,
- (ii) 36 ML/day for A class,
- (iii) 51.2 ML/day for B class, and
- (iv) 69 ML/day for C class.

Note—

These flows represent 60% of the top of A class flows, 40% of the top of B class flows and in C class flows 30% of the 30th percentile flows in November, the critical month.

(c) Zone 3:

- (i) very low flow access in accordance with clause 73 during years 1 to 5 of this Plan, and 0 ML/day in the very low flows during years 6 to 10 of this Plan,
- (ii) 4.4 ML/day for A class,
- (iii) 10.8 ML/day for B class, and
- (iv) 21.2 ML/day for C class.

Note—

These flows represent 20% of the top of A class flows, 20% of the top of B class flows and in C class flows 20% of the 30th percentile flows in November, the critical month.

(d) Zone 4:

- (i) very low flow access in accordance with clause 73 during years 1 to 5 of this Plan, and 0 ML/day in the very low flows during years 6 to 10 of this Plan,
- (ii) 8 ML/day for A class,
- (iii) 23.8 ML/day for B class, and
- (iv) 48.6 ML/day for C class.

Note—

These flows represent 20% of the top of A class flows, 20% of the top of B class flows and in C class flows 20% of the 30th percentile flows in December, the critical month.

- (2) The TDEL for each flow class specified in subclause (1) applies to all rivers within this surface water source apart from those rivers identified as minor streams in a

harvestable rights Order made under section 54 of the Act.

Note—

The harvestable rights Order applying to this area at the commencement of this Plan is that gazetted on 23 March 2001 under section 54 of the Act. It identifies minor streams as non-permanent 1st and 2nd order streams as shown on topographic maps.

48 Initial assignment of the TDEL to categories of access licences

(1) The TDEL for each flow class in this surface water source will be initially assigned to domestic and stock access licences as follows:

(a) for Zone 1:

- (i) 0.1 ML/day of A class,
- (ii) 0.1 ML/day of B class, and
- (iii) 0.1 ML/day of C class.

(b) for Zone 2:

- (i) 0.3 ML/day of A class,
- (ii) 0.3 ML/day of B class, and
- (iii) 0.3 ML/day of C class.

(c) for Zone 3:

- (i) 0.1 ML/day of A class,
- (ii) 0.1 ML/day of B class, and
- (iii) 0.1 ML/day of C class.

(d) Zone 4:

- (i) 0.1 ML/day of A class,
- (ii) 0.1 ML/day of B class, and
- (iii) 0.1 ML/day of C class.

(2) The TDEL for each flow class in this surface water source will be initially assigned to local water utility access licences as follows:

(a) for Zone 1:

- (i) 0 ML/day of A class,
- (ii) 0 ML/day of B class, and

- (iii) 0 ML/day of C class.
 - (b) for Zone 2:
 - (i) 1.5 ML/day of very low flows,
 - (ii) 1.5 ML/day of A class,
 - (iii) 1.5 ML/day of B class, and
 - (iv) 1.5 ML/day of C class.
 - (c) for Zone 3:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.
 - (d) Zone 4:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.
- (3) The TDEL for each flow class in this surface water source will be initially assigned to unregulated river access licences as follows:
- (a) for Zone 1:
 - (i) 8.8 ML/day of A class,
 - (ii) 8.8 ML/day of B class, and
 - (iii) 8.8 ML/day of C class.
 - (b) for Zone 2:
 - (i) 34.2 ML/day of A class,
 - (ii) 49.4 ML/day of B class, and
 - (iii) 50.4 ML/day of C class.
 - (c) for Zone 3:
 - (i) 2 ML/day of A class,
 - (ii) 2 ML/day of B class, and

- (iii) 2 ML/day of C class.
 - (d) Zone 4:
 - (i) 4.4 ML/day of A class,
 - (ii) 4.4 ML/day of B class, and
 - (iii) 4.4 ML/day of C class.
 - (e) Schedule 7 unregulated river access licences have limited access to very low flows for each Zone in accordance with clause 73.
- (4) The TDEL for each flow class in this surface water source will be initially assigned to unregulated river (Aboriginal cultural and commercial) access licences as follows:
- (a) for Zone 1:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.
 - (b) for Zone 2:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.
 - (c) for Zone 3:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.
 - (d) Zone 4:
 - (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 0 ML/day of C class.

49 Unassigned TDEL

At the commencement of this Plan, unassigned TDEL in each flow class is as follows:

- (a) in Zone 1:

- (i) 8.3 ML/day of A class,
 - (ii) 17.6 ML/day of B class, and
 - (iii) 34.6 ML/day of C class,
- (b) in Zone 2:
- (i) 0 ML/day of A class,
 - (ii) 0 ML/day of B class, and
 - (iii) 16.8 ML/day of C class,
- (c) in Zone 3:
- (i) 2.3 ML/day of A class,
 - (ii) 8.7 ML/day of B class, and
 - (iii) 19.1 ML/day of C class,
- (d) in Zone 4:
- (i) 3.5 ML/day of A class,
 - (ii) 19.3 ML/day of B class, and
 - (iii) 44.1 ML/day of C class.

Note—

Unassigned TDEL may vary as a result of the surrender or cancellation or non-renewal of an access licence's IDELs, or the operation of Part 8 of this Plan.

50 Daily extraction limits for individual access licence holders

- (1) Each access licence requiring an IDEL, as specified in Part 12 of this Plan, is assigned the same proportion of the TDEL specified in clause 48 as its share component bears to all the share components of licences of that category.
- (2) Notwithstanding subclause (1), in relation to those access licences that are currently excluded from a flow class or part of a flow class by existing conditions on the access licence or the water supply work nominated by the access licence, the IDEL resulting from subclause (1) will be adjusted to reflect as far as possible such an exclusion.

51 Granting of unassigned TDEL

- (1) Prior to the Minister making an amendment under clause 87 (1), the unassigned A and B class TDELs in clause 49 shall not be assigned.
- (2) Prior to the Minister making an amendment under clause 87 (1), the unassigned C

class TDEL in clause 49 may be assigned to access licences in the following circumstances:

- (a) where they are applied for as part of a new access licence application consistent with clause 33 (3) (a) to (f), or
 - (b) to a local water utility access licence where the Minister varies the access licence in accordance with sections 66 (3) or 66 (4) of the Act.
- (3) After the Minister makes an amendment under clause 87 (1), and if the very low flow level in the zone is increased, the Minister may distribute all or part of the unassigned A class and B class TDELs to existing unregulated river access licences in that zone.
- (4) Any additional TDEL assigned as IDEL to an access licence in subclause (3), will be in the same proportion of the zone's additional TDEL as the access licence share component bears to all the unregulated river access licence share components in that zone.
- (5) Subsequent to subclause (3), and pursuant to section 45 (1) (b) of the Act, the Minister may reduce the volume of any unassigned A and B class TDEL in clause 49 following the year 5 review of this Plan, based on an assessment by the Minister of the needs of users and the environment within this surface water source and downstream surface water sources in the Nymboida River Catchment Extraction Management Unit.
- (6) The reduction in the volume of unassigned TDEL cannot exceed the volumes specified in clause 49, as amended by clause 52.
- (7) Following any assignment of unassigned TDELs in accordance with subclause (3), and any further amendment to the unassigned TDELs in accordance with subclause (5), 50% of the remaining unassigned A and B class TDELs in each Zone will be included as unregulated river (Aboriginal cultural or commercial) TDELs in clause 48 (4).
- (8) From year 6 to year 10 of this Plan, any remaining unassigned TDEL may be assigned to access licences in the following circumstances:
- (a) where they are applied for as part of a new access licence application consistent with clause 33 (3) (a) to (f), or
 - (b) to a local water utility access licence where the Minister varies the access licence in accordance with sections 66 (3) or 66 (4) of the Act.
- (9) Where additional IDELs are assigned to an access licence in accordance with subclause (8), the amount of IDEL so assigned shall be determined by the Minister consistent with the ratios of share component to IDEL for the specific category of access licence as initially assigned under clause 50, as amended by clause 52.

52 Adjustment to TDELS and IDELS

- (1) Where IDELS are assigned under clause 51 the unassigned TDEL is reduced accordingly, and the TDEL assigned to the appropriate licence category in clause 48 is increased accordingly.
- (2) Pursuant to section 45 (1) (b) of the Act, if total extraction of water under domestic and stock or native title rights in a zone exceeds the level specified in Part 5 of this Plan:
 - (a) first any unassigned TDEL in that zone then, if necessary, the TDEL for unregulated river access licences for that zone in clause 48 (3) shall be diminished to allow these additional basic landholder rights to be met, and
 - (b) the IDELS of each unregulated river access licence in that zone will then be reduced to comply with this diminished TDEL.
- (3) Pursuant to section 45 (1) (b) of the Act, if any unassigned TDEL in a zone cannot meet either:
 - (a) the IDEL requirements of applicants for new access licences for domestic and stock access, unregulated river (Aboriginal cultural) access and unregulated river (research) access, or
 - (b) a local water utility's IDEL requirements resulting from a variation by the Minister under sections 66 (3) or 66 (4) of the Act,then the TDEL for unregulated river access licences in that zone in clause 48 (3) will be diminished to such an extent as to allow those requirements to be met.
- (4) Following an adjustment to the TDEL for unregulated river access licences in subclause (3) the IDELS of each unregulated river access licence in the zone will then be reduced to comply with this diminished TDEL.
- (5) Any adjustment to unregulated river access licence IDELS arising from this clause will be done at intervals of no greater than 5 years.
- (6) If water that, pursuant to an access licence:
 - (a) is committed to adaptive environmental water, then the TDEL for categories and classes specified on the committed access licence will be reduced by the IDEL on the access licence so committed and clauses 47 and 48 adjusted accordingly, or
 - (b) is uncommitted to adaptive environmental water, then the TDEL for categories and classes specified on the committed access licence will be increased by the IDEL on the access licence so uncommitted and clauses 47 and 48 adjusted accordingly.

53 Administrative arrangements for managing access to daily flows

- (1) Notwithstanding the forgoing provisions of this Division, this Plan allows group management of access licences with respect to the IDELs.
- (2) The Minister may determine that, from the commencement of this Plan and until otherwise determined:
 - (a) all access licences with IDELs shall be made part of a group maintained by the Minister, and
 - (b) access licences with IDELs will be assessed as a whole against their combined IDELs.
- (3) At any time when subclause (2) does not apply:
 - (a) access licence holders may make a request to form a group for their access licences,
 - (b) access licence holders may have their access licence removed from a group, in which case they shall be permitted to extract under that licence a maximum of the licensed IDEL, and
 - (c) where an access licence is removed or added to a group, the group combined IDEL shall be adjusted by the amount of IDEL on the subject access licence.
- (4) Groups will be managed according to the following rules:
 - (a) daily extraction by a group cannot exceed the combined IDELs of all access licences in the group,
 - (b) where it been assessed that a holder of an access licence within a group is repeatedly causing the combined IDEL to be exceeded then the Minister may remove that access licence from the group,
 - (c) where daily extraction by a group exceeds the combined IDELs of all access licences in the group, then the Minister may dissolve the group and require each access licence holder to comply with the licensed IDELs,
 - (d) should a holder of an access licence which is part of a group commit the IDELs of that licence to the environment consistent with section 8 (1) (c) of the Act, then those IDELs shall be removed from the group,
 - (e) an access licence may not be in more than one group, and
 - (f) the Minister may refuse to allow an access licence to be included in a group, and may refuse a request to form a group.

54 Infrastructure failure in this surface water source

In the event of infrastructure failure in this surface water source, the Minister can elect to:

- (a) continue to announce the current flow class,
- (b) announce another flow class based on climatic conditions and any other flow gauging information, or
- (c) restrict access to water to the lowest flow class.

Note—

Infrastructure is defined in the dictionary.

Note—

If satisfied that it is necessary to do so in the public interest, the Minister may direct the holders of an access licence to cease using a water supply work in accordance with section 323 of the Act.

Division 4 Management of local impacts in the groundwater source

55 Management of local impacts in the groundwater source

This Division is made in accordance with section 21 (a) of the Act and applies to the groundwater source.

56 Extraction interference between neighbouring bores

- (1) To minimise interference between extraction under different access licences in this groundwater source, extraction authorised by a new access licence of greater than 20 ML/yr will not be permitted from a water supply work (bore) within 400 metres of an approved water supply work (bore) nominated by another access licence.
- (2) The Minister may, upon application by an access licence holder, reduce the distance restriction specified in subclause (1) if:
 - (a) an hydrological study undertaken by the licence holder, and assessed as adequate by the Minister, demonstrates minimal potential for any adverse impact on existing licensed extraction,
 - (b) all potentially affected access licence holders have been notified by the proponent, and

Note—

Potentially affected access licence holders are typically neighbouring access licence holders and/or those in the near vicinity.

- (c) there is a process for remediation in the event that any adverse impact occurs in the future, specified as conditions on the licence.

- (3) Subclause (1) does not apply to extraction under existing access licences.

Note—

The intention of this clause is to minimise the impact of extraction under new access licences on extraction under existing access licences. It is intended to develop models to support hydrogeological assessment of the adverse impacts of new groundwater extractions on existing licensed extraction.

57 Water level management

- (1) The Minister may declare that, in order to protect water levels within this groundwater source, local access rules are to apply in a defined area known as a local impact area.
- (2) If water levels in any part of this groundwater source have declined to such an extent that adverse impact is occurring, or is likely to occur, extraction from all water supply works (bores) within a local impact area declared under subclause (1) and nominated by an access licence, will be restricted to such an extent and for such time as is required to reinstate water levels to such a degree as to mitigate or avoid that impact.

Note—

This clause recognises that in some locations, at certain periods of high groundwater demand, critical water level declines may occur, and that additional extraction limitations may be required.

Note—

It is intended that local impact models will be developed and used to predict water level declines in a local area under different extraction scenarios. Significant drops and minimum sustainable groundwater levels can then be set for an area based on the requirements of groundwater dependent ecosystems in the locality, and on the impact that reduced water levels may have on basic rights and extraction in the locality.

58 Water quality management

- (1) The beneficial uses of the Dorrigo Basalt Groundwater Source are raw water drinking and ecosystem protection, based on the Australian and New Zealand Environment and Conservation Council *Water Quality Guidelines 2001*, and the National Health and Medical Research Council *Raw Water for Drinking Purposes Guidelines 1996*.
- (2) Water quality decline will be deemed unacceptable if extraction is likely to cause water quality to decline to a lower beneficial use class.

Note—

It is not recommended that the water from this groundwater source be consumed directly without prior treatment. Land use activities may have polluted the groundwater in some areas.

- (3) The Minister may declare that, in order to protect water quality within this groundwater source, local access rules are to apply in a defined area, known as a local impact area.
- (4) If water quality declines are resulting from extraction, extraction from all water supply works (bores) nominated by an access licence within a local impact area declared

under subclause (3) will be restricted to such an extent and for such a time as required to halt that decline, or restore the beneficial use of this groundwater source.

- (5) Construction of a new water supply work (bore) will not be permitted:
 - (a) within 250 metres of a contamination source, unless the proponent can demonstrate to the Minister's satisfaction that a lesser distance will result in no more than minimal harm to this groundwater source, and that extraction will not impact on the environment or cause a threat to public health as advised by the Minister for Health, or
 - (b) within a greater distance than in subclause (a) nominated by the Minister in order to ensure that no more than minimal harm will occur to this groundwater source, and that extraction will not impact on the environment or cause a threat to public health as advised by the Minister for Health.
- (6) Subclause (5) will not apply if the water supply work (bore) is sealed off to the nearest impervious layer with an impermeable seal constructed within the bore, as specified by the Minister.

59 Protection of groundwater dependent ecosystems

- (1) Extraction of groundwater of greater than 20 ML/yr will not be permitted from a water supply work (bore) within 100 metres of a high priority groundwater dependent ecosystem.
- (2) Extraction of groundwater greater than 20 ML/yr shall only be permitted from a water supply work (bore) 100 metres to 200 metres from a high priority groundwater dependent ecosystem, if there is no drawdown outside the natural variation at the margin of the groundwater dependent ecosystem.
- (3) Extraction of groundwater of less than 20 ML/yr from a water supply work (bore) nominated by an access licence, and pursuant to basic landholder rights, will not be permitted within 40 m from high priority groundwater dependent ecosystems.
- (4) Subclauses (1) to (3) do not apply to:
 - (a) extraction from an existing water supply work (bore),
 - (b) extraction from a new water supply work (bore) sealed off to the nearest impervious layer with an impermeable seal constructed within the bore as specified by the Minister, and
 - (c) extraction for monitoring of groundwater quantity, quality and levels.
- (5) Extraction of groundwater from any water supply work (bore) is excluded within 40 metres of a river, unless:

- (a) the extraction is from an existing water supply work (bore), or
 - (b) the extraction is for monitoring of groundwater quantity, quality and levels.
- (6) High priority groundwater dependent ecosystems are listed in Schedule 8.
- (7) Pursuant to section 45 (1) (b) of the Act, the Minister may identify further high priority groundwater dependent ecosystems and include them in Schedule 8 in year 6 of this Plan based on further studies of groundwater ecosystem dependency undertaken by the Minister.
- (8) The Minister should consult with the Minister for the Environment before adding further high priority groundwater dependent ecosystems to Schedule 8.
- (9) Extraction by an existing water supply work (bore) nominated by an access licence located within the exclusion zones as established in subclauses (1), (2), (3), and (5) cannot increase their access licence share component through a dealing unless the licence holder can demonstrate to the Minister there will be no impact on the high priority groundwater dependent ecosystems or any river.

60 Extraction restrictions

The Minister may, in the event of local impact restrictions arising from this Division, impose by Order, a reduction in annual, quarterly, monthly, weekly or daily extraction rates from water supply works (bores) in the affected area.

61 Group registration

This Plan allows for the formation of a group of access licences within this groundwater source with respect to the sharing of local impact restrictions arising from this Division, subject to the following rules:

- (a) the group register will be maintained by the Minister,
- (b) holders of access licences must make a request to the Minister to form a group,
- (c) total extraction by all access licences within a group will be assessed as a whole against their combined restricted extraction and must not exceed that amount,
- (d) no access licence holder within the group may extract more than is permitted by Division 2 of this Part in any one water accounting year as a result of participation in a group,
- (e) an access licence holder may apply to be removed by the Minister from the group and the extraction by the group will be reduced by the extraction restriction of that access licence,
- (f) an access licence holder may apply to be added by the Minister to the group and the combined restricted extraction of the group will be increased by the extraction

restriction of that access licence holder, and

- (g) the Minister reserves the right to remove a licence holder from a group where that individual causes the group extraction restriction to be exceeded, or to dissolve a group where its members exceed their combined extraction restriction.

62 Infrastructure failure in this groundwater source

- (1) The operational rules relating to local impact management may rely on water levels at specified monitoring bores.
- (2) In the event of a monitoring bore failure the Minister may:
 - (a) continue with the current access rules until the monitoring bore is reinstated,
 - (b) adjust the current access rules based on climatic conditions and any other monitoring bore information, until the monitoring bore is reinstated, or
 - (c) rely on another monitoring bore in the area to provide information.

Part 11 Access licence dealing rules

63 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (d) of the Act and with the Minister's access licence dealing principles gazetted on 27 December 2002 under section 71Z of the Act.
- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71Z of the Act and the rules in this Part.

Note—

There are a number of mechanisms within the Act, called access licence dealings, to change either the ownership 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. These dealings are governed by the principles in section 5 of the Act, the Minister's access licence dealing principles, and the rules in this Part.

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 access licence dealing rules in this Plan to prevail.

64 Rules relating to constraints within this surface water source

- (1) This clause applies to any relevant dealings under sections 71Q, 71S and 71W of the Act, and with respect to water allocation assignments within this surface water source under section 71T of the Act.

(2) Dealings are prohibited under this clause if:

- (a) any of the access licences or water allocations involved are not within this water source, unless the dealing is permitted under clause 70,

Note—

Clause 67 relates to any dealings that involve an access licence moving from one water source to another.

- (b) the dealing would result in the access licence extraction component nominating a work in a different management zone,
- (c) the dealing would result in additional access licence share components in Zone 2,
- (d) the dealing would result in additional access licence share components in any exclusion zone within Zone 2, shown on the map in Schedule 9,
- (e) the dealing would result in the access licence extraction component that had previously nominated a work outside of the an exclusion zone in Zone 2, nominating a work inside of the an exclusion zone in Zone 2,
- (f) the dealing would result in the access licence extraction component that had previously nominated a work inside one of the exclusion zones in Zone 2, nominating a work inside another of the exclusion zones in Zone 2, or
- (g) the dealing results involves the assignment of local water utility very low flow access.

65 Rules relating to constraints within this groundwater source

(1) This clause applies to any relevant dealings under sections 71Q, 71S and 71W of the Act, and section 71T of the Act with respect to allocation assignments within a groundwater source.

(2) Dealings are prohibited under this clause if:

- (a) any of the access licences or water allocations involved are not within this groundwater source, or
- (b) the dealing would result in the total extraction under access licences through nominated works in the area, plus basic landholder rights extraction, causing any adverse local impact in accordance with Part 10 Division 4 of this Plan.

66 Rules for access licence dealings which alter the times, rates or circumstances specified in access licence extraction components

Notwithstanding clauses 64 and 65, applications under section 71S of the Act to vary the times, rates or circumstances specified in an access licence with respect to the taking of water under the licence are prohibited.

67 Rules for change of surface water source

(1) This clause relates to dealings under section 71R 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 licence 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 of the Act that change the surface water source to which an access licence applies are prohibited in this surface water source, unless provided for in this clause.

(3) An access licence with a share component specifying this surface water source may be cancelled and a new licence issued in another surface water source only if:

(a) the new access licence issued is within this Unit, and

(b) the access licence dealing rules in the other surface water source permit such a dealing.

(4) An access licence with a share component specifying another surface water source may be cancelled and a new licence issued in this surface water source only if:

(a) the access licence cancelled is within this Unit, and

(b) the access licence dealing rules in the other surface water source permit such a dealing.

(5) The volume of share component on an access licence issued under this clause is to be the volume of the cancelled access licence share component.

(6) The extraction component of the cancelled access licence is not to be carried over to the new access licence.

(7) Dealings under section 71R of the Act that change the water source to which an access licence applies are prohibited in this groundwater source.

68 Rules for conversion of access licence category

(1) This clause relates to dealings under section 71O of the Act.

(2) In this surface water source, conversion of an access licence of one category to an access licence of another category may be permitted only if the conversion is from an unregulated river access licence to a runoff harvesting access licence.

(3) In this surface water source, the volume of share component on an access licence issued under this clause is to be the volume of the cancelled share component multiplied by a conversion factor established by the Minister, and published in an

Order made under section 71Z of the Act, that protects environmental water, basic landholder rights, and the reliability of supply to all other access licences subject to this Plan.

- (4) Dealings that result in conversion of an access licence of one category to an access licence of another category are prohibited in this groundwater source.

69 Rules for interstate access licence transfer

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

70 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act, in relation to water allocation assignments between water sources.
- (2) Dealing under section 71T of the Act that result in water allocation assignments to or from access licences in these water sources are prohibited unless provided for in this clause.
- (3) Dealings that assign water allocations between access licences inside this surface water source and access licences outside this surface water source, but inside this Unit, are permitted only if the access licence dealing rules in the other water source permit such a dealing.
- (4) Dealings that assign water allocations between access licences inside this surface water source are permitted.
- (5) Dealings that assign water allocations between access licences inside this groundwater source are permitted, subject to clause 65.
- (6) Dealings that assign water allocations between access licences in other water sources and access licences in this groundwater source are prohibited.

Note—

Each water allocation assignment must be applied for. Licence holders may enter into private contracts to assign water allocations for a number of years. Such contracts are not guaranteed by the Government, and approval must be sought annually. Approval will be subject to the rules in this Plan, including local impact assessment.

71 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71V of the Act.
- (2) Dealings that result in interstate assignment of water allocations to or from these water sources are prohibited.

Part 12 Mandatory conditions

72 Mandatory conditions on access licences

- (1) This Part is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
- (2) In this surface water source, all access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of the share component of the access licence,
 - (b) the specification of the extraction component of the access licence, including IDELs arising from the operation of Part 10 Division 3 of this Plan where applicable, and the variation thereof,
 - (c) the requirement that extraction under the access licence will be subject to the available water determinations,
 - (d) the requirement that extraction under the access licence will be subject to the water allocation account management rules established in Part 10 Division 2 of this Plan,
 - (e) the requirement that the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account,
 - (f) the requirement that water may only be taken under the access licence by the water supply work nominated by the access licence, and
 - (g) any other conditions required to implement the provisions of this Plan.
- (3) In this groundwater source, all access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of the share component of the access licence,
 - (b) the specification of the extraction component of the access licence,
 - (c) the requirement that all taking of water under the access licence will be subject to the available water determinations,
 - (d) the requirement that all taking of water under the access licence will be subject to any local impact management restrictions established in this Plan,
 - (e) the requirement that all taking of water under the access licence will be subject to the account management rules established in this Plan,
 - (f) the requirement that water may only be taken under the access licence by the water supply work (bore) nominated by the access licence,

(g) the taking of water in accordance with the access licence may only occur if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and

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

73 Very low flow access conditions in the surface water source

- (1) Notwithstanding any cease to pump conditions established on the licence, during periods of very low flows, holders of access licences in the surface water source listed on Schedule 6 may continue to access water to comply with the requirements of the Food Production (Safety) Act or the Prevention of Cruelty to Animals Act for the following purposes:
 - (a) fruit and vegetable washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, and
 - (d) cleaning of enclosures used for intensive animal production for the purposes of hygiene.
- (2) The maximum daily volume that can be extracted under subclause (1) will be the minimum required to satisfy the purposes in that subclause, will be individually assessed and specified on each access licence within 12 months of the commencement of this Plan, will not exceed 20 kilolitres per day, and will not be increased.
- (3) Upon written request by the holder of an access licence, the Minister may add a licence to Schedule 6, but only if the licence meets the purpose requirements established in subclause (1), and the purpose existed prior to 1 July 2004.
- (4) A licence will be removed from the Schedule if:
 - (a) any access licence dealing results in the water being extracted from a different location,
 - (b) an alternative water supply is obtained, that satisfies the requirements of subclause (1), or
 - (c) the licence is surrendered, cancelled, or not renewed.
- (5) Notwithstanding subclauses (1) to (4), extraction of water by an approved water supply work in the surface water source is only permitted if there is visible flow in the river in the vicinity of the work.
- (6) An assessment of the continuing requirements for access under this clause will be undertaken before the end of the Plan, and the Schedule amended or deleted at the

end of the Plan, if such a review determines that this concessional access is no longer required.

- (7) The assessment made under subclause (6) will be undertaken for the Plan as a whole, and for each individual licence on the Schedule.

74 Unregulated river access licences

All unregulated river access licences in this surface water source shall have mandatory conditions to give effect to the following:

- (a) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group, and
- (b) notwithstanding subclause (a), water may be taken without any restrictions in rate from an in-river dam while the dam is passing flows up to the equivalent of A class flows at the dam site, or there is zero inflow.

75 Local water utility access licences

All local water utility access licences in this surface water source shall have mandatory conditions to give effect to the following:

- (a) Water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component,
- (b) the total amount of water extracted from Zone 2 of this surface water source under the subclause (a) shall be the minimum amount necessary and shall not exceed 1.5 ML/day,
- (c) water may only be taken for the purposes of supplying water for:
 - (i) the exercise of a water supply function of the local water utility, and/or
 - (ii) other such purpose provided for under the Act,
- (d) notwithstanding subclause (a), holders of local water utility surface water access licences in Zone 2 issued at the start of this Plan, may continue to access the very low flows for the purpose specified in subclause (c) (i), if there is visible flow in the river in the vicinity of the work,
- (e) notwithstanding subclauses (a) and (d), water may be taken without any restrictions in rate from an in-river dam while the dam is passing flows up to the equivalent of A class flows at the dam site, or when there is zero inflow.

76 Domestic and stock access licences

All domestic and stock access licences in this surface water source shall have mandatory conditions to give effect to the following:

- (a) water may only be taken for the purposes of domestic consumption or stock watering as defined in section 52 of the Act,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing flows up to the equivalent of A class flows at the dam site, or there is zero inflow, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

77 Runoff harvesting access licences

All runoff harvesting access licences in this surface water source shall have a mandatory condition imposed on them specifying that water may be taken without restriction in rate, but only from the specified work.

78 Unregulated river and aquifer (Aboriginal cultural) access licences

All unregulated river and aquifer (Aboriginal cultural) access licences in these water sources shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken by Aboriginal persons or communities for personal, domestic and communal purposes including the purposes of drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, and gathering, and for recreational, cultural and ceremonial purposes,
- (b) water may only be taken in this surface water source in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing flows up to the equivalent of A class flows at the dam site, or when there is zero inflow, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff

harvesting dam.

79 Unregulated river (research) and aquifer (research) access licences

All unregulated river (research) and aquifer (research) access licences in these water sources shall have mandatory conditions to give effect to the following:

- (a) water shall only be taken for the purpose of scientific research, experimentation or teaching by accredited tertiary institutions, government bodies or other approved organisations, where any primary production resulting from the research program is not sold for profit,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by an approved group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all flows up to the equivalent of A class flows at the dam site or when there is zero inflow, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the access licence specifies that water may only be taken from a runoff harvesting dam.

80 Unregulated river (Aboriginal commercial) access licences

The following conditions shall be imposed on unregulated river (Aboriginal commercial) access licences:

- (a) water shall only be taken by, or on behalf of, Aboriginal communities or Aboriginal persons,
- (b) water may only be taken in accordance with a flow class determined by the Minister, at a rate not exceeding that specified for the flow class on the access licence extraction component, unless otherwise authorised by a registered group,
- (c) notwithstanding subclause (b), water may be taken without any restrictions in rate from an in-river dam while the dam is passing all flows up to the equivalent of A class flows at the dam site or when there is zero inflow, and
- (d) the conditions in subclauses (b) and (c) are not to be imposed if the extraction component of the licence specifies that water may only be taken from a runoff harvesting dam.

81 Mandatory conditions on water supply works approvals

- (1) All approvals for water supply works in this surface water source shall have mandatory conditions to give effect to the provisions of this Plan in relation to the

following:

- (a) flow measurement devices:
 - (i) shall be installed and maintained on all works used for extraction of water under a surface water access licence, and
 - (ii) shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
 - (b) water extraction and property water management infrastructure details shall be provided to the Minister on request,
 - (c) it is the responsibility of the work approval holder to ascertain from the Minister the flow class at any time before commencing to take water under an access licence with an IDEL,
 - (d) notwithstanding all other rights and conditions, extraction of water from a river by an approved water supply work is not permitted if there is no visible flow in the river in the vicinity of the work,
 - (e) extraction under an access licence through an approved work is only authorised with respect to the work nominated by the access licence, and
 - (f) approvals for in-river dams must include a condition requiring the passing of such flows as the Minister determines to be appropriate to achieve the objectives of this Plan.
- (2) All approvals for a water supply work (bore) in this groundwater source shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
- (a) the water supply work (bore) is only to be constructed by a driller licensed under section 349 of the Act,
 - (b) the water supply work (bore) must comply with drilling standards as specified by the Minister,
 - (c) construction of a water supply work (bore) must prevent contamination between aquifers through proper bore construction,
 - (d) a water supply work (bore) approval holder must ensure decommissioning procedures comply with applicable standards as specified by the Minister,
 - (e) a new or replacement water supply work (bore) to access water for basic rights will be required, as a condition of approval, to be constructed to sufficient depth to maintain access to the water source for the life of the work,
 - (f) the water supply work (bore) approval holder is, within 2 months of completion of

- the work, or after the issue of the approval if the water supply work (bore) is existing, to provide the Minister with:
- (i) details of the work on the prescribed form,
 - (ii) a plan showing accurately the location of the work in relation to portion and property boundaries, and
 - (iii) details of any water analysis and/or pumping tests required by the Minister,
- (g) if during the construction of the water supply work (bore), saline or contaminated water is encountered above the producing aquifer, such water is to be sealed off by:
- (i) inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or contaminated water from the work, and
 - (ii) placing an impermeable seal between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level, as specified by the Minister,
- (h) if a water supply work (bore) is abandoned, the water supply work (bore) approval holder is to:
- (i) notify the Minister that the work has been abandoned, and
 - (ii) seal off the aquifer by backfilling the work to ground level after withdrawing the casing (lining), as specified by the Minister,
- (i) an extraction measurement device shall be installed and maintained on each water supply work (bore) used for extraction of water under an access licence, and such devices shall be of a type, and shall be maintained in a manner, which is acceptable to the Minister,
- (j) a water supply work (bore) must comply with the relevant local impact management rules in Part 10 of this Plan,
- (k) notwithstanding the available water determination, it is the responsibility of the water supply work (bore) approval holder to ascertain from the Minister whether or not there are in place any local impact restrictions before commencing to take water from this groundwater source,
- (l) extraction under an access licence through the approved water supply work (bore) is only authorised with respect to the access licences specified on the water supply work (bore) approval,
- (m) a water supply work (bore) approval holder must supply to the Minister on request, and to the required standards, a report pertaining to the quality of the

water obtained from the water supply work (bore), and

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

Note—

It is recommended that the Minister also apply conditions to water use approvals requiring the supply of information on an annual basis on types and areas of irrigated crops.

Part 13 Granting and amending water supply works approvals

82 Granting and amending water supply works approvals

This Part is made in accordance with section 21 (b) of the Act.

83 Runoff harvesting dams

- (1) New or expanded runoff harvesting dams shall, in addition to other considerations, be subject to the dam capacity not exceeding that which is consistent with the access licence share component specifying the runoff harvesting dam as the nominated work.
- (2) When the water allocations that may be taken from a runoff harvesting dam are reduced either by the Minister, or on application of the approval holder, or by an assignment in accordance with Part 11 of this Plan, the Minister may impose an additional condition requiring the dam to be modified so as to reduce its capacity, or requiring the water taken and evaporated from the dam to be reduced, consistent with the reduction in water allocations available.

Note—

Extraction of water from a runoff harvesting dam requires a runoff harvesting access licence, unless the runoff harvesting dam is within the maximum harvestable right dam capacity for the property on which it is located, in which case no licences or approvals are required. Runoff harvesting is a category of access licence to be established by regulation under section 57 (k) of the Act.

84 In-river dams

The Minister may consider applications for in-river dams on permanently flowing first and second order rivers within this surface water source.

Note—

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). In either case, however, the dam requires a water management works approval unless exempted by regulation under the Act.

Part 14 Monitoring and reporting

85 Monitoring and reporting of performance indicators

The monitoring and reporting of the performance indicators specified in clause 13 shall be undertaken by the Minister.

Note—

Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the relevant natural resource management standards and targets in the catchment management area (as referred to in section 5 of the *Catchment Management Authorities Act 2003*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the catchment management area.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with the water management committee, where one exists.

Note—

Implementation Program

In accordance with section 51 of the Act, the Minister may establish an Implementation Program that sets out the means by which the provisions of this Plan are to be achieved.

It is proposed that the Minister establish an Implementation Program for this Plan. Pursuant to section 51 (5) of the Act, the Implementation Program is to be reviewed annually by the Minister to determine whether it is effective in implementing this Plan.

The results of the review of the Implementation Program are included in the annual report for the Department.

Part 15 Amendment of this Plan

86 Amendment of this Plan

This Part is made in accordance with section 45 (1) (b) of the Act.

87 Amendment of very low flow provisions

- (1) The Minister may, under section 45 (1) (b) of the Act and by notice published in the NSW Government Gazette, vary the very low flow levels established in clause 17, and consequently the bottom of A class established in clause 17, following field verification.
- (2) Any variation made under subclause (1) should not result in the very low flow level being less than that stipulated in clause 17 and no greater than:
 - (a) 109 ML/day in Zone 1,
 - (b) 36 ML/day in Zone 2,
 - (c) 20 ML/day in Zone 3, or
 - (d) 27 ML/day in Zone 4.

- (3) The Minister should undertake the field verification study in subclause (1) as soon as is practical, but before the review of this Plan under section 43 (2) of the Act.
- (4) The field verification should assess the degree to which the following objectives of the *Water Quality and River Flow Interim Environmental Objectives* (NSW Government 1999) are met:
 - (a) Objective 1—to protect water levels in natural river pools and wetlands during periods of no flow, and
 - (b) Objective 2—to protect natural low flows.
- (5) In undertaking the field verification the Minister should:
 - (a) consult with the NSW Environment Protection Authority, NSW Fisheries, NSW Agriculture and the NSW National Parks and Wildlife Service, and
 - (b) cause a report to be prepared documenting:
 - (i) the methodology adopted,
 - (ii) the hypotheses tested,
 - (iii) the field results and conclusions in terms of the degree to which the objectives in subclause (4) are met,
 - (iv) the flow level recommended to meet the objectives in subclause (4), and
 - (v) the socio-economic impacts of the recommended changes to the flow level, including farm dam feasibility, availability of funding and other adjustment mechanisms, barriers to change for access licence holders and ecological implications.

88 Review of field verification

- (1) The Minister should seek advice from a review body on the field verification report specified in clause 87 (5) (b) before varying this Plan in accordance with clause 87 (1), if the field verification recommends a variation in the very low flow levels established in clause 17.
- (2) This review body may be:
 - (a) a water management committee with water sharing responsibilities for this surface water source, or
 - (b) the relevant Catchment Management Authority, or
 - (c) an expert advisory panel or advisory committee established for this purpose by the Minister on the recommendation of a water management committee or

Catchment Management Authority referenced at subclause (2) (a) or (b).

- (3) The review body should provide advice to the Minister on the field verification report, and advise on any changes to the recommendations contained in the report in relation to any variation of the very low flow levels.
- (4) The review body should respond to the Minister as soon as practical after receiving the report, or within 3 months of that date at the latest.

89 Other amendment of this Plan

This Plan may also be amended in accordance with the following clauses of this Plan:

- (a) clause 22 in respect to planned environmental water,
- (b) clause 37 in respect to long-term average extraction limit of the surface water source,
- (c) clause 38 in respect of the long term extraction limit of the groundwater source,
- (d) clauses 51 and 52 in respect to adjustment of TDELS and IDELS, and
- (e) clause 59 in respect to high priority groundwater dependent ecosystems.

90 Amendment relating to planned environmental water

- (1) The Minister may amend this Plan to provide for the recovery of planned environmental water as follows:
 - (a) the recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act,
 - (b) the amount of additional water to be provided as planned environmental water is to be equivalent to the annual average extraction of water under the cancelled licence over the long-term,
 - (c) the average annual long-term availability of water for the remaining access licences that relate to the water source concerned is to be reduced by the average annual long-term extraction of water under the cancelled licence.
- (2) The Minister may amend this Plan to specify the purposes for which planned environmental water committed under section 8A of the Act is to be used.

91 Amendment of Plan relating to floodplain harvesting

The Minister may amend this Plan so as to provide for the floodplain harvesting of water by amending the waters or water sources to which this Plan applies and by consequential amendments so long as the amendments:

- (a) if the Plan has already taken into consideration floodplain harvesting extractions, do not affect the outcomes of the long-term extraction limit specified in the Plan, or

- (b) if the Plan has not already taken into consideration floodplain harvesting extractions, do not allow more water being taken pursuant to access licences for floodplain harvesting than permitted under Schedule F to the Agreement within the meaning of the *Murray-Darling Basin Act 1992*.

Dictionary

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

abandoned (work) refers to a water supply work (bore) that is no longer being used.

available water in relation to a water management area or water source, is the water that is available in that area or water source in accordance with an available water determination that is in force in respect of that area or water source.

available water determination is a written Order by the Minister as to the availability of water for the various categories of access licence in relation to a specified water management area or water source.

Note—

An available water determination gives rise to a water allocation that is credited to a water allocation account for each licensed holder.

conversion factor refers to the adjustment factor that is to be applied to an access licence share component when it is cancelled in one water source, and reissued in a different water source and visa versa, or when the access licence is converted from one category to another. It is designed to provide for the fact that the value of a unit of share component in terms of the average water allocations that result from it may vary from one water source to another, or from one category to another.

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.

extraction limit is:

- (a) in relation to this groundwater source, the amount of the long-term average annual recharge and storage that can be extracted, on average, each water accounting year, and
- (b) in relation to this surface water source, a limit on the amount of water that may be extracted from an extraction management unit.

farm dam is a privately owned dam typically of earthen construction designed to collect and/or store water for use on one or a few properties. It does not include publicly owned dams or weirs. See also **in-river dam** and **runoff harvesting dam**.

flow classes are categorised by the size and duration of flow levels in unregulated rivers, for example:

- (a) very low flows may be a class on their own,
- (b) low flows may be categorised as 'A' class flows,

- (c) moderate flows may be categorised as 'B' class flows,
- (d) high flows may be categorised as 'C' class flows,
- (e) very high flows may be categorised as 'D' class flows, and
- (f) extremely high flows may be categorised as 'E' class flows.

flow gauging station is a device that is used to measure the height of a river, from which the flow in the river can be calculated.

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

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

Healthy Rivers Commission is an independent Commission set up by the NSW Government in 1996 to undertake public inquiries and make recommendations on selected NSW rivers systems.

individual daily extraction limit (IDEL) is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

infrastructure includes, but is not limited to, a:

- (a) flow gauging device or any other appliance that is used to measure the height of a river relative to a known datum point, from which the flow in the river can be calculated,
- (b) flow announcement system which is the mechanism by which the Minister communicates daily flow classes to the holders of an access licence within this surface water source, or
- (c) a monitoring bore.

in-river dam is a dam on a 3rd, 4th or higher order river. 3rd, 4th or higher order rivers are as defined in the order made under section 5 of the [Water Act 1912](#) in relation to the definition of a "river" gazetted 23 March 2001. See also **farm dam** and **runoff harvesting dam**.

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.

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.

runoff harvesting dam is a farm dam on a hillside or 1st or 2nd order stream which collects and stores rainfall runoff. 1st and 2nd order streams are as defined in the order made under section 5 of the [Water Act 1912](#) in relation to the definition of a river gazetted 23rd March 2001. See also **farm dam** and **in-river dam**.

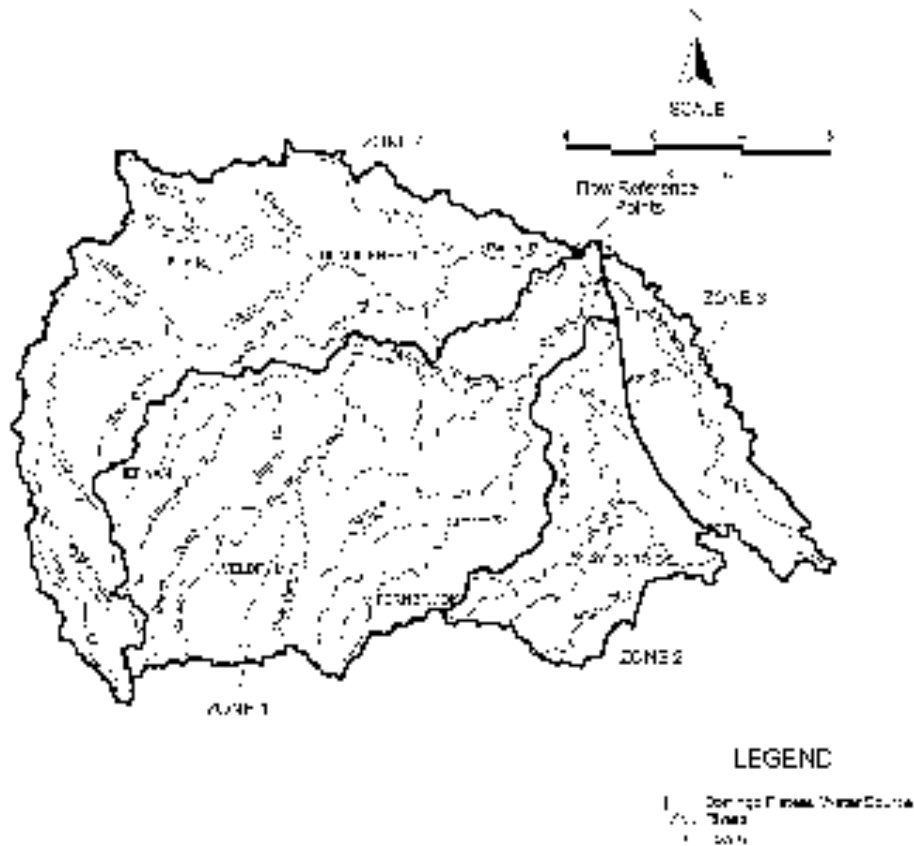
Note—

This order refers to watercourses shown as blue lines on topographic maps. The lines which are uppermost in a catchment are

1st order streams, when two 1st order streams are joined they make a 2nd order stream, etc. For more information see the Farm Dams Assessment Guide available from the Department of Land and Water Conservation.

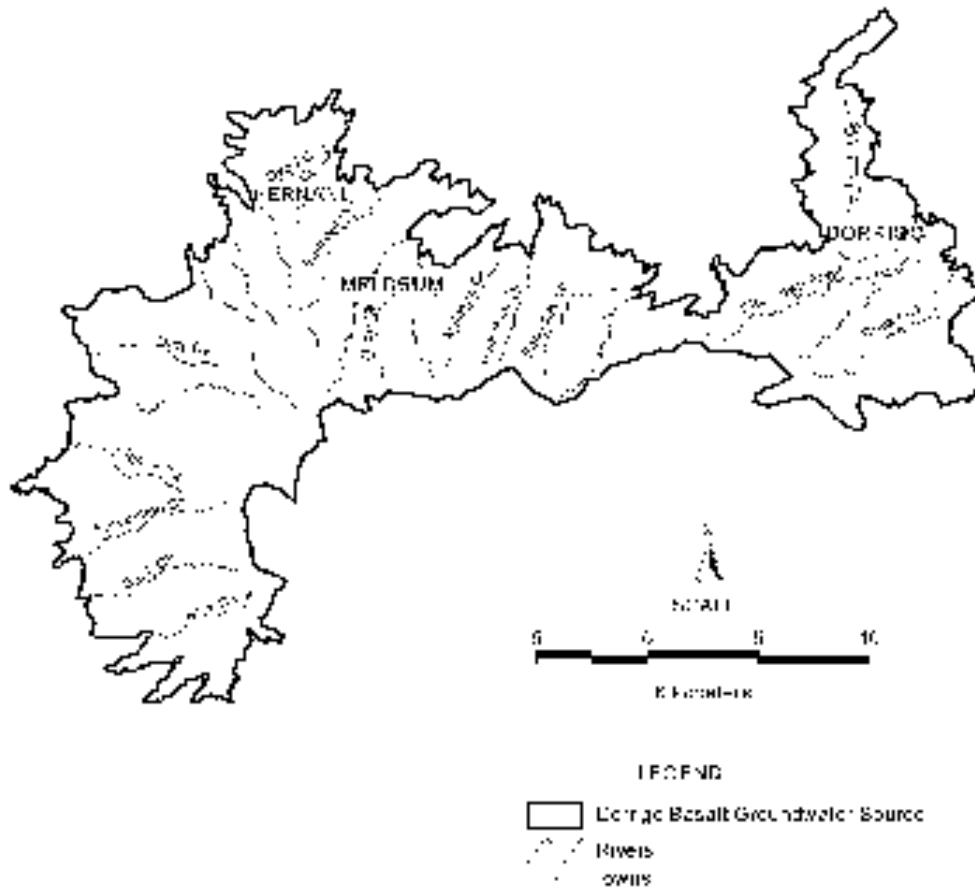
total daily extraction limit (TDEL) is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

Schedule 2 Dorrigo Plateau Surface Water Source



Schedule 3 Dorrigo Basalt Groundwater Source

This groundwater source excludes all water occurring on the land surface.



Schedule 4 Rivers in the Dorrigo Plateau Surface Water Source

This surface water source includes, but is not limited to:

Zone 1

Upper Nymboida River
 Boundary Creek
 Borra Creek
 Little Murray Creek
 Sandy's Creek
 Glen Fernaigh River
 Dead Dog Creek

Zone 2

Bielsdown River
 Rocky Creek
 Little Plains Creek
 Little Falls Creek

Zone 3

Wild Cattle Creek
 Karore Creek
 Kirtons Creek
 Currens Creek

Zone 4

Blicks River
 Hyland Creek
 Blicks Creek
 Billys Creek

Euroka Creek	Majors Creek
Matthews Creek	Pinch Creek
Whisky Creek	
Dillions Creek	

Schedule 5 Contribution to relevant targets in the December 2002 State Water Management Outcomes

Levels of assessed contribution:

FULL—contributes to the target in full

HIGH—while not fully contributing to the target, there is a good level of contribution

PARTIAL—goes some way to contributing to the target

LOW—only small degree of contribution to the target

Relevant target	Level of contribution	Comments
<p>Target 1c Long term average annual extraction limits which are ecologically sustainable, and which minimise downstream impacts, established in all coastal water sources</p>	HIGH	<ul style="list-style-type: none"> • This Plan clearly sets out the basis for the surface water extraction limit for the Nymboida River Catchment Extraction Management Unit. • Until the cumulative impact of this limit can be assessed for all the whole Nymboida Catchment it is not possible to properly assess ecological sustainability and downstream impacts.
<p>Target 1e The long term average annual extractions for groundwater limited (or being phased down) to an ecologically sustainable level (the Sustainable Yield) as determined by detailed assessment of each groundwater source and consultation with the relevant management committee. In the absence of such an assessment, the following to apply: 100 percent of average annual recharge for a groundwater source where there is no significant ecosystem dependency; 70 percent of average annual recharge where there is significant ecosystem dependency</p>	FULL	<ul style="list-style-type: none"> • This Plan establishes an extraction limit (sustainable yield) of 10% of average annual recharge. • This Plan provides for an increase in the extraction limit to 12.5% of recharge when extractions reach the SY and an assessment is undertaken.

Target 1f Rules for adjustments to future available water determinations in the event that the extraction limits are exceeded, clearly prescribed in consultation with the relevant management committee, and acted upon

FULL

- Rules set out in Part 9.
- Daily extraction limits protect a high proportion (80%) of the flow regime, excepting the low flows in Zone 2 which will nevertheless be improved from the current.
- Only extremely low flows (generally around the 98th percentile of all days with flow) are protected by the cease/commence to pump figures.

Target 2 All management plans incorporating mechanisms to protect and restore aquatic habitats, and the diversity and abundance of native animals and plants, with particular reference to threatened species, populations and communities and key threatening processes

PARTIAL

- As this Plan will allow low to high flows in Zone 1, 3 and 4, and moderate to high flows in Zone 2, to be further diminished relative to current, the aquatic habitats may decline to some degree in the future. However the total volume of extraction is low.
- Given that this surface water source has been identified as potential high conservation value these values may be at some risk from growth in extractions
- The low groundwater extraction limit, and limits on extraction within 100m of designated groundwater dependent ecosystems should protect these habitats.

Target 4a Wherever the frequency of “end of system” daily flows would be less than 60 percent of the predevelopment level without environmental water rules or extraction limits, the flows increased to 60 percent of predevelopment levels or increased by at least 10 percent of the predevelopment frequency

HIGH

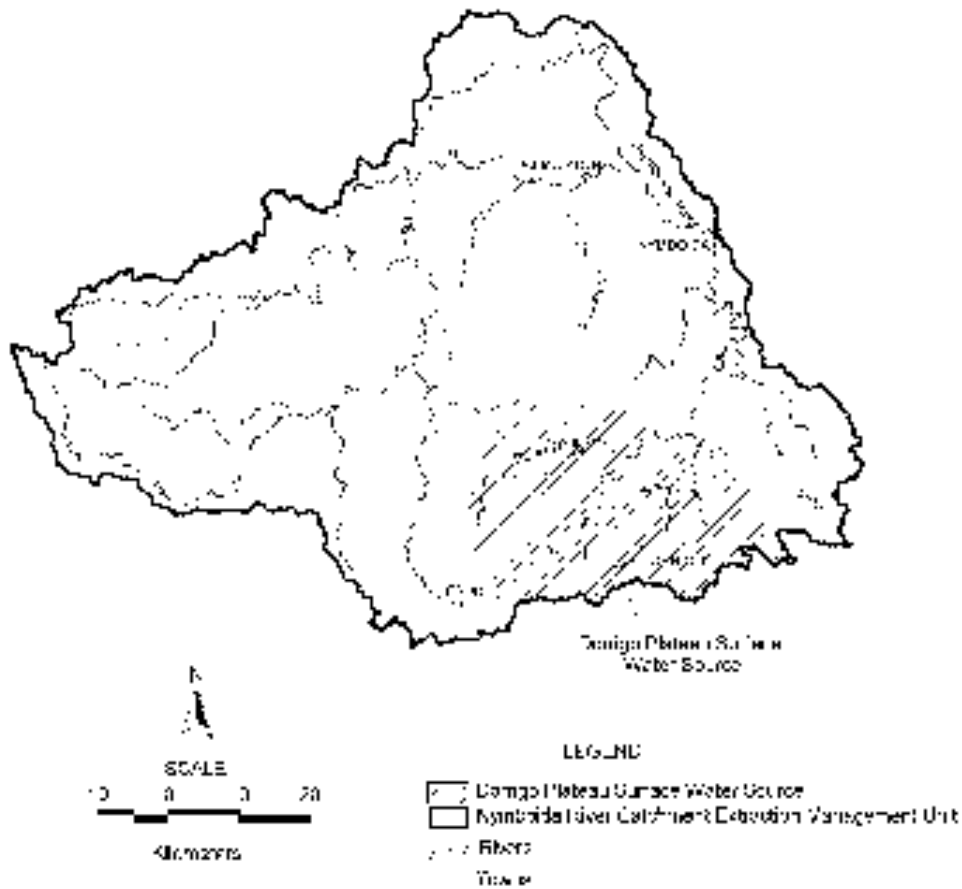
- The target is met in all classes in all zones as follows:
 - Zone 1: 87% of A class flows protected; 88% of B class flows protected; 90% of C class flows protected.
 - Zone 2: 40% of A class flows protected, which is more than 10% improvement on current; 60% of B class flows protected; 70% of C class flows protected.
 - Zone 3: 80% of A class flows protected; 80% of B class flows protected; 80% of C class flows protected.
 - Zone 4: 80% of A class flows protected; 80% of B class flows protected; 80% of C class flows protected.

<p>Target 4b Frequency of “end of system” daily very low flows (as defined by local field investigation) protected or restored to predevelopment levels to maintain or restore their critical ecological functions, drought refuges and habitat connectivity. In the absence of such local assessments, protection extended up to at least the predevelopment 95th percentile</p>	<p>PARTIAL</p>	<ul style="list-style-type: none"> • The target is not met in any zone in the first five years. • However this Plan provides for a review of the cease/commence to pump figures in all zones in year 5 and a possible change in year 6.
<p>Target 5 Access rights for water access licensees clearly and legally specified in terms of share and extraction components</p>	<p>FULL</p>	<ul style="list-style-type: none"> • This Plan clarifies access licence share components, limits interference between groundwater licences and establishes individual daily extraction limits for distribution to individual surface water licences. • This Plan enables trading of share components and individual daily extraction limits.
<p>Target 6a For groundwater sources, the total volume of water specified on access licences reduced over the term of a water sharing plan to no more than 125 percent of the Sustainable Yield</p>	<p>FULL</p>	<ul style="list-style-type: none"> • Total groundwater access licence share components for this groundwater source will not exceed 100% of the SY.
<p>Target 6b For surface water sources, a pathway for reducing the share components to 200 percent of the long term average annual extraction limit to be established not later than the end of the term of the SWMOP</p>	<p>FULL</p>	<ul style="list-style-type: none"> • Total access license share components for the Nymboida River Catchment Extraction Management Unit should not exceed 200% of extraction limit for this Unit. • The Government has established alternative mechanisms to address this target. • This Plan provides market opportunities. • This Plan provides an exemption from embargo for Aboriginal cultural purposes.
<p>Target 7 Mechanisms in place to enable Aboriginal communities to gain an increased share of the benefits of the water economy</p>	<p>HIGH</p>	<ul style="list-style-type: none"> • Unallocated water is available in this surface water source and may be assigned to any licences issued to Aboriginal cultural purposes. • Aboriginal peoples may apply for aquifer access licences in this groundwater source. • This Plan provides for priority of access to unassigned TDEL following the 5 year review for use by the Aboriginal community.

<p>Target 8 Daily extraction components specified and tradeable, subject to metering, reporting and compliance, for at least 50 percent of unregulated river access licences and for 80 percent of stressed unregulated rivers</p>	<p>FULL</p>	<ul style="list-style-type: none"> • This Plan establishes total daily extraction limits across the whole surface water source.
<p>Target 10 Degree of connectivity between aquifers and rivers assessed, and zones of high connectivity mapped to enable baseflows to the river to be maintained or improved</p>	<p>HIGH</p>	<ul style="list-style-type: none"> • Baseflows to surface rivers are protected by a 40m exclusion zone and a low groundwater extraction limit.
<p>Target 11 Groundwater dependent ecosystems identified and mapped for all priority aquifers, and the ecological water requirements assessed to enable local groundwater extraction rates and/or Sustainable Yields to be reviewed</p>	<p>HIGH</p>	<ul style="list-style-type: none"> • High priority groundwater dependent ecosystems have been identified but detailed ecological water requirements are not known. • This Plan sets out extraction rules/buffer zones to limit local environmental impacts of extraction on these ecosystems.
<p>Target 12 Measures in place in all water sources subject to a gazetted water sharing plan to protect domestic and stock rights from the impact of other water access and use</p>	<p>FULL</p>	<ul style="list-style-type: none"> • This Plan has identified the volumes necessary to meet basic domestic and stock requirements. • Cease to pump level and daily extraction limits will protect surface flows for domestic and stock requirements.
<p>Target 13 The knowledge sharing, training and resources necessary to ensure that Aboriginal people have the capacity to be effectively involved in water management identified and addressed</p>	<p>HIGH</p>	<ul style="list-style-type: none"> • 2 Aboriginal community representatives have been involved in development of this Plan.
<p>Target 14 Water sources, ecosystems and sites of cultural or traditional importance to Aboriginal people identified, plans of management prepared, and measures put in place to protect and improve them</p>	<p>HIGH</p>	<ul style="list-style-type: none"> • This Plan recognises importance of these water sources to Aboriginal cultural and spiritual values and has recognised specific Aboriginal cultural or traditional requirements and sites of particular importance, although has not listed them for reasons of cultural sensitivity. • This Plan, while protecting over 80% of most flows does allow future reductions in flow compared to current and the impact of this on Aboriginal values is not known.
<p>Target 16a All share components of access licences tradeable</p>	<p>FULL</p>	<ul style="list-style-type: none"> • This Plan provides for trading of access licence share components and individual daily extraction limits.

<p>Target 16c Conversion factors and protocols established to facilitate trading and dealings between water sources, whilst FULL also protecting existing access and environmental water</p>	FULL	<ul style="list-style-type: none"> • This Plan establishes exchange rate of 1:1 for trading between surface water sources in the Nymboida River Catchment Extraction Management Unit. • This Plan does not permit trading of groundwater rights to other groundwater sources, but this is justifiable as they are unconnected.
<p>Target 16d Reduced conversion factors only applied when necessary to offset increased losses associated with water supply delivery</p>	FULL	<ul style="list-style-type: none"> • This Plan does not impose reduction factors.
<p>Target 16e Any unassigned access rights identified and clear mechanisms established for their future assignment</p>	FULL	<ul style="list-style-type: none"> • This Plan establishes rules for assignment of unassigned access rights.
<p>Target 16f Zones established where necessary for environmental protection and limits/constraints on water dealings in them made explicit</p>	FULL	<ul style="list-style-type: none"> • This Plan establishes trading zones in this surface water source.
<p>Target 35 All management plans incorporating water quality objectives that have considered Government approved Interim Environmental Objectives, the current Australian and New Zealand Environment and Conservation Council Guidelines and the recommendations of relevant Healthy Rivers Commission Inquiries</p>	FULL	<ul style="list-style-type: none"> • This Plan includes a generalised water quality objective for surface water and groundwater. • This Plan does provide a reasonably high level of environmental protection that should assist in protecting water quality.

Schedule 6 Nymboida River Catchment Extraction Management Unit



Schedule 7 Access licences with access to very low flows in the surface water source

The access licences with the following numbers have access to very low flows in the surface water source in accordance with clause 73 of this plan:

30SL015307	Dairy washdown
30SL027262	Dairy washdown
30SL041519	Dairy washdown
30SL041634	Dairy washdown
30SL038131	Dairy washdown
30SL043081	Dairy washdown
30SL052200	Dairy washdown, vegetable washing
30SL065195	Dairy washdown, vegetable washing
30SL065929	Dairy washdown
30SL066206	Dairy washdown

30SL066256	Dairy washdown
30SL066451	Dairy washdown
30SL066466	Dairy washdown
30SL066477	Dairy washdown
30SL066515	Dairy washdown
30SL066475	Dairy washdown
30SL066260	Dairy washdown
30SL066241	Dairy washdown
30SL049636	Dairy washdown
30SL066261	Dairy washdown

Note—

The access licences in this Schedule may change during the period of this Plan. The District Office of the Department of Infrastructure, Planning and Natural Resources, shown in Appendix 2, should be contacted for a current list.

Schedule 8 High priority groundwater dependent ecosystems

The high priority groundwater dependent ecosystems in this groundwater source are:

Rainforests

Riparian forests

Moist eucalypt forest

Moist heathy vegetation, and

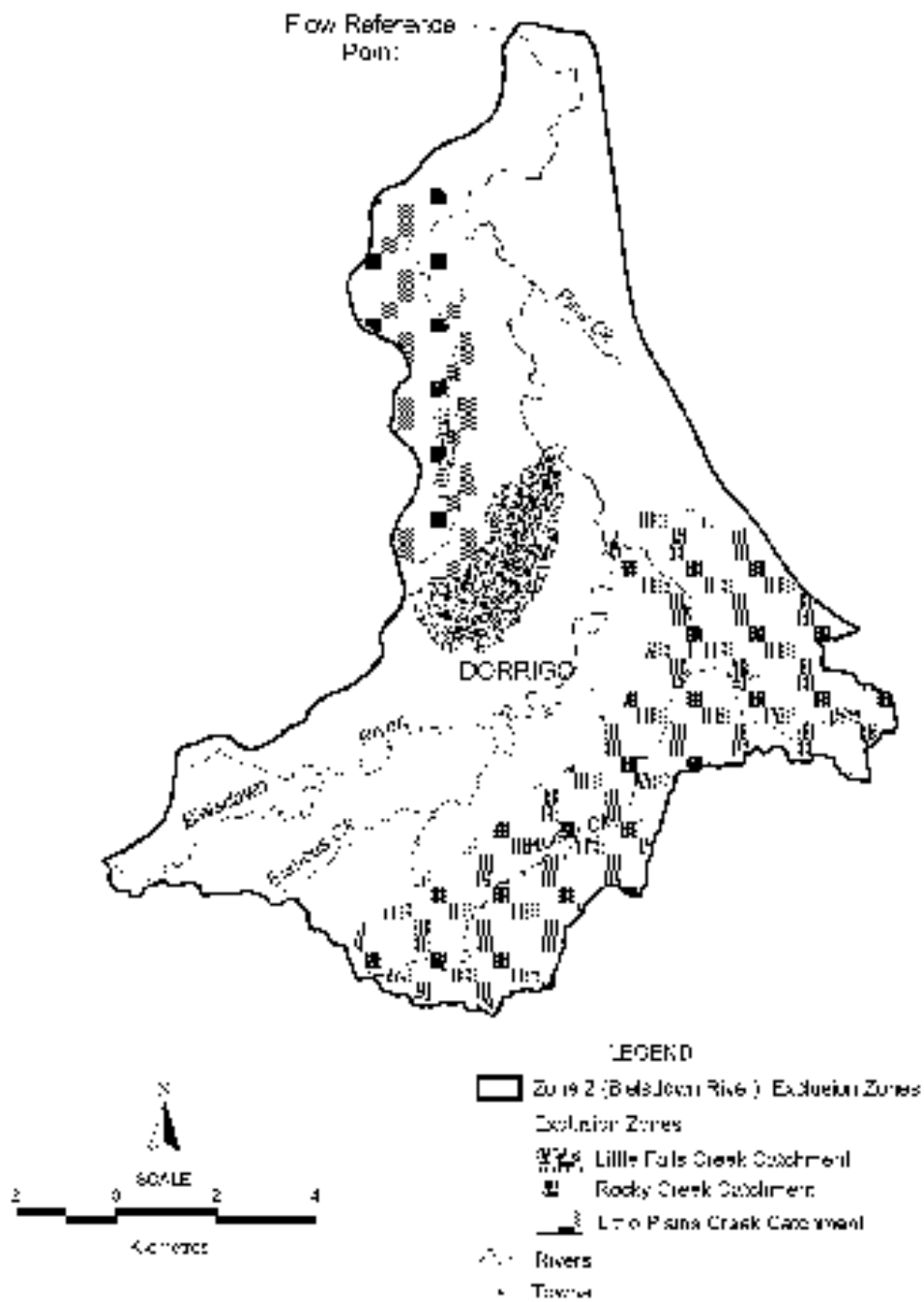
Freshwater wetlands,

as detailed in *Water Habitats of the Clarence, Coffs Coastal, and Bellinger Catchments. North Coast Water Habitats Study—Report No. 2* National Parks and Wildlife Service, 2001.

Note—

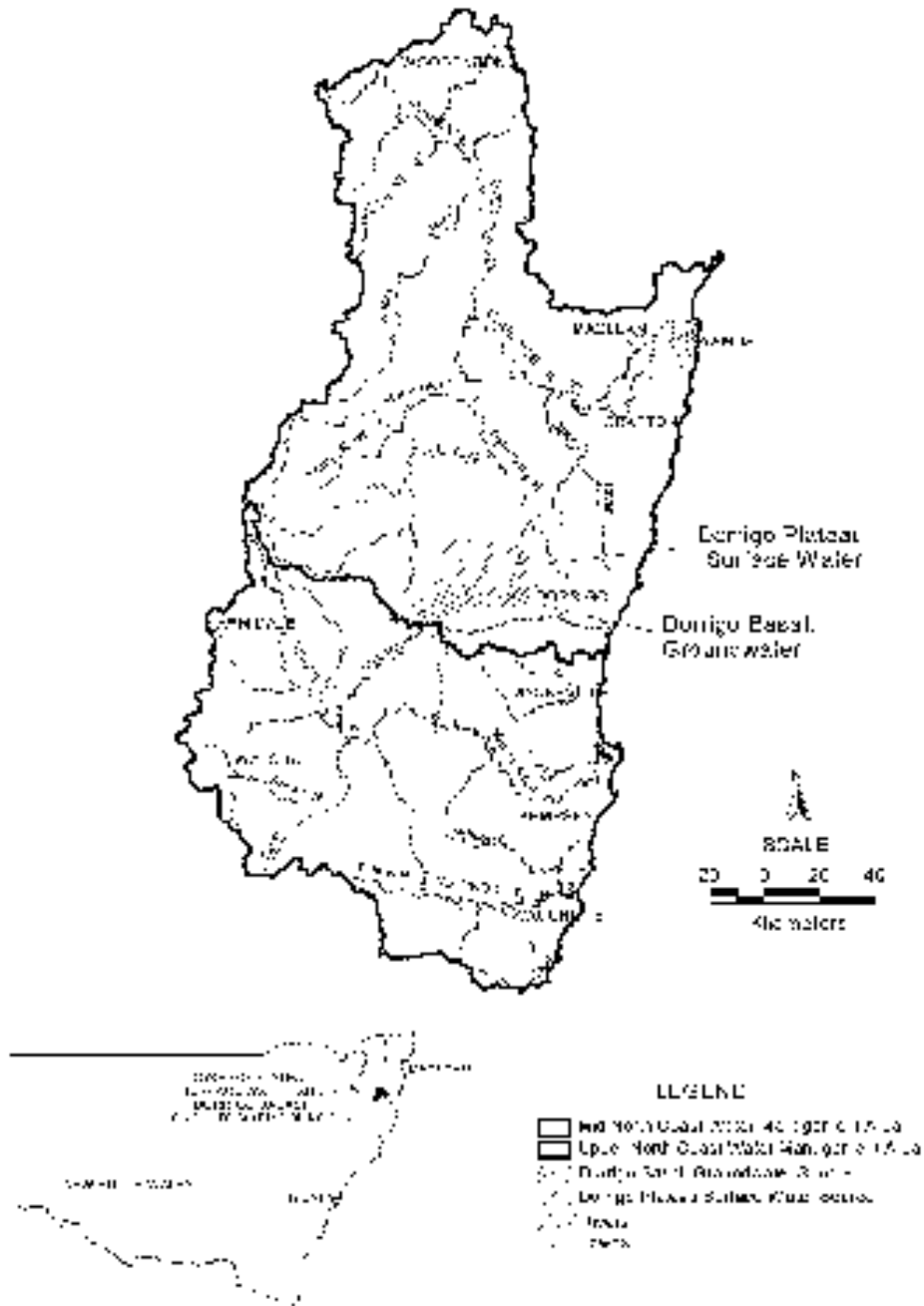
The high priority groundwater dependant ecosystems listed in this Schedule may change during the period of this Plan. The offices of the Department of Land and Water Conservation, listed in Appendix 2, should be contacted for a current list.

Schedule 9 Trading exclusion zones within Zone 2—Bielsdown River



Appendix 1 Upper North Coast and Mid North Coast Water

Management Areas



Appendix 2 Location of maps

The maps in relation to this Plan may be inspected at:

Regional Office
Department of Land and Water Conservation
76 Victoria Street
GRAFTON NSW 2460

District Office
 Department of Land and Water Conservation
 205 AMP Centre
 Cnr Gordon and Vernon Streets
 COFFS HARBOUR NSW 2450

Appendix 3 Performance indicators

Performance indicators for the Dorrigo Plateau Surface Water Source and the Dorrigo Basalt Groundwater Source Water Sharing Plan

Performance indicator	Related objective	As measured by	Commentary
(a) Change in groundwater extraction relative to the extraction limit.	11 (a)	<ul style="list-style-type: none"> Average annual extraction volume for the groundwater source as a percentage of the extraction limit (commonly known as Sustainable Yield). 	<ul style="list-style-type: none"> Plan provisions will set the mechanism to remain within the sustainable yield over the long-term. River Flow Objectives (RFOs) 1, 2 and 6. RFOs are the objectives agreed to by the NSW Government aimed at safeguarding river flows for environmental health. <p>Note—</p> <p>Not every objective is relevant to every river in NSW.</p> <ul style="list-style-type: none"> Plan will contribute to a decrease in the frequency and duration of low flows.
(b) Change in low flows at end of system.	11 (c) 11 (d) 11 (g) 11 (h)	<ul style="list-style-type: none"> Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> This assessment will focus on end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry.

<p>(c) Change in moderate to high flows at end of system.</p>	<p>11 (c) 11 (d) 11 (g) 11 (h)</p>	<ul style="list-style-type: none"> • Assessment of change in flow duration characteristics, from time of Plan commencement, at identified reference points. 	<ul style="list-style-type: none"> • RFO 3. • Plan will maintain or increase the frequency and duration of moderate to high flows. • This assessment will focus on end of system reference point(s), and will be based on a qualitative assessment of compliance with the water sharing rules, due to the current modelling limitations in most unregulated rivers. • Where data is limited, it is only possible to assess change from the period of plan commencement to the time the indicator is assessed. • There will be a high climatic influence on changes to the flow characteristics, depending on if the time period of assessment has been wet or dry. • Water sharing plans for unregulated water sources have the potential to impact on urban water supplies.
		<ul style="list-style-type: none"> • Change in safe yield (safe yield is the annual demand that can be supplied from the surface water supply headworks and is based on the period of records used and an acceptable level of restriction). • Consumption of town water supply per capita of population over time. 	<ul style="list-style-type: none"> • Where safe yield has been determined, or where a hydrologic model can be developed, compare safe yield under the water sharing rules of this plan, and the rules that existed prior to its implementation. • Where there is no known safe yield, but the flow regime at the pump site is known, assessment will be limited to change in the number of days of access. Reporting will focus on an assessment of whether this change in access has led to increased levels of town water supply restrictions during the period of the plan.
<p>(d) Change in local water utilities and major water utilities access (where those utilities are involved in urban water provision).</p>	<p>11 (e)</p>		

- | | | | |
|--|--|---|--|
| <p>(e) Change in ecological condition of these water sources and their dependent ecosystems.</p> | <p>11 (a)
11 (b)
11 (c)
11 (d)
11 (g)
11 (h)</p> | <ul style="list-style-type: none"> • Periodic assessment of identified attributes of this water source and dependent ecosystems. | <ul style="list-style-type: none"> • The ecological influence of the Plan is limited to providing for changes in flow regime aimed at improving the ecological condition of the water source and dependent ecosystems. • The focus of this performance indicator will be the effect of flow strategies. • Information on flow requirements of ecological systems is limited so physical or hydraulic surrogates will be used to assess the influence of the Plan. For example, the status of wetted area, depth in pools and flow velocity over riffles. • In addition to the environmental water provisions defined in this Plan, there are many other factors that contribute to achievement of ecological objectives. Riparian vegetation, water quality, farming techniques, soil erosion, water flow patterns and other catchment characteristics all significantly influence ecological condition. It is difficult to assess which factor is the most influential at a particular time and place. • Research and development into the impacts of flow on ecological condition will be incorporated into assessment of the plan where the information is available and relevant. |
|--|--|---|--|

<p>(f) Extent to which basic landholder rights requirements have been met.</p>	<p>11 (e)</p>	<ul style="list-style-type: none"> • Assessment of cease to pump levels in relation to basic rights requirements. • Monitor increase in applications for water supply work (bore) approvals. • Number of reports of interference between high yield extraction and basic rights, or number of stock and domestic bores deepened. 	<ul style="list-style-type: none"> • Basic landholder rights usage figures in water sharing plans are estimated (not actual use). • Increase in groundwater licences may be due to past unlicensed works. • There are many factors affecting economic status of a region, for example commodity prices.
		<p>(g) Change in economic benefits derived from water extraction and use.</p>	<p>11 (f)</p>
<p>(h) Extent to which native title rights requirements have been met.</p>	<p>11 (h)</p>		

- (i) Extent of recognition of spiritual, social and customary values of water to Aboriginal people. 11 (h)
- Assessment of amount and type of information collected to identify the range of values of water to Aboriginal people.
 - The number of licence applications and transfers referred to the Local Aboriginal Land Councils and Gunbaingirr Elders.
 - The collection of information on values is considered the first step in addressing the objects of the Act. It would be expected that at the end of 5 years there should be relevant information collected for each water source, as a minimum requirement.
 - Consultation with the local Aboriginal community will seek to minimise effects on important social, customary, cultural, and spiritual values.

Appendix 4 (Repealed)