

Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2011

[2011-575]



New South Wales

Status Information

Currency of version

Historical version for 6 July 2012 to 27 June 2019 (accessed 30 June 2024 at 1:06)

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

Provisions in force

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

Notes—

- **Note**
This Plan ceases to have effect on 1.7.2022—see cl 3.

Authorisation

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

File last modified 6 July 2012

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New South Wales

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Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2011



New South Wales

Part 1 Introduction

Note—

Part 12 allows for amendments to be made to Part 1.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2011* (hereafter **this Plan**).

2 Nature and Status of this Plan

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

Note—

Where a provision of this Plan is made under another section of the Act, the section is referred to in notes to this Plan.

3 Commencement of this Plan

This Plan commences on 14 November 2011.

Notes—

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2012.
- 2 The Minister may extend this Plan for a further period of 10 years after the plan is due to expire, in accordance with section 43A of the Act.

4 Application of this Plan

- (1) This Plan applies to the NSW Great Artesian Basin Shallow Groundwater Sources (hereafter **these groundwater sources**) comprised of the following groundwater sources within the Border Rivers Water Management Area, the Central West Water

Management Area, the Gwydir Water Management Area, the Namoi Water Management Area and the Western Water Management Area:

- (a) Great Artesian Basin (hereafter **GAB**) Central Shallow Groundwater Source,
- (b) GAB Surat Shallow Groundwater Source, and
- (c) GAB Warrego Shallow Groundwater Source.

Note—

The Border Rivers Water Management Area, Central West Water Management Area, Gwydir Water Management Area, Namoi Water Management Area and Western Water Management Area were constituted by Ministerial order made under section 11 of the [Water Management Act 2000](#) published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These groundwater sources are shown on the registered map called the [NSW Great Artesian Basin Shallow Groundwater Sources](#) held by the NSW Office of Water (hereafter the **Registered Map**).

Note—

An overview of the [Registered Map](#) is shown in Appendix 1. Copies of the [Registered Map](#) may be inspected at the offices listed in Appendix 2.

- (3) Subject to subclause (4), these groundwater sources include all water contained within:
 - (a) all geological formations to a depth of 60 metres below the surface of the ground, and
 - (b) all alluvial sediments,within the boundaries of these groundwater sources as shown on the [Registered Map](#).
- (4) These groundwater sources do not include water contained in:
 - (a) the water sources as defined in the [Water Sharing Plan for the Lower Gwydir Groundwater Source 2003](#),
 - (b) the water sources as defined in the [Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003](#),
 - (c) the water sources as defined in the [Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008](#),
 - (d) the water sources as defined in the [Water Sharing Plan for the Castlereagh \(below Binnaway\) Unregulated and Alluvial Water Sources 2011](#),
 - (e) the water sources as defined in the [Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011](#),

- (f) the groundwater sources as defined in the *Water Sharing Plan for the Murray Darling Basin Fractured Rock Groundwater Sources 2011*,
- (g) the groundwater sources as defined in the *Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2011*, or
- (h) any alluvial sediments below the surface of the ground within the excluded alluvial areas as shown on the [Registered Map](#).

5 Understanding the rules in this Plan

This Plan contains various rules. Where appropriate, rules specified in this Plan are given effect to by mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

Note—

The rules in this Plan include environmental water rules, access licence dealing rules, rules for granting and managing access licences, rules for water supply work approvals, rules for the making of available water determinations and water allocation account rules.

6 Interpretation

- (1) Words and expressions that are defined in the Dictionary in Schedule 1 of this Plan have the meaning set out in that Schedule.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in regulations to the Act (hereafter **the regulations**) have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) Schedules to this Plan form part of this Plan.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Note—

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

7 Vision statement

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

8 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the high priority groundwater dependent ecosystems and high priority river flow dependent ecosystems of these groundwater sources,
- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these groundwater sources,
- (c) protect basic landholder rights,
- (d) manage these groundwater sources to ensure equitable sharing between users,
- (e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (f) provide water allocation account management rules which allow sufficient flexibility in water use,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater,
- (i) adaptively manage these groundwater sources, and
- (j) contribute to the environmental and other public benefit outcomes identified under the Water Access Entitlements and Planning Framework in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter **the NWI**).

Note—

Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (i) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for,
- (ii) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (iii) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market, when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

9 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,
- (b) identify water requirements for basic landholder rights,

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

10 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in or maintenance of, the ecological condition of key groundwater sources and their dependent ecosystems,
- (b) the extent to which basic landholder rights requirements have been met, including native title rights requirements,
- (c) change in local water utility access,
- (d) the extent to which local water utility requirements have been met,
- (e) change in the economic benefits derived from groundwater extraction and use, and
- (f) extent of recognition of spiritual, social and customary values of water to Aboriginal people.

Part 3 Bulk access regime

11 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these groundwater sources, having regard to:
 - (a) the environmental water rules established in Part 4 of this Plan,
 - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
 - (c) the requirements for water for extraction under access licences identified in

Division 3 of Part 5 of this Plan, and

(d) the access licence dealing rules established in Part 10 of this Plan.

(2) The bulk access regime established in this Plan for these groundwater sources:

- (a) recognises and is consistent with the limits to the availability of water set in relation to these groundwater sources contained in Division 1 of Part 6 of this Plan,
- (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan, and available water determinations to be made contained in Division 2 of Part 6 of this Plan,
- (c) recognises the effect of climatic variability on the availability of water as described in clause 12,
- (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan,
- (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences, contained in Division 2 of Part 11 of this Plan, and
- (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

12 Climatic variability

This Plan recognises the effects of climatic variability on groundwater levels in these groundwater sources by having provisions that manage the sharing of water in these groundwater sources within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan

Note—

Other statutory tools are available to manage climatic variability within a groundwater source, for example, temporary water restrictions under section 324 of the Act.

Part 4 Planned environmental water provisions

Notes—

- 1** This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2** Part 12 allows for amendments to be made to Part 4.

13 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these groundwater sources.

Note—

In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances, and that cannot, to the extent committed, be taken or used for any other purpose.

14 Commitment and identification of planned environmental water

- (1) Planned environmental water is committed and identified in these groundwater sources as set out in this clause.
- (2) Water is committed and identified as planned environmental water in these groundwater sources in the following ways:
 - (a) by reference to the commitment of the physical presence of water in these groundwater sources,
 - (b) by reference to the long-term average annual commitment of water as planned environmental water, and
 - (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

15 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established and maintained in these groundwater sources as set out in this clause.
- (2) Planned environmental water in these groundwater sources is established as follows:
 - (a) the physical presence of water:
 - (i) in the GAB Central Shallow Groundwater Source, that is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas at the commencement of this Plan,

Note—

At the commencement of this Plan the long-term average annual rainfall recharge for the GAB Central Shallow Groundwater Source is estimated to be 242,587 ML/year in those areas that are not high environmental value areas and 17,187 ML/year in high environmental value areas.

- (ii) in the GAB Surat Shallow Groundwater Source, that is equal to 75% of the long-term average annual rainfall recharge in areas that are not high

environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas at the commencement of this Plan,

Note—

At the commencement of this Plan the long-term average annual rainfall recharge for the GAB Surat Shallow Groundwater Source is estimated to be 573,338 ML/year in those areas that are not high environmental value areas and 10,671 ML/year in high environmental value areas.

- (iii) in the GAB Warrego Shallow Groundwater Source, that is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas at the commencement of this Plan, and

Note—

At the commencement of this Plan the long-term average annual rainfall recharge for the GAB Warrego Shallow Groundwater Source is estimated to be 192,850 ML/year in those areas that are not high environmental value areas and 8,017 ML/year in high environmental value areas.

- (iv) that is within the groundwater storage of these groundwater sources over the long term,

Notes—

- 1 Groundwater sources generally store large volumes of water, often accumulated over thousands or even tens of thousands of years. The amount of annual recharge is often very small compared to this stored volume. This Plan does not allow access to the storage component of these groundwater sources over the long-term. This means that, over the long term, these groundwater sources will not be depleted as a result of extraction.
- 2 The recharge estimates for these groundwater sources are based on rainfall infiltration.
- 3 The portion of recharge reserved for the environment is not the same for every groundwater source, having regard to the different levels of socio-economic reliance and environmental values of each groundwater source.

- (b) the long-term average annual commitment of water as planned environmental water in:

- (i) the GAB Central Shallow Groundwater Source which is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas at the commencement of this Plan,
- (ii) the GAB Surat Shallow Groundwater Source which is equal to 75% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall recharge in high environmental value areas at the commencement of this Plan,
- (iii) the GAB Warrego Shallow Groundwater Source which is equal to 40% of the long-term average annual rainfall recharge in areas that are not high environmental value areas, 100% of the long-term average annual rainfall

- recharge in high environmental value areas at the commencement of this Plan,
- (iv) these groundwater sources, which is equal to the volume of water within the groundwater storage over the long term, and
 - (c) the water remaining in these groundwater sources after water has been taken pursuant to basic landholder rights and access licences in accordance with the rules specified in Part 6 and Part 8 of this Plan.
- (3) The planned environmental water established under subclause (2) (a) is maintained in these groundwater sources by the rules specified in Part 6 and Part 8 of this Plan.
 - (4) The planned environmental water established under subclause (2) (b) is maintained in these groundwater sources by the rules specified in Part 6 of this Plan which limit the water available for extraction under access licences.
 - (5) The planned environmental water established under subclause (2) (c) is maintained in these groundwater sources by the rules specified in Part 6 and Part 8 of this Plan.

Note—

The rules in Part 6 ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limit. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limits have been assessed to have been exceeded.

Part 5 Requirements for water

Division 1 General

16 Application

- (1) This Part identifies the requirements for water from these groundwater sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these groundwater sources, and the total volumes or unit shares to be specified in the share components of all access licences in these groundwater sources. The actual volumes of water available for extraction in these groundwater sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these groundwater sources and the total share components of all access licences authorised to extract water from these groundwater sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Division 1 of Part 6 of this Plan.

Note—

The total share components of access licences in these groundwater sources may change during the term of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in these water sources,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of [Water Act 1912](#) entitlements that are currently non-volumetric.

Division 2 Requirements for water for basic landholder rights

17 Domestic and stock rights

At the commencement of this Plan the water requirements of persons entitled to domestic and stock rights in these groundwater sources are estimated to total 2,790 megalitres per year (hereafter **ML/year**), distributed as follows:

- (a) 1,162 ML/year in the GAB Central Shallow Groundwater Source,
- (b) 978 ML/year in the GAB Surat Shallow Groundwater Source, and
- (c) 650 ML/year in the GAB Warrego Shallow Groundwater Source.

Notes—

1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock watering.

2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these groundwater sources should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

18 Native title rights

At the commencement of this Plan there are no native title rights in these groundwater sources. Therefore the water requirements for native title rights total 0 ML/year.

Note—

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

Division 3 Requirements for water for extraction under access licences

19 Share component of domestic and stock access licences

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these groundwater sources will total 0 ML/year.

20 Share component of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to take water from these groundwater sources will total 146 ML/year.

21 Share component of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to take water from these groundwater sources will total 5,079 unit shares, distributed as follows:

- (a) 11 unit shares in the GAB Central Shallow Groundwater Source,
- (b) 5,068 unit shares in the GAB Surat Shallow Groundwater Source, and
- (c) 0 unit shares in the GAB Warrego Shallow Groundwater Source.

Part 6 Limits to the availability of water

Division 1 Long-term average annual extraction limit

22 General

The availability of water for extraction in these groundwater sources on a long-term basis is to be managed in accordance with this Part.

23 Volume of the long-term average annual extraction limits

- (1) This clause establishes long-term average annual extraction limits for these groundwater sources.
- (2) Subject to any variation under subclause (3), the long-term average annual extraction limit for each groundwater source specified in clause 4 (1) is as follows:
 - (a) 145,552 ML/year for the GAB Central Shallow Groundwater Source,
 - (b) 143,335 ML/year for the GAB Surat Shallow Groundwater Source, and
 - (c) 115,710 ML/year for the GAB Warrego Shallow Groundwater Source.
- (3) Following the surrender and cancellation of an access licence in these groundwater sources under section 77 and 77A of the Act, the Minister may vary the respective long-term average annual extraction limit.

Notes—

- 1** The long-term average annual extraction limit for each groundwater source is equal to the long-term average annual recharge minus the amount of recharge reserved as planned environmental water under clause 15 (2).
- 2** Part 12 allows for amendments to be made to clause 23.
- 3** Under section 8F of the Act, the long-term extraction limit is taken to be varied by the amount of any change

to the amount of water committed as licensed environmental water. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

24 Calculation of current levels of annual extraction

- (1) After each water year, the total volume of water extracted during that water year under access licences and pursuant to domestic and stock rights and native title rights must be calculated for each groundwater source specified in clause 4 (1).
- (2) For the purpose of calculating the total volume of water extracted during a water year, the following must be taken into account:
 - (a) all water taken by holders of all categories of access licence in the respective groundwater source, and
 - (b) all water taken pursuant to domestic and stock rights and native title rights in the groundwater source.

25 Assessment of average annual extraction against the long term average annual extraction limits

- (1) An assessment of average annual extractions against the long term average annual extraction limit is to be conducted for each groundwater source as set out in this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, the assessments referred to in subclause (1) must compare the long-term average annual extraction limits established in clause 23 (2) for the respective groundwater source against the annual extraction averaged over the preceding three water years.

26 Compliance with the long-term average annual extraction limits

- (1) Compliance with the long-term average annual extraction limits established for each groundwater source is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 25 demonstrates that annual extractions in the respective groundwater source averaged over the preceding three water years have exceeded the long-term average annual extraction limit for that groundwater source by 5% or more, then the available water determination for aquifer access licences in that groundwater source is to be reduced in the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return average annual extractions in the respective groundwater source to the long-term average annual extraction limit established in this Part.

Division 2 Available water determinations

27 General

- (1) Available water determinations for access licences with a share component that specifies one of these groundwater sources are to be expressed as either:
 - (a) a percentage of share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these groundwater sources must not, in any water year, exceed:
 - (a) 100% of the access licence share component or such lower amount that results from Division 1 of this Part, for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component or such lower amount that results from Division 1 of this Part, for all access licences where share components are specified as a number of unit shares.

28 Available water determinations

- (1) In making available water determinations under section 59 of the Act, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, the following available water determinations should be made for access licences with a share component that specifies one of these groundwater sources:
 - (a) 100% of the access licence share component for domestic and stock access licences,
 - (b) 100% of the access licence share component for local water utility access licences, and
 - (c) 1 ML per unit share of the access licence share component for aquifer access licences,

or such lower amount that results from Division 1 of this Part.

Note—

Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for a groundwater source has been assessed to have

been exceeded.

Part 7 Rules for granting access licences

Notes—

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these groundwater sources will be subject to mandatory conditions and discretionary conditions.

29 Specific purpose access licences

- (1) Applications for specific purpose access licences, other than those permitted under the regulation, must not be made in these groundwater sources, except for an aquifer (subcategory “Aboriginal community development”) access licence.
- (2) A specific purpose access licence must not be granted in these groundwater sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (3) An access licence of the subcategory “Aboriginal community development” must not be granted in these groundwater sources unless the share component of the proposed access licence is less than or equal to 50 ML/year.

Note—

An aquifer (subcategory “Aboriginal community development”) access licence will not be fully transferrable. Allocations under these licences will be able to be traded to non-Aboriginal people, however the licence itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase other categories of access licence if they require fully transferable licences.

- (4) An access licence of the subcategory “Aboriginal cultural” must not be granted in these groundwater sources unless the share component of the proposed access licence is less than or equal to 10 ML/year.

30 Granting of access licences as a result of controlled allocation

The Minister may grant an access licence where the right to apply for the licence has been acquired in accordance with an order under section 65 of the Act.

Part 8 Rules for managing access licences

Note—

Part 12 allows for amendments to be made to Part 8.

31 General

The rules in this Part apply to the taking of water under an access licence with a share component that specifies one of these groundwater sources.

Note—

The Act provides for the keeping of water allocation accounts. The rules in this Part impose further restrictions on the volume of water that may be taken under an access licence over a specified period of time. These restrictions are in addition to any other limits for the taking of water contained in this Plan. For further clarification, these rules do not authorise the taking of more water than is credited to the respective water allocation accounts for the access licence at the time water is taken. It is an offence under the Act to take water otherwise than in accordance with the water allocation for the access licence.

32 Individual access licence account management rules

- (1) In any water year, water taken under a domestic and stock, local water utility or aquifer access licence with a share component that specifies one of these groundwater sources must not exceed a volume equal to:
 - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
 - (b) the water allocations carried over from the water year prior to that water year under subclauses (2) or (3), plus
 - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
 - (d) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (2) The maximum water allocation that can be carried over in a water allocation account for a domestic and stock, local water utility or aquifer access licence in the GAB Surat Shallow Groundwater Source from one water year to the next is equal to:
 - (a) 0% of the access licence share component, for access licences with share components expressed as ML per year, or
 - (b) 0.25ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.
- (3) The maximum water allocation that can be carried over in a water allocation account for a domestic and stock, local water utility or aquifer access licence in the GAB Central Shallow Groundwater Source and GAB Warrego Shallow Groundwater Source from one water year to the next is equal to:
 - (a) 0% of the access licence share component for access licences with share components expressed as ML per year, or
 - (b) 0.1ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.

Part 9 Rules for water supply work approvals

Notes—

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to Part 9.

33 General

The rules in this Part apply to water supply work approvals for water supply works that may be used to take water from these groundwater sources.

34 Rules for amending water supply work approvals for replacement groundwater works

- (1) The Minister may amend a water supply work approval to alter the water supply work to which the approval relates if the Minister is satisfied that the amendment is to authorise a replacement groundwater work.
- (2) For the purpose of this Plan, **replacement groundwater work** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from an aquifer where:
 - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
 - (b) the replacement groundwater work is to be constructed to extract water from the same groundwater source as the existing water supply work, and
 - (c) the replacement groundwater work is to be constructed to extract water from:
 - (i) the same depth as the existing water supply work, or
 - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
 - (d) the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work, or
 - (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
 - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
 - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
 - (f) the replacement groundwater work must not have a greater internal diameter or

excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purpose of this, **internal diameter** means the diameter of the inside of the casing of the water supply work which is a water bore and **excavation footprint** means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purpose of water supply only.

- (3) For the purpose of subclause (2) (c) (ii), the Minister may require that the applicant submit a hydrogeological study, assessed as adequate by the Minister, to demonstrate that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (4) For the purpose of subclauses (2) (d) (ii) or (e) (ii), the Minister may require that the applicant submit a hydrogeological study, assessed as adequate by the Minister, to demonstrate that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

Note—

The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement of an existing water supply work.

35 Rules to minimise interference between water supply works

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work to take water from the GAB Surat Shallow Groundwater Source which, in the Minister's opinion, is located within:
 - (a) 400 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to an access licence, if the new water supply work is authorised to take more than 20ML/year,
 - (b) 200 metres of a water supply work authorised to take water from the same groundwater source pursuant to an access licence, if the new water supply work is authorised to take less than or equal to 20ML/year,
 - (c) 200 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to basic landholder rights,
 - (d) 100 metres from the boundary of the land on which the water supply work is located, unless the owner of the land adjoining the boundary has provided consent in writing,

- (e) 1,000 metres of a water supply work authorised to take water from the same groundwater source by a local water utility, unless the local water utility has provided consent in writing, or
 - (f) 400 metres of a NSW Office of Water observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) A water supply work approval shall not be granted or amended to authorise the construction of a water supply work to take water from the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source which, in the Minister's opinion, is located within:
- (a) 400 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to an access licence, if the water supply work is authorised to take more than 20ML/year,
 - (b) 200 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to an access licence, if the water supply work is authorised to take less than or equal to 20ML/year,
 - (c) 200 metres of a water supply work on another landholding that is authorised to take water from the same groundwater source pursuant to basic landholder rights,
 - (d) 50 metres from the boundary of the land on which the water supply work is located, unless the landholder of the land adjoining the boundary has provided consent in writing,
 - (e) 500 metres of a water supply work authorised to take water from the same groundwater source by a local water utility, unless the local water utility has provided consent in writing, or
 - (f) 200 metres of a NSW Office of Water observation or monitoring bore, unless the Minister has provided consent in writing.
- (3) The distance restrictions specified in subclauses (1) and (2) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extraction within these groundwater sources.

- (4) For the purpose of subclause (3) (d), the Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, to demonstrate that the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (5) If an approval is granted in circumstances where subclause (3) (d) applies, the approval must be subject to a requirement that, when directed by the Minister by notice in writing, the approval holder must carry out all actions required by the Minister and specified in the notice, to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

36 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work to take water from these groundwater sources which, in the Minister's opinion is located:
 - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 2,
 - (b) between 250 metres and 500 metres of the plume associated with a contamination source listed in Schedule 2, unless the Minister is satisfied that no draw down of water will occur within 250 metres of that plume, or
 - (c) at a distance that is more than 500 metres from the plume associated with a contamination source listed in Schedule 2, if a greater distance is determined by the Minister to be necessary to protect the water source, the environment or public health or safety.
- (2) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
 - (a) the proposed distance is adequate to protect the groundwater source, its dependent ecosystems and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (3) For the purpose of subclause (2) (a), the Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, to demonstrate that the location of the water supply work at a lesser distance would result in no greater impact on dependent ecosystems and public health and safety.

37 Rules for water supply works located near sensitive environmental areas

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located:
 - (a) within 500 metres of a high priority groundwater dependent ecosystem listed in Schedule 3, or
 - (b) at a distance that is more than 500 metres from a high priority groundwater dependent ecosystem listed in Schedule 3, excluding water supply works used solely to take water pursuant to basic landholder rights, if the Minister is satisfied that the water supply work is likely to cause more than minimal drawdown at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 3, or
 - (c) within 40 metres of the top of the high bank of any stream.
- (2) The distance restrictions specified in subclause (1) (a) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that no drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem in Schedule 3.
- (3) The distance restrictions specified in subclause (1) in relation to the granting or amendment of a water supply work approval do not apply if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing water supply work that is part of a bore network for a local water utility for the purpose of town water supply,
 - (c) the water supply work is a replacement groundwater work, or
 - (d) the location of the water supply work at a lesser distance would result in no greater impact on these groundwater sources and their dependent ecosystems.
- (4) The Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, to demonstrate that:
 - (a) for the purpose of subclause (2), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 3, or
 - (b) for the purpose of subclause (3) (d), the location of the water supply work at a lesser distance would result in no greater impact on these groundwater sources and their dependent ecosystems.

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

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is located within:
 - (a) 100 metres of a groundwater dependent culturally significant site in the case of a water supply work used solely to take water pursuant to basic landholder rights, or
 - (b) 200 metres of a groundwater dependent culturally significant site in the case of a water supply work not used solely to take water pursuant to basic landholder rights.
- (2) The distance restrictions specified in subclause (1) in relation to the grant or amendment of a water supply work approval do not apply if the Minister is satisfied that:
 - (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
 - (b) the water supply work replaces an existing water supply work that is part of a bore network for a local water utility for the purpose of town water supply,
 - (c) the water supply work is sealed off to the nearest impervious layer above the slotted intervals of the water supply work with an impermeable seal constructed between the casing and the bore hole in accordance with any requirements specified by the Minister,
 - (d) the water supply work is a replacement groundwater work, or
 - (e) the location of the water supply work at a lesser distance would result in no greater impact on these groundwater sources and their groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (e), the Minister may request the applicant to undertake a hydrogeological study, submitted by the applicant and assessed as adequate by the Minister, to demonstrate that the location of the water supply work at a lesser distance would result in no more than minimal impact on these groundwater sources and their groundwater dependent culturally significant sites.

Note—

Culturally significant sites will be identified as a part of the assessment undertaken by the NSW Office of Water during the processing of an application for the granting or amendment of a water supply work approval.

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

- (1) Subject to subclauses (2) and (3), a water supply work that is located within a restricted distance specified in clauses 35 to 38, must not, in any water year, be used

to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.

- (2) Subject to subclause (3), a water supply work that becomes located within a restricted distance specified in clauses 35 to 38 as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to the sum of share components of access licences nominating that water supply work at the time of the amendment.
- (3) Subclauses (1) and (2) do not apply where a restricted distance does not apply in accordance with clauses 35 to 38.

Note—

The water quality from any bore can be affected by land use activities and inherent water quality in the aquifer. Water quality cannot be guaranteed and extracted water may be unsuitable for human consumption and other uses. The quality of water extracted should be tested before being used and appropriately treated. Such testing and treatment is the responsibility of the licence holder.

Part 10 Access licence dealing rules

40 General

The access licence dealing rules established in this Part apply to all access licence dealings in these groundwater sources.

Notes—

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

41 Conversion of access licence to new category

- (1) This clause relates to dealings under section 71O of the Act in these groundwater sources.
- (2) Dealings under section 71O of the Act are prohibited.

42 Amendment of share component dealings (change of groundwater source)

- (1) This clause relates to dealings under section 71R of the Act in these groundwater sources.
- (2) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
 - (a) the cancellation of an access licence with a share component that specifies the GAB Surat Shallow Groundwater Source in order to grant an access licence with a

share component that specifies the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source, or

- (b) the cancellation of an access licence with a share component that specifies the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source in order to grant an access licence with a share component that specifies the GAB Surat Shallow Groundwater Source.

43 Assignment of water allocations dealings

- (1) This clause relates to dealings under section 71T of the Act in these groundwater sources.
- (2) Dealings under section 71T of the Act are prohibited if the dealing involves any of the following:
 - (a) an assignment of water allocation from an access licence with a share component that specifies the GAB Surat Shallow Groundwater Source, to an access licence with a share component that specifies the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source, or
 - (b) an assignment of water allocation from an access licence with a share component that specifies the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source, to an access licence with a share component that specifies the GAB Surat Shallow Groundwater Source.

44 Interstate transfer of access licences and assignment of water allocation

- (1) This clause relates to dealings under section 71U or 71V of the Act in these groundwater sources.
- (2) Dealings involving the interstate transfer of an access licence to or from these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.
- (3) Dealings involving the interstate assignment of water allocations to or from access licences in these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.

45 Nomination of water supply works dealings

- (1) This clause relates to dealings under section 71W of the Act in these groundwater sources.
- (2) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence which nominates a water supply work located in the GAB Surat Shallow Groundwater Source being amended to nominate a water supply work

located in the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source, or

- (b) an access licence which nominates a water supply work located in the GAB Central Shallow Groundwater Source or the GAB Warrego Shallow Groundwater Source being amended to nominate a water supply work located in the GAB Surat Shallow Groundwater Source.
- (3) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these groundwater sources may only be permitted where administrative arrangements have been agreed to and implemented by the States.
- (4) Dealings under section 71W of the Act that involve the nomination of water supply works by interstate access licences may only be permitted where administrative arrangements have been agreed to and implemented by the States.

Part 11 Mandatory conditions

Division 1 General

46 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to one of the addresses listed in Appendix 2 of this Plan or to the email address for the NSW Office of Water Licensing Enquiries Information Centre,

Note—

At the commencement of this Plan, the email address for the NSW Office of Water Licensing Enquiries Information Centre is information@water.nsw.gov.au.

- (b) a **metered water supply work with a data logger** means a water supply work with a data logger and a meter that complies with *Australian Technical Specification ATS 4747, Meters for non-urban water supply* as may be updated or replaced from time to time, and

Note—

The definition of **metered water supply work with a data logger** does not include all water supply works that are metered or that have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a **metered water supply work with a data logger**.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

Division 2 Access licences

Note—

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

47 General

- (1) Access licences in these groundwater sources must have mandatory conditions where required to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Part 8 of this Plan for the respective category or subcategory of access licence,
 - (b) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
 - (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
 - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in these groundwater sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions where required to give effect to the following:
 - (a) the holder of the access licence must keep a Logbook,
 - (b) the holder of the access licence must record the following in the Logbook:
 - (i) each date and period of time during which water was taken under the access licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take that water on that date,
 - (iv) the purpose or purposes for which the water was taken on that date,
 - (v) the volume of water taken each water year, by comparison to the maximum volume of water permitted to be taken in that water year under clause 32 (1), and
 - (vi) any other information required to be recorded in the Logbook under the rules of this Plan,
 - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for 5 years from the date to which that information relates.

- (3) When directed by the Minister by notice in writing, the holder of an access licence that nominates only a metered water supply work with a data logger must keep a Logbook in accordance with any requirements from subclause (2) that are specified in the notice.
- (4) All access licences of the subcategory “Aboriginal cultural” must have a mandatory condition that specifies that water must only be taken under the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.
- (5) An access licence for a project under Part 4 for State Significant Development or Part 3A for State Significant Infrastructure under Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to the rules for the use of water supply works located within restricted distances specified in clause 39.

Division 3 Water supply work approvals

Note—

This Division is made in accordance with sections 17 and 100 of the Act.

48 General

- (1) Water supply work approvals for water supply works in these groundwater sources must have mandatory conditions where required to give effect to the following:
 - (a) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
 - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
 - (ii) the metering equipment must comply with *Australian Technical Specification ATS 4747, Meters for non-urban water supply* as may be updated or replaced from time to time,
 - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
 - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water in to or out of the pipe, channel or conduit between the water source and the metering equipment, and
 - (v) any other requirements as to type, standard or other criteria for the metering

equipment, as specified in the notice, and

Note—

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

- (b) the approval holder must comply with the rules for limiting the taking of water within the distance restrictions as specified in clause 39,
- (c) the approval holder must ensure the construction of a new water supply work is constructed so as to be:
 - (i) screened in the groundwater source nominated by the access licence, and
 - (ii) sealed off from all other water sources,
- (d) the construction of a new water supply work must:
 - (i) comply with the restricted distances specified in or specified by the Minister in accordance with clauses 35 to 38;
 - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2003*, ISBN 1 9209 2009 9 as may be updated or replaced from time to time, and
 - (iii) be constructed appropriately so as to prevent contamination between aquifers,
- (e) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned in compliance with the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2003*, ISBN 1 9209 2009 9 as may be updated or replaced from time to time, unless otherwise directed by the Minister in writing,
- (f) within two months of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
- (g) the approval holder must, within two months of completion of the construction of the water supply work, or within two months after the issue of the water supply work approval if the water supply work is existing, submit to the NSW Office of Water the approved form completed with all relevant details including:
 - (i) the name and licence number of the driller who constructed the water supply work,
 - (ii) the details of geology and construction as required by the approved form,

- (iii) details of the location of the water supply work on a copy of the lot and deposited plan of the land, its geographical reference accurate to ± 5 meters, and the respective distance(s) of the water supply work from the property boundaries, and
 - (iv) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests required by the Minister,
 - (h) if, during the construction of the water supply work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (ii) take all steps to minimise contamination and environmental harm,
 - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the saline or contaminated water from the water supply work, and, if specified by the Minister, place an impermeable seal between the casing(s) and the walls of the water supply work from the bottom of the casing to ground level, as specified by the Minister, and
 - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister,
 - (i) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
 - (j) that the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
 - (k) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these groundwater sources, must have mandatory conditions where required to give effect to the following, provided that these requirements do not apply to a water supply work that is a metered water supply work with a data logger:
- (a) the holder of a water supply work approval must keep a Logbook,
 - (b) the holder of a water supply work approval must keep the following in the Logbook:
 - (i) each date and period of time during which water was taken using the water supply work,

- (ii) the volume of water taken on that date,
 - (iii) the access licence number of the access licence under which water was taken on that date, or, if water was taken under some other authority (such as basic landholder rights entitlement), the authority under which water was taken,
 - (iv) the purpose or purposes for which the water taken on that date was used,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting,
 - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
 - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, and pump capacity per unit of time,
 - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of the water supply work approval must produce the Logbook to the Minister for inspection, when requested, and
 - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) A water supply work approval for a replacement groundwater work shall have mandatory conditions to give effect to the requirements for a replacement groundwater work specified in, or specified by the Minister in accordance with, clause 34.
 - (4) A water supply work approval granted in circumstances where clause 35 (3) (d) applies must have a mandatory condition where necessary to give effect to clause 35 (5).

Note—

Part 12 of this Plan allows for amendments to be made to clause 48.

Part 12 Amendment of this Plan

49 General

- (1) Amendments specified throughout this Plan, and in this Part, are amendments

authorised by this Plan.

- (2) Amendments authorised by this Plan are taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

Note—

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

- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

50 Part 1

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional groundwater sources or water management areas (including part thereof) or to modify (including to amend the boundaries) or remove an existing groundwater source or water management area (including part thereof) included in this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone, and
- (c) amend the [Registered Map](#).

51 Part 4

Part 4 may be amended to vary the amount of recharge reserved as planned environmental water as a result of recharge studies undertaken or assessed as adequate by the Minister.

52 Part 6

Part 6 may be amended to:

- (a) modify the long-term average annual extraction limits as a result of recharge studies undertaken or assessed as adequate by the Minister,
- (b) provide for a long-term groundwater storage extraction limit for any of these groundwater sources,
- (c) subsequent to an amendment under paragraph (b), reduce the long-term groundwater storage extraction limits if monitoring or hydrogeological studies demonstrate that it is necessary to ensure that no more than minimal harm will be done to any water source as a consequence of water being taken under aquifer (subcategory “storage”) access licences in the relevant groundwater source.

53 Part 8

Part 8 may be amended to:

- (a) provide access rules for the taking of groundwater for stock watering purposes, or
- (b) provide access rules for access licences in these groundwater sources.

54 Part 9

Part 9 may be amended to do any of the following:

- (a) amend the definition of replacement groundwater work in clause 34,
- (b) add, remove or modify a restricted distance specified in:
 - (i) clause 35 after year 5 of this Plan, or
 - (ii) clause 37 based on the outcomes of further studies of groundwater ecosystem dependency that have been assessed as adequate by the Minister, and
- (c) amend clause 39 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

55 Part 11

Clause 48 may be amended to specify different standards for decommissioning water supply works or construction requirements for water supply works.

56 Schedules

- (1) Schedule 1 may be amended to add, modify or remove a definition.
- (2) Schedule 2 may be amended to add or remove a contamination source.
- (3) Schedule 3 may be amended to add or remove a high priority groundwater dependent ecosystem after year 5 of this Plan.

57 Other

- (1) This Plan may be amended to provide rules for:

- (a) managed aquifer recharge, or

Note—

Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.

- (b) the interception of water before it reaches a stream or aquifer by plantations or other means.

- (2) This Plan may be amended to allow for the granting of aquifer interference approvals and the management of aquifer interference activities.
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or the regulations.
- (4) This Plan may be amended following the granting of a native title claim pursuant to the provisions of the [Native Title Act 1993](#) (Cth) to give effect to an entitlement granted under that claim.
- (5) This Plan may be amended to provide rules for the protection of water dependent Aboriginal cultural assets, including:
 - (a) the identification of water dependent Aboriginal cultural assets in a Schedule to this Plan,
 - (b) restrictions on the granting and amendment of water supply works to protect water dependent Aboriginal cultural assets, and/or
 - (c) amendments to the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) This Plan may be amended to allow for the granting of salinity and water table management access licences in these groundwater sources.

Dictionary

Aboriginal person has the same meaning as under section 4 of the [Aboriginal Land Rights Act 1983](#).

alluvial sediments means unconsolidated fluvio-lacustrine sediments.

contamination source is where a part of these groundwater sources have a substance present within them at a concentration above that at which the substance is normally present and at a level that presents a risk of harm to human health, or the environment or at a level which reduces the beneficial use of a groundwater source.

drawdown means 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.

geological formation means a fundamental lithostratigraphic unit used in the local classification of strata and classified by the distinctive physical and chemical features of the rocks that distinguish it from other formations.

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

high environmental value areas mean national parks, nature reserves, historic sites, Aboriginal areas, State conservation areas and karst conservation areas.

high priority groundwater dependent ecosystems are groundwater dependent ecosystems which are considered high priority for management actions.

logbook, in relation to an access licence or water supply works approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules in this Plan.

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

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

replacement groundwater work has the same meaning as in clause 34 (2).

Water Act 1912 entitlement has the same meaning as an entitlement in clause 2 of Schedule 10 to the Act.

water year means a year commencing 1 July.

Schedule 2 Contamination sources in these groundwater sources

Contamination sources in these groundwater sources comprise the following:

- (a) on site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the [Contaminated Land Management Act 1997](#),
- (c) any sites that are or have been the subject of an activity listed in Table 1 of the contaminated land planning guidelines as published under the [Environmental Planning and Assessment Act 1979](#) from time to time, and
- (d) any relevant sites listed in an agency database relating to contamination sources.

Schedule 3 High priority groundwater dependent ecosystems

Note—

High priority groundwater dependant ecosystems (hereafter **GDEs**) are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the NSW Office of Water GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the Plan area. If verified as high priority groundwater dependant ecosystems, the Schedule will be amended to include further GDEs.

High priority groundwater dependent ecosystems in these groundwater sources are as specified in Table A.

Notes—

- 1 The approximate location of high priority GDEs listed in Column 1 of Table A is provided as Easting and Northing coordinates in Columns 3 and 4 of Table A. The approximate location of high priority GDEs listed in Column 1 of Table A are shown on the maps in Appendix 3.
- 2 GDEs may be listed in more than one Water Sharing Plan.

Table A—High priority groundwater dependent ecosystems

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
High priority groundwater dependent ecosystem	GDE Type	Easting (MGA 94)	Northing (MGA 94)	Zone	Groundwater Source
Boongunyarrah Spring	Spring	315729.78	6740654.03	55	GAB Warrego Shallow
Bunnavinyah Spring	Spring	441798.25	6766198.71	55	GAB Warrego Shallow
Coolabah Spring	Spring	495218.41	6588867.61	55	GAB Surat Shallow
Coonbilly Springs	Spring	328908.36	6731808.34	55	GAB Warrego Shallow
Coorigul Spring	Spring	594250.27	6789966.40	55	GAB Surat Shallow
Cullawillalee Spring	Spring	315804.45	6742687.67	55	GAB Warrego Shallow
Cuddie Springs	Spring	532025.04	6638689.85	55	GAB Surat Shallow
Cumborah Springs	Spring	574262.20	6712547.63	55	GAB Surat Shallow
Goonery Spring	Spring	316793.79	6676000.32	55	GAB Warrego Shallow
Gooromere Springs	Spring	467684.21	6779214.87	55	GAB Warrego Shallow
Gooroomero Spring	Spring	464428.54	6781064.63	55	GAB Warrego Shallow
Gurrera Spring	Spring	441807.68	6764352.07	55	GAB Warrego Shallow
Jacombe Spring	Spring	278037.88	6765849.64	55	GAB Warrego Shallow
Kullyna	Spring	385385.30	6738065.93	55	GAB Warrego Shallow
Lake Eliza Spring	Spring	310848.69	6742421.08	55	GAB Warrego Shallow
Lila Springs	Spring	407961.96	6730700.26	55	GAB Warrego Shallow
Mascot Springs	Spring	343366.82	6729986.58	55	GAB Warrego Shallow
Mother Nosey Spring	Spring	315804.45	6742687.67	55	GAB Warrego Shallow
Mud Spring	Spring	269853.00	6775112.99	55	GAB Warrego Shallow
Mulyeo Springs	Spring	250802.19	6608150.54	55	GAB Warrego Shallow
Native Dog Springs	Spring	385335.82	6732339.54	55	GAB Warrego Shallow
Nullyna Spring	Spring	382181.37	6736172.53	55	GAB Warrego Shallow
Old Geraba Springs	Spring	441807.68	6764352.07	55	GAB Warrego Shallow
Old Gerara Springs	Spring	440100.63	6760465.14	55	GAB Warrego Shallow
Old Morton Plains Spring	Spring	475669.53	6782755.91	55	GAB Warrego Shallow

Peery Springs	Spring	744194.08	6599021.01	54	GAB Central Shallow
Picnic Sandhill Mudspring	Spring	272992.52	6774990.88	55	GAB Warrego Shallow
Pullamonga Springs	Spring	332084.01	6735551.17	55	GAB Warrego Shallow
Rattigan Swamp	Swamp	789822.48	6694242.15	54	GAB Central Shallow
Sandy Plains Spring	Spring	467710.42	6769981.94	55	GAB Warrego Shallow
Sandy Springs	Spring	459576.13	6777355.34	55	GAB Warrego Shallow
Sweet Water Spring	Spring	375522.90	6743318.09	55	GAB Warrego Shallow
Tanawanta Mud Springs	Spring	338336.29	6750421.96	55	GAB Warrego Shallow
Tharnowanni Spring	Spring	328161.39	6774104.78	55	GAB Warrego Shallow
Thooro Mud Springs	Spring	335154.13	6746681.25	55	GAB Warrego Shallow
Thooroo Springs	Spring	343084.82	6750303.94	55	GAB Warrego Shallow
Thully Spring	Spring	435518.93	6712423.64	55	GAB Warrego Shallow
Tooloomi Spring	Spring	459595.70	6771815.56	55	GAB Warrego Shallow
Tuneeilkeree Swamp	Swamp	503291.25	6758960.40	56	GAB Central Shallow
Tyngnyinia Springs	Spring	276557.89	6764157.47	55	GAB Warrego Shallow
Wapweela Spring	Spring	351119.27	6763514.28	55	GAB Warrego Shallow
Warroo Spring	Spring	269600.05	6782315.62	55	GAB Warrego Shallow
Wee Wattah Spring	Spring	235049.94	6598528.75	55	GAB Warrego Shallow
Yantabangee Spring	Spring	769925.75	6605801.73	54	GAB Central Shallow
Yantabulla Spring	Spring	305839.35	6751574.97	55	GAB Warrego Shallow
Yarranoganny Spring	Spring	380412.15	6739676.70	55	GAB Warrego Shallow
Yongarinnia Spring	Spring	319225.72	6731643.07	55	GAB Warrego Shallow
Youngerina Springs	Spring	317525.95	6729597.20	55	GAB Warrego Shallow

DUBBO NSW 2830

NSW Office of Water
10 Valentine Ave
PARRAMATTA NSW 2150

Appendix 3 Groundwater dependent ecosystems in the NSW Great Artesian Basin Shallow Groundwater Sources

Note—

The map in this Appendix shows the approximate location of the high priority GDEs listed in Column 1 of Table A in Schedule 3.

