

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

[2009-345]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Notes—

- **Note**

This Plan ceased to have effect on 1.7.2022 — see GG No 132 of 26.6.2020.

### 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 Coffs Harbour Area Unregulated and Alluvial Water Sources 2009



New South Wales

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



New South Wales

## Part 1 Introduction

### 1 Name of this Plan

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

### 2 Nature and Status of this Plan

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

### 3 Date of commencement

This Plan commences on 1 August 2009.

### 4 Water sources to which this Plan applies

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

- (a) the Arrawarra Creek Water Source,

**Note—**

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

- (b) the Boambee Creek Water Source,

**Note—**

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

- (c) the Bonville Creek Water Source,

**Note—**

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

(d) the Coffs Creek Water Source,

**Note—**

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

(e) the Corindi River Water Source,

**Note—**

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

(f) the Dirty Creek Water Source,

(g) the Double Crossing Creek Water Source,

**Note—**

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

(h) the Korora Basin Water Source,

**Note—**

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

(i) the Moonee Creek Water Source,

**Note—**

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

(j) the Pine-Bundagaree Creek Water Source,

**Note—**

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

(k) the Red Bank River Water Source,

**Note—**

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

(l) the Station Creek Water Source,

**Note—**

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

(m) the Woolgoolga Creek Water Source,

**Note—**

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

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

**Note—**

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

(2) These water sources are shown on the Plan Map called [Plan Map \(WSP004\\_Version 1\)](#),



**Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009** (hereafter the **Plan Map**) held by the Department.

**Note—**

The Plan Map is part of this Plan. Copies of the Plan Map for these water sources may be inspected at offices of the Department listed in Appendix 2 and are available on the NSW Legislation website.

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

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

(4) These water sources do not include:

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

**Note—**

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

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

**Note—**

The mangrove limit is defined in the dictionary.

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

## **5 Management Zones**

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

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

## **6 Amendment of this Part**

The Minister may amend this Part to:

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

### **Note—**

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

## **7 Interpretation**

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

## **Part 2 Vision, objectives, strategies and performance indicators**

### **8 Vision, objectives, strategies and performance indicators**

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

### **9 Vision**

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

### **10 Objectives**

The objectives of this Plan are to:

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

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

**Note—**

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

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

## **11 Strategies**

The strategies of this Plan are to:

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

## **12 Performance indicators**

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

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

### **Note—**

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

## **Part 3 Basis for water sharing**

### **13 Basis for water sharing**

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

### **14 Climatic variability**

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

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

## **15 Extraction management unit for these water sources**

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

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

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

## **16 Flow reference points**

- (1) Subject to subclause (2), for the purposes of this Plan all flows referred to in clause 17 (1) are measured flows at the flow reference point(s) for each water source or management zone specified in clause 17.
- (2) If in the Minister's opinion, on any day accurate flow data is not available from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing, the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.

### **Note—**

There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Grafton office at the address listed in Appendix 2 or check the Department's website to find out what flow class applies that day and note this as required in the Logbook. In determining whether access to water is permitted that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

### **Note—**

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

### **Note—**

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

## **17 Flow classes for these water sources**

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

### **Note—**

The following flow classes apply to all access licences taking water from surface water specified for each water source or management zone from the commencement date of this Plan, excluding those access licences listed under clause 19 (3) (d) and access licences that nominate a runoff harvesting dam. They will also apply to all existing aquifer access licence holders taking water from alluvial aquifers within 40 metres of the high bank of the river from year six of this Plan. For those aquifer access licences outside the 40 metres, flow classes in clause 17 (1) will not apply except where provided for under clause 63 of this Plan.

- (a) for the Arrawarra Creek Water Source, no flow classes are established by this Plan,
- (b) for the Cordwells Creek Management Zone in the Boambee Creek Water Source, at the Cordwells Creek Walkway under the Pacific Highway, southern end of Lindsays Road:
  - (i) the Very Low Flow Class is when there is no visible flow, and
  - (ii) A Class is when there is a visible flow,
- (c) for the Boambee Creek Management Zone in the Boambee Creek Water Source, at the Lindsays Road Crossing, 900 metres from the Pacific Highway:
  - (i) the Very Low Flow Class is when there is no visible flow, and
  - (ii) A Class is when there is a visible flow,
- (d) for the Bonville Creek Water Source, at the Crossmaglen Road crossing, 400 metres north of Gleniffer Road junction:
  - (i) the Very Low Flow Class is when there is no visible flow, and
  - (ii) A Class is when there is a visible flow,

**Note—**

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

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

**Note—**

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

- (g) for the Dirty Creek Water Source, no flow classes are established by this Plan,

**Note—**

Flow classes may be established for the Dirty Creek Water Source following the grant of an access

licence in the water source under Part 8 of this Plan in accordance with subclause (5).

- (h) for the Double Crossing Creek Water Source, no flow classes are established by this Plan,
  - (i) for the Korora Basin Water Source, at James Small Drive over Pine Brush Creek Crossing, 100 metres from the Pacific Highway:
    - (i) the Very Low Flow Class is when there is no visible flow, and
    - (ii) A Class is when there is a visible flow,
  - (j) for the Moonee Creek Water Source, no flow classes are established by this Plan,
  - (k) for the Pine-Bundagaree Creek Water Source, no flow classes are established by this Plan,
  - (l) for the Red Bank River Water Source, no flow classes are established by this Plan,
  - (m) for the Station Creek Water Source, no flow classes are established by this Plan, and
  - (n) for the Woolgoolga Creek Water Source, at Woolgoolga Creek at Reserve upstream of the Pacific Highway:
    - (i) the Very Low Flow Class is when there is no visible flow, and
    - (ii) A Class is when there is a visible flow.
- (2) The Minister may amend this Plan to amend subclauses (1) (b), (1) (c) and (1) (j) to establish a new or additional flow class or flow classes in the Boambee Creek, the Korora Basin and Moonee Creek Water Sources if a Drainage Management Plan, Floodplain Management Plan or similar management plan is developed for all or part of the water source.
- (3) The Minister may amend this Plan to amend subclauses (1) (a) to (1) (n) to establish a new or additional flow class or flow classes in any water source or management zone, where water sources or management zones are added or amended during the term in accordance with clause 6 of this Plan.
- (4) The Minister may amend this Plan to amend subclause (1) (d) or (1) (f) to vary or establish new or additional flow class or flow classes for the Bonville Creek Water Source or the Corindi River Water Source following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 67 (2) of this Plan in the respective water source, such that the bottom of B Class is greater or equal to the 50th percentile daily flow.

**Note—**

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



- (5) The Minister may amend this Plan to establish new flow classes and flow reference points for the Dirty Creek Water Source following the grant of an access licence in the Dirty Creek Water Source under Part 8 of this Plan.

## **Part 4 Environmental water provisions**

### **18 Environmental water provisions**

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

### **19 Planned environmental water**

- (1) Planned environmental water is identified and established in these water sources as follows:
- (a) water volume in excess of the respective long-term average annual extraction limit established in clause 43 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction, and
  - (b) for all water sources, the water remaining in the water source after taking water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3).
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 46 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) Subject to subclause (6), the planned environmental water established in subclause (1) (b) is maintained as follows:
- (a) subject to paragraph (d), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone are in the Very Low Flow Class,
  - (b) subject to paragraph (d), water must not be taken under an access licence where a cease to take condition that was specified on the [Water Act 1912](#) entitlement that the access licence replaces, is, in the Minister's opinion, higher than:
    - (i) the upper limit of the relevant Very Low Flow Class (as specified in clause 17 (1)), or
    - (ii) the access rules specified in paragraph (c),

when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement,

- (c) subject to paragraph (d), an access licence must not be used to take water:
    - (i) if there is no visible flow in the water source at the location at which water is proposed to be taken, or
    - (ii) where water is being taken from a pool, if there is no visible inflow and outflow to and from that pool,
  - (d) paragraphs (a)–(c) do not apply to the following:
    - (i) the taking of water under an access licence to which Schedule 2 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with paragraph (e):
      - (A) fruit washing,
      - (B) cleaning of dairy plant and equipment for the purpose of hygiene,
      - (C) poultry watering and misting, or
      - (D) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
    - (ii) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, for the first three years of this Plan,
- Note—**
- Domestic consumption is defined in section 52 of the Act.
- (iii) the taking of water using a runoff harvesting dam or from an in-river dam pool,
  - (iv) the taking of water under all access licences that nominate a water supply work that may be used to take water from the alluvial sediments in these water sources to which the access rules for unregulated river access licences do not apply as specified in clause 63, and
  - (v) the taking of water for the purpose of town water supply only under a local water utility access licence to which Schedule 2 applies, until such time as the Minister is satisfied that major augmentation of the access licence holder’s water supply system has occurred,
- (e) the Minister may reduce the maximum daily volume limit imposed by the rule

- under paragraph (d) (i) if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose referred to in that subclause,
- (f) the access rules specified in clauses 40A and 63 which apply to access licences that nominate a water supply work that may be used to take water from the alluvial sediments in these water sources as specified in those clauses,
  - (g) water must not be taken under an unregulated river (high flow) access licence when flows are in the Very Low Flow Class or A Class,
  - (h) water must not be taken under a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act with a share component that specifies a water source where a B Class has not been established under clause 17 of this Plan, unless flows exceed a flow class or level determined by the Minister,
  - (i) water must not be taken under one of the following access licences with a share component that specifies a water source where a B Class has been established under clause 17, when flows are in the Very Low Flow Class or A Class:
    - (i) a new local water utility access licence granted after the commencement of this Plan pursuant to section 66 (3) or (4) of the Act, or
    - (ii) a new access licence with a zero share component granted after the commencement of this Plan,
  - (j) water must not be taken from an in-river dam pool unless the in-river dam is passing such flows in such circumstances as specified on the water supply work approval for the in-river dam,
  - (k) the flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in paragraph (j) are:
    - (i) the flows and circumstances that were specified in conditions on the [Water Act 1912](#) entitlement that the approval replaces, or
    - (ii) where no flows and circumstances were specified on the [Water Act 1912](#) entitlement, the flows and circumstances determined by the Minister.

**Note—**

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

**Note—**

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

- (4) Following the establishment of a flow class or flow classes within the Moonee Creek

and Boambee Creek Water Sources under clause 17 (2), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.

- (5) Following the establishment of a flow class or flow classes within these water sources under clause 17 (3), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.
- (6) Subclause (3) does not apply to the taking of water under an access licence that is used only to account for the taking of water in association with an aquifer interference activity.

## **20 (Repealed)**

## **Part 5 Basic landholder rights**

### **21 Basic landholder rights**

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

### **22 Domestic and stock rights**

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 3.56 megalitres per day (hereafter **ML/day**) and are distributed as follows:
  - (a) 0.10 ML/day in the Arrawarra Creek Water Source,
  - (b) 0.56 ML/day in the Boambee Creek Water Source,
  - (c) 0.77 ML/day in the Bonville Creek Water Source,
  - (d) 0.45 ML/day in the Coffs Creek Water Source,
  - (e) 0.31 ML/day in the Corindi River Water Source,
  - (f) 0.10 ML/day in the Dirty Creek Water Source,
  - (g) 0.11 ML/day in the Double Crossing Creek Water Source,
  - (h) 0.20 ML/day in the Korora Basin Water Source,
  - (i) 0.28 ML/day in the Moonee Creek Water Source,
  - (j) 0.27 ML/day in the Pine-Bundagaree Creek Water Source,
  - (k) 0.10 ML/day in the Red Bank River Water Source,
  - (l) 0.10 ML/day in the Station Creek Water Source, and

(m) 0.21 ML/day in the Woolgoolga Creek Water Source.

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

**Note—**

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

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

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

### **23 Native title rights**

(1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.

(2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

**Note—**

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

### **24 Harvestable rights**

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

## **Part 6 Bulk access regime**

### **25 Bulk access regime**

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

(2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:

(a) the environmental water provisions established under Part 4 of this Plan,

(b) the requirements for basic landholder rights identified under Part 5 of this Plan,  
and

(c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.

- (3) The bulk access regime established in subclause (2):
- (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
  - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
  - (c) recognises and is consistent with limits to the availability of water as provided for in Part 10, Division 1 of this Plan,
  - (d) establishes rules according to which available water determinations are to be made as provided for in Part 10, Division 2 of this Plan,
  - (e) establishes rules according to which access licences are managed as provided for in Parts 10 and 11 of this Plan, and
  - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 10 of this Plan.

## **Part 7 Requirements for water under access licences**

### **26 Requirements for water under access licences**

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

**Note—**

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

### **27 Share component of domestic and stock access licences**

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

- (a) 0 ML/year in the Arrawarra Creek Water Source,
- (b) 19 ML/year in the Boambee Creek Water Source,
- (c) 8 ML/year in the Bonville Creek Water Source,
- (d) 4 ML/year in the Coffs Creek Water Source,
- (e) 0 ML/year in the Corindi River Water Source,
- (f) 0 ML/year in the Dirty Creek Water Source,
- (g) 2 ML/year in the Double Crossing Creek Water Source,

- (h) 13 ML/year in the Korora Basin Water Source,
- (i) 3 ML/year in the Moonee Creek Water Source,
- (j) 3 ML/year in the Pine-Bundagaree Creek Water Source,
- (k) 0 ML/year in the Red Bank River Water Source,
- (l) 0 ML/year in the Station Creek Water Source, and
- (m) 7 ML/year in the Woolgoolga Creek Water Source.

## **28 Share component of local water utility access licences**

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

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

## **29 Share component of unregulated river access licences**

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

- (a) 0 unit shares in the Arrawarra Creek Water Source,
- (b) 524 unit shares in the Boambee Creek Water Source,
- (c) 457 unit shares in the Bonville Creek Water Source,
- (d) 405 unit shares in the Coffs Creek Water Source,
- (e) 37 unit shares in the Corindi River Water Source,
- (f) 0 unit shares in the Dirty Creek Water Source,
- (g) 71.5 unit shares in the Double Crossing Creek Water Source,
- (h) 363 unit shares in the Korora Basin Water Source,
- (i) 130 unit shares in the Moonee Creek Water Source,
- (j) 158 unit shares in the Pine-Bundagaree Creek Water Source,
- (k) 57 unit shares in the Red Bank River Water Source,
- (l) 0 unit shares in the Station Creek Water Source, and

(m) 270 unit shares in the Woolgoolga Creek Water Source.

### **30 Share component of unregulated river (high flow) access licences**

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

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

#### **Note—**

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

### **31 Share component of aquifer access licences**

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

- (a) 0 unit shares in the Arrawarra Creek Water Source,
- (b) 30 unit shares in the Boambee Creek Water Source,
- (c) 22 unit shares in the Bonville Creek Water Source,
- (d) 19 unit shares in the Coffs Creek Water Source,
- (e) 78 unit shares in the Corindi River Water Source,
- (f) 0 unit shares in the Dirty Creek Water Source,
- (g) 0 unit shares in the Double Crossing Creek Water Source,
- (h) 0 unit shares in the Korora Basin Water Source,
- (i) 0 unit shares in the Moonee Creek Water Source,
- (j) 0 unit shares in the Pine-Bundagaree Creek Water Source,
- (k) 0 unit shares in the Red Bank River Water Source,
- (l) 0 unit shares in the Station Creek Water Source, and
- (m) 0 unit shares in the Woolgoolga Creek Water Source.



## 32 Changes to total share components

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

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

## Part 8 Rules for granting access licences

### 33 Rules for granting access licences

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

**Note—**

Section 61 (b) of the Act also allows a person to apply for an access licence with a zero share component and section 61 (c) of the Act allows for a person to apply for an access licence where the right to apply that access licence has been acquired under section 65 of the Act.

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

**Note—**

Any new access licence granted in these water sources may be subject to an access rule as specified in clause 19 (3).

## Part 9 Rules for granting or amending water supply works approvals

### Division 1 General

#### 34 Granting or amending water supply works approvals

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

#### 35 Runoff harvesting dams and in-river dams

If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:

- (a) a dealing,
- (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of an access licence under 77A (6) of the Act,
- (c) the amendment of the share component of the access licence by the Minister under section 68A, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

**Note—**

**Runoff harvesting dam** and **in-river dam** are defined in the Dictionary.

**Note—**

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

**Note—**

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

#### 36 In-river dams

A water supply work approval for a new in-river dam on a 3rd or higher order stream may be considered within these water sources consistent with the principles of the [Water Management Act 2000](#).

**Note—**

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

**Note—**

Stream order is defined in the Dictionary.

**Note—**

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

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

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

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

**Note—**

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

### **38 Rules for granting or amending water supply works approvals**

- (1) A water supply work approval must not be granted under section 95 of the Act or amended under section 107 of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
  - (a) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
  - (b) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights only,
  - (c) 100 metres from the property boundary,
  - (d) 500 metres from a water supply work being constructed or used to take water from alluvial sediments in these water sources by a local water utility or a major utility, or
  - (e) 400 metres of a Departmental observation or monitoring bore.

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

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

(b) is for a replacement bore, or

**Note—**

Replacement bore is defined in the Dictionary.

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

(3) The distance restrictions specified in subclause (1) do not apply where:

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

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

**Note—**

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

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

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

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

(1) A water supply work approval must not be granted under section 95 of the Act or amended under section 107 of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

(a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister's satisfaction, that:

(i) a lesser distance will result in no more than minimal harm to the water source,

and

(ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or

(b) a greater distance than in paragraph (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.

(2) A water supply work approval shall not be granted for a new water supply work to be constructed or used to take water from the alluvial sediments in these water sources for any purpose, except basic landholder rights, which is between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the applicant provides evidence, to the Minister's satisfaction, that no drawdown of groundwater within 100 metres of the respective contamination source will occur.

**Note—**

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

(3) The distance restrictions specified in subclauses (1) and (2) do not apply to:

(a) a water supply work to be constructed or used for monitoring, environmental management purposes or remedial works, or

(b) an application for a replacement bore.

**Note—**

Replacement bore is defined in the Dictionary.

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

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

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

(1) A water supply work approval must not be granted under section 95 of the Act or amended under section 107 of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

(a) 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and

shown on the maps in Schedule 4, for basic landholders rights only, or

- (b) 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
- (c) 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
- (d) 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
- (e) 40 metres of any first and second order stream, unless the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is drilled into the underlying parent material, and the slotted intervals of the water supply work commences deeper than 30 metres.

**Note—**

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

- (2) The distance restrictions specified in subclause (1) do not apply to:
  - (a) a water supply work which is constructed or used for extracting water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works, or
  - (b) a water supply work which is constructed or used for taking water from the alluvial sediments in these water sources that is part of a bore network which is nominated by a major utility access licence, a local water utility access licence or an access licence of subcategory “town water supply”.
- (3) The distance restrictions specified in subclauses (1) (a) and (1) (b) do not apply where:
  - (a) a hydrogeological study is undertaken by the applicant, and assessed as adequate by the Department, and
  - (b) the applicant providing evidence that no drawdown of the groundwater at the outside edge of the perimeter of the groundwater dependent ecosystem in Schedule 4 will occur.
- (4) The restrictions specified in subclause (1) (e) on the drilling into the underlying parent material and the depth of slotted intervals do not apply if the applicant can demonstrate, to the satisfaction of the Department, that the water supply work to be constructed or used to take water from the alluvial sediments in these water sources

will have no more than minimal impact on base flows in the stream.

- (5) Subclause 1 (d) and 1 (e) do not apply to a new water supply work which is constructed or used to take water from the alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act.
- (6) The Minister may amend this Plan to:
  - (i) alter the exclusion distances in subclause (1), during the term of this Plan, based on further studies of groundwater ecosystem dependency, or
  - (ii) include a new identified high priority groundwater dependent ecosystems in Schedule 4 during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
  - (iii) delete a high priority groundwater dependent ecosystem from Schedule 4 identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

#### **40A Rules for the use of water supply works located within restricted distances**

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the alluvial sediments in these water sources.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 38–40, 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.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 38–40, 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 date of the amendment.
- (4) Subclauses (2) and (3) do not apply:
  - (a) where a restricted distance does not apply in accordance with clause 38 (2) (a), (c), and (3), 39 (2) and (3) (a) and 40 (2), (3) and (4), or
  - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 38–40 pursuant to clauses 38 (3), 39 (2), 40 (3) and (4).

- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 38 (3), 39 (2), 40 (3) and (4).

**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 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 Limits to the availability of water**

### **Division 1 Long-term average annual extraction limit**

#### **41 Limits to the availability of water**

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

#### **42 Extraction management units for these water sources**

The availability of water to be taken from these water sources and the management of the long-term average annual extraction of water limit in these water sources will be undertaken in the Station Creek Catchment, the Corindi River Catchment, the Arrawarra Creek Catchment, the Woolgoolga Creek Catchment, the Double Crossing Creek Catchment, the Moonee Creek Catchment, the Korora Basin, the Coffs Creek Catchment, the Boambee Creek Catchment and the Bonville Creek Catchment Extraction Management Units (hereafter **these Units**).

#### **43 Long-term average annual extraction limit**

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

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

#### **44 Variation of the long-term average annual extraction limits**

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or



through a dealing under Part 12 of this Plan.

- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.
- (3) The long-term average annual extraction limit for the Corindi River Catchment and the Bonville Creek Catchment Extraction Management Units may vary upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (4) The variation in subclause (3) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

#### **45 Assessment of the long-term average annual extraction limit**

- (1) This clause applies from the fourth year of this Plan.
- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units will be assessed each water year to determine if the long-term average annual extraction limit established by clause 43 for each extraction management unit has been exceeded.
- (3) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limits established in clause 43 for the respective extraction management unit against the annual extraction averaged over the preceding three water years for that extraction management unit.

#### **46 Compliance with the long-term average annual extraction limits**

**Note—**

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

- (1) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 45 demonstrates that annual extractions in the respective extraction management unit averaged over the preceding three water years have exceeded the long-term average annual extraction limit established under clause 43 for that extraction management unit by 5% or more, then the available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences in that extraction management unit are to be reduced by an amount that is, in the Minister's opinion, necessary to return average annual extractions in the respective extraction management unit to the long-

term average annual extraction limit established in this Part.

- (2) Commencing in the fourth water year in which this Plan has effect, if, in the Minister's opinion, the assessment under clause 45 demonstrates that annual extractions in the respective extraction management unit averaged over the preceding three water years are less than 95% of the long-term average annual extraction limit established under clause 43 for that extraction management unit by 5% or more, then the available water determinations for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences in that extraction management unit are to be increased by an amount that is, in the Minister's opinion, necessary to return average annual extractions in the respective extraction management unit to the long-term average annual extraction limit established in this Part.
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences within an extraction management unit shall be the same.
- (4) Any reduction or increase to the available water determinations made Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, in these water sources under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to return to the long-term average annual extraction limit.
- (5) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 43, the taking of water pursuant to an access licence that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

## **Division 2 Available water determinations**

### **47 Available water determinations**

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
  - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
  - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water

sources should be made at the commencement of each water year.

- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

**Note—**

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

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

**48 Available water determinations for domestic and stock access licences**

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

**49 Available water determinations for local water utility access licences**

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

**50 Available water determinations for unregulated river access licences**

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

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

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

### **52 Available water determinations for aquifer access licences**

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

## **Part 11 Rules for managing access licences**

### **Division 1 General**

#### **53 Rules for managing access licences**

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

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

### **Division 2 Water allocation account management**

#### **54 Individual access licence account management rules**

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

**Note—**

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

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

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, the volume of water that may be taken under a domestic and stock access licence, local water utility access licence, unregulated river access licence, unregulated river (high flow) access licence or an aquifer access licence in these water sources must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
    - (ii) the water allocations carried over from the water year prior to those three water years under subclause (5),
    - (iii) 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 those three water years, and
    - (iv) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
  - (b) the sum of:
    - (i) the share component of the access licence at the beginning of the first of those three water years,
    - (ii) the share component of the access licence at the beginning of the second of those three water years,
    - (iii) the share component of the access licence at the beginning of the third of those three water years,
    - (iv) 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 those three water years, and
    - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) For the period of the first three water years in which this Plan has effect, the volume

of water that may be taken under a domestic and stock access licence, local water utility access licence, unregulated river access licence, unregulated river (high flow) access licence or an aquifer access licence in these water sources must not exceed a volume equal to:

- (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
  - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, 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 those water years, 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 those water years.
- (5) The maximum water allocation that can be carried over in the accounts of a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources from one water year to the next shall be equal to:
- (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
  - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) If water that, pursuant to an access licence in these water sources is committed as adaptive environmental water to be left in a water source for environmental purposes, then the water allocation taken under that access licence shall be assumed to be 100% of the available water determination made in Division 2 Part 10 of this Plan.

### **Division 3 Sharing surface water flows on a daily basis**

#### **55 Sharing surface water flows on a daily basis**

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

#### **56 Total daily extraction limits**

- (1) At the commencement this Plan, total daily extraction limits (hereafter **TDELS**) have not been established in these water sources.
- (2) Following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 67 of this Plan, the Minister may amend

this Plan to amend subclause (1) to establish a TDEL for A Class in the relevant water source or management zone.

- (3) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELs in the relevant water source or management zone.

**Note—**

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

**57 Initial assignment of the TDEL to categories of access licence**

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

**58 Unassigned TDEL**

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

**59 Granting of unassigned TDEL**

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

**60 Individual daily extraction limits for access licences**

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

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

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

- (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

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

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 19 (3) of this Plan.

### **Note—**

Clause 84 provides for amendments to Schedule 2.

## **Division 4 Management of surface and groundwater connectivity**

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

- (1) Except for an aquifer access licence referred to in subclause (2), all aquifer access licences in these water sources which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located at or less than 40 metres from the top of the high bank of a river, will, from year six of this Plan, be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.
- (2) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under clause 67 of this Plan, will be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.
- (3) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, will be subject to the same access rules as unregulated river access licences for the corresponding water source or management zone specified in clause 19 of this Plan.
- (4) An access rule specified in clause 19 for unregulated river access licences that requires a visible flow at the pump site will be taken to mean a visible flow in the river immediately adjacent to the water supply work being used to take water from the alluvial sediments.
- (5) Subclauses (1) to (3) do not apply to the taking of water under an access licence that is used only to account for the taking of water in association with an aquifer interference activity for a state significant mining development approved under Part 3A, or Part 4.1 or for state significant infrastructure approved under Part 5.1 under the [Environmental Planning and Assessment Act 1979](#).



## **Part 12 Access licence dealing rules**

### **64 Access licence dealing rules**

- (1) This Part is made in accordance with section 20 (1) (d) of the Act.
- (2) An access licence dealing may only be made in accordance with the water management principles, the access licence dealing rules established by this Plan and any access licence dealing principles order which is in force under section 71Z of the Act.
- (3) If permitted pursuant to the principles and rules referred to in subclause (2), an access licence with an adaptive environmental water condition in these water sources may be the subject of an assignment dealing under section 71T of the Act, but only to the extent that any part of the water allocation of an access licence which is subject to an adaptive environmental water condition is not required to meet the adaptive environmental water condition.
- (4) If permitted pursuant to the principles and rules referred to in subclause (2), an access licence with an adaptive environmental water condition in these water sources may be the subject of a dealing, provided that the benefit to the environment provided for in the adaptive environmental condition remains the same.

**Note—**

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

**Note—**

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

### **65 Rules relating to constraints within these water sources**

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

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

## **66 Rules for change of water source**

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

**Note—**

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

- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves a change of water source from one extraction management unit to another extraction management unit.
- (3) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing would result in the total extraction pursuant to access licences which nominate a water

supply works which may be used to take water from the alluvial sediments in these water sources, plus basic landholder rights extraction requiring a temporary water restriction order to be made under section 324 (2) of the Act.

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

#### **67 Rules for conversion of access licence category**

- (1) This clause relates to dealings under section 71O of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is permitted only if the conversion is from:
  - (a) an unregulated river access licence to an aquifer access licence, or
  - (b) an unregulated river access licence to an unregulated river (high flow) access licence in the Bonville Creek Water Source, and the Corindi River Water Source.
- (3) For any conversion of an access licence under subclauses (2) (a) and 2 (b), the access licence being converted shall be cancelled and a new licence issued.
- (4) The share component on an access licence issued under subclause 2 (a) is to be equal to the cancelled access licence share component.
- (5) The volume of share component on an access licence issued under subclause (2) (b) is to be equal to 2.5 times the cancelled access licence share component.
- (6) The Plan establishes the following limits for the total amount of all access licence share component that may be converted to unregulated river (high flow) access licences under subclause (2) (b):

- (a) 46 unit shares in the Bonville Creek Water Source, and
- (b) 104 unit shares in the Corindi River Water Source.

**Note—**

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

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

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

**69 Rules for water allocation assignments between water sources**

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

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

## Part 13 Mandatory conditions

### Division 1 General

#### 70 General

In this Part:

- (a) a requirement to notify the Minister in writing is satisfied by making a notification in writing to the address listed in Appendix 3 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

**Note—**

The email address for the Department's Licensing Enquiries Information Centre is [information@water.nsw.gov.au](mailto: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 the 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 a ***metered water supply work with a data logger*** does not include all water supply works that are metered or 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.

#### 71 General

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 2 of Part 11 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) All access licences in these water sources, excluding access licences that nominate only a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of an access licence must keep a Logbook,
  - (b) the holder of an 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 the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) for domestic and stock, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, the volume of water taken in the first three water years in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 54 (4),
    - (vi) for domestic and stock access licences, local water utility access licences, unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, the volume of water taken in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the maximum volume of water permitted to be taken in those years under clause 54 (3), and
    - (vii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of an access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (d) the holder of an access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information

relates.

- (3) The Minister may require the holder of an access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements from subclause (2).
- (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 development approved under Part 3A State Significant Infrastructure, Part 4 if the development was for State Significant Development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
  - (a) the relevant access rules for the taking of water specified in Part 4 of this Plan, Division 3 and Division 4 of Part 11 of this Plan, and
  - (b) to give effect to the rules for the use of water supply works located within restricted distances specified in clause 40A.

### **Division 3 Water supply work approvals**

**Note—**

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

#### **72 General**

- (1) All water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
  - (a) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Part 4 of this Plan, Division 3 and Division 4 of Part 11 of this Plan, and
  - (b) 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 the 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 into 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 specified by the Minister by notice in writing,

**Note—**

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

- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that it is decommissioned, unless otherwise directed by the Minister in writing,
  - (d) 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,
  - (e) the holder of the water supply work approval must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
  - (f) any other conditions required to implement the provisions of this Plan.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions where required to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
  - (b) the holder of a water supply work approval must record 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), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,



- (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, pump start and stop times and pump capacity per unit of time, and
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a 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) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (4) All water supply work approvals for water supply works in these water sources must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search), in the Logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must have a mandatory condition where required to give effect to clause 35.

### **73 Water supply works used to take water from the alluvial sediments in these water sources**

- (1) This clause applies to all water supply work approvals for water supply works that may be used to take water contained within the alluvial sediments in these water sources.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
  - (a) the rules for limiting the taking of water within the distance restrictions as specified in clause 40A,

- (b) the approval holder must ensure the water supply work is constructed so as to be:
  - (i) screened in the alluvial sediments in the water source specified in the share component of the access licence that nominates the water supply work, and
  - (ii) sealed off from other sources of water,
- (c) 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 38 to 40,
  - (ii) comply with the construction standards for that type of bore in the Minimum Construction Requirements for Water Bores in Australia, and
  - (iii) to be constructed appropriately so as to prevent contamination between aquifers, and
  - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
- (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the Minimum Construction Requirements for Water Bores in Australia, unless otherwise directed by the Minister in writing,
- (e) 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,
- (f) 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 Department in a form approved by the Minister, the details of the water supply work,
- (g) if, during the construction of the water supply work, 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 reasonable 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 contaminated water from the water supply work and if specified by the Minister, placing 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 in writing,
  - (h) 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,
  - (i) that the water supply work approval lapses if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
  - (j) any other conditions required to implement the provisions of this Plan.
- (3) A water supply work approval granted in circumstances where clause 38 (3) applies, must have a mandatory condition where required to give effect to clause 38 (3).

#### **74-79 (Repealed)**

### **Part 14 Amendment of this Plan**

#### **80 Amendment of this Plan**

- (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.

#### **81 Amendments due to floodplain harvesting**

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

**Note—**

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

## **82 Amendments for alluvial aquifers downstream of the tidal limit**

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

## **83 Amendments for stormwater harvesting**

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

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

The Minister may amend this Plan to:

- (a) add a [Water Act 1912](#) entitlement or access licence to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in clause 19 (3) (d) (i) and the purpose existed prior to 1 July 2008, or
- (b) remove a [Water Act 1912](#) entitlement from Schedule 2, if:
  - (i) any access licence dealing results in water being taken, under the access licence which replaced the [Water Act 1912](#) entitlement, from a different location, or
  - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
  - (iii) the access licence which replaced the [Water Act 1912](#) entitlement is surrendered or cancelled.
- (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences,
- (d) remove a [Water Act 1912](#) entitlement from Schedule 2 that has been converted to a local water utility access licence,
- (e) add a local water utility access licence to Schedule 2, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
- (f) remove a local water utility access licence or former [Water Act 1912](#) entitlement from Schedule 2 if the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, and
- (g) for the purposes of paragraphs (e) and (f), major augmentation includes anything which enhances or increases the local water utility's capacity to take water to meet town water supply requirements as a result of demand for water exceeding the

sustainable yield of the utility's existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.

## 85 Amendments in relation to the mandatory conditions

Part 13 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including amendments in relation to requirements for Logbooks, or
- (b) amend clauses 72 and 73 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

## 86 Other amendments to this Plan

This Plan may be amended to allow for the management of aquifer interference activities.

## Dictionary

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

**cease to take condition** means any term or condition on a water supply work approval, an access licence or [Water Act 1912](#) entitlement that prohibits the taking of water in a particular circumstance.

**drawdown** means a lowering of the level to which water will rise in cased bores.

**Note—**

Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

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

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

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

**high priority groundwater dependent ecosystems** include groundwater dependent ecosystems which are considered high priority for protection or restoration.

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

**in-river dam pool** means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

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

**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.

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

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

**Minimum Construction Requirements for Water Bores** in Australia means the document published by the National Uniform Drillers Licensing Committee entitled *Minimum Construction Requirements for Water Bores in Australia, 2012*, ISBN 978-0-646-56917-8, as amended or replaced from time to time.

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

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

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

**Note—**

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

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

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

**runoff harvesting dam** means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in the harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

**slotted intervals** mean that part of a water bore where slots in the casing occur which are designed to allow water to enter the bore.

**stream order** is defined by the Strahler stream ordering method.

**Note—**

The Strahler stream ordering methods is explained as follows.

- Starting at the top of a catchment, any watercourse that has no other watercourses flowing into it is classed as a 1st order watercourse,
- Where two 1st order watercourses join, the watercourse becomes a 2nd order watercourse,
- If a 2nd order watercourse is joined by a 1st order watercourse - it remains a 2nd order watercourse,
- When two or more 2nd order watercourses join they form a 3rd order watercourse, and
- A 3rd order watercourse does not become a 4th order watercourse until it is joined by another 3rd order watercourse and so on.

**Note—**

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

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

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

**Note—**

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

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

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

**Water 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 Licences with access to very low flows

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

**Note—**

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

Water Act Licences (Local Water Utilities)

30SL028313

Water Act Licences (Non Local Water Utilities)

30SL066459

30SL065708

30SL066326

30SL066420

30SL066682

30SL042409

30SL052102  
30SL066426  
30SL065350  
30SL032016  
30SL066429  
30SL065355  
30SL066430  
30SL066314  
30SL066294  
30SL066197  
30SL065703  
30SL041947  
30SL066438  
30SL066363  
30BL179603  
30BL182109  
30BL182406

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

Contamination sources in these water sources include:

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

### **Schedule 4 High priority groundwater dependent ecosystems**

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

**Note—**

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

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





NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
AMP Centre  
24 Gordon Street  
COFFS HARBOUR NSW 2450

### **Appendix 3 Office**

Any notifications that may be required to be made to the Minister, as specified in this Plan can be addressed to the following office:

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
Level 3, 49 Victoria Street  
GRAFTON NSW 2460