



New South Wales

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022

under the

Water Management Act 2000

I, the Minister for Water, Property and Housing, make the following plan under the *Water Management Act 2000*.

Minister for Water, Property and Housing

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022

under the

Water Management Act 2000

Part 1 Introduction

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

1 Name of Plan

This Plan is the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022*.

2 Commencement

This Plan commences on 1 July 2022 and is required to be published on the NSW legislation website.

3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Application Map, being water sources within the Hunter Water Management Area and the Central Coast Water Management Area—
- (a) the Baerami Creek Water Source,
 - (b) the Black Creek Water Source,
 - (c) the Bow River Water Source,
 - (d) the Bylong River Water Source,
 - (e) the Dart Brook Water Source,
 - (f) the Dora Creek Water Source,
 - (g) the Doyles Creek Water Source,
 - (h) the Glendon Brook Water Source,
 - (i) the Glennies Water Source,
 - (j) the Halls Creek Water Source,
 - (k) the Hunter Coastal Floodplain Alluvial Groundwater Water Source,
 - (l) the Hunter Regulated River Alluvial Water Source,
 - (m) the Hunter River Tidal Pool Water Source,
 - (n) the Isis River Water Source,
 - (o) the Jerrys Water Source,
 - (p) the Krui River Water Source,
 - (q) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Water Source,
 - (r) the Lower Goulburn River Water Source,

- (s) the Lower Wollombi Brook Water Source,
 - (t) the Luskintyre Water Source,
 - (u) the Martindale Creek Water Source,
 - (v) the Merriwa River Water Source,
 - (w) the Munmurra River Water Source,
 - (x) the Muswellbrook Water Source,
 - (y) the Newcastle Water Source,
 - (z) the North Lake Macquarie Water Source,
 - (aa) the Pages River Water Source,
 - (ab) the Paterson/Allyn Rivers Water Source,
 - (ac) the Paterson River Tidal Pool Water Source,
 - (ad) the Rouchel Brook Water Source,
 - (ae) the Singleton Water Source,
 - (af) the South Lake Macquarie Water Source,
 - (ag) the Upper Goulburn River Water Source,
 - (ah) the Upper Hunter River Water Source,
 - (ai) the Upper Paterson Water Source,
 - (aj) the Upper Wollombi Brook Water Source,
 - (ak) the Wallis Creek Water Source,
 - (al) the Wallis Creek Tidal Pool Water Source,
 - (am) the Widden Brook Water Source,
 - (an) the Williams River Water Source,
 - (ao) the Wollar Creek Water Source,
 - (ap) the Wybong Creek Water Source.
- (2) The water sources include—
- (a) all water on the surface of the ground, including in rivers, lakes and wetlands, upstream of the mangrove limit,
 - (b) all alluvial groundwater upstream of the tidal limit in the water sources,
 - (c) water occurring on the surface of the part of the following water sources (the ***Tidal Pool water sources***) that is between the tidal limit and the mangrove limit of the Tidal Pool water sources—
 - (i) Hunter River Tidal Pool Water Source,
 - (ii) Paterson River Tidal Pool Water Source,
 - (iii) Wallis Creek Tidal Pool Water Source, and
 - (d) water sources contained downstream of the tidal limit within alluvial sediments below the surface of the land in the following water sources—
 - (i) Hunter Coastal Floodplain Alluvial Groundwater Water Source,
 - (ii) Lake Macquarie Coastal Floodplain Alluvial Groundwater Water Source.
- (3) The Hunter Regulated River Alluvial Water Source extends from the top of the high bank of the Hunter Regulated River or Glennies Creek to the boundary of the alluvial aquifer covering the unconsolidated alluvial sediments, and includes alluvial water.
- (4) The water sources do not include the following—

- (a) water contained in the coastal sands,
- (b) water contained in fractured rock aquifers and basement rocks,
- (c) the part of the Hunter Regulated River Water Source to which the Water Sharing Plan for the Hunter Regulated River Water Source 2016 applies,
- (d) the part of the Paterson Regulated River Water Source to which the Water Sharing Plan for the Paterson Regulated River Water Source 2019 applies,
- (e) the area of land below the mangrove limit, other than—
 - (i) the Mannering Lake in the South Lake Macquarie Water Source, and
 - (ii) Belmont Lagoon in the North Lake Macquarie Water Source.

- (5) In this clause—

tidal limit has the same meaning as in *DIPNR Survey of tidal limits and mangrove limits in NSW estuaries 1996 to 2005*, published by the Department of Planning, Industry and Environment, 1 September 2006.

4 Management zones to which Plan applies

- (1) The Isis River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Isis River Management Zone,
 - (b) Lower Isis River Management Zone.
- (2) The Pages River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Murrurundi and Scotts Creek Management Zone,
 - (b) Kewell Creek and Gundy Management Zone,
 - (c) Segenhoe Management Zone.
- (3) The Dart Brook Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Dart Brook Management Zone,
 - (b) Upper Middle Brook Management Zone,
 - (c) Petwyn Vale Management Zone,
 - (d) Lower Dart Brook Management Zone,
 - (e) Lower Middle Brook and Kingdon Ponds Management Zone.
- (4) The Upper Wollombi Brook Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Congewai Creek Management Zone,
 - (b) Mid Congewai Creek Management Zone,
 - (c) South Arm Management Zone.
- (5) The Williams River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Williams River Management Zone,
 - (b) Williams River Management Zone,
 - (c) Seaham Weir Management Zone.
- (6) The Hunter Regulated River Alluvial Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upstream Glennies Creek Management Zone,

- (b) Downstream Glennies Creek Management Zone,
 - (c) Glennies Creek Management Zone.
- (7) The Jerrys Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Jerrys Management Zone,
 - (b) Appletree Flat Management Zone.
- (8) The Upper Hunter River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Hunter Management Zone,
 - (b) Stewarts Brook Management Zone.
- (9) The Wybong Creek Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Kars Springs Management Zone,
 - (b) Bunnan Management Zone,
 - (c) White Rock Management Zone,
 - (d) Manobalai Management Zone,
 - (e) Wybong Management Zone,
 - (f) Cuan Management Zone,
 - (g) Cuan and Reedy Creeks Management Zone.

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

The following extraction management units are established—

- (a) the Hunter Coastal Floodplain Alluvial Extraction Management Unit, which consists of the Hunter Coastal Floodplain Alluvial Groundwater Source,
- (b) the Hunter Regulated River Alluvial Extraction Management Unit, which consists of the Hunter Regulated River Alluvial Water Source,
- (c) the Lake Macquarie Coastal Floodplain Alluvial Extraction Management Unit, which consists of the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
- (d) the Lake Macquarie Extraction Management Unit, which consists of the following water sources—
 - (i) the North Lake Macquarie Water Source,
 - (ii) the South Lake Macquarie Water Source,
 - (iii) the Dora Creek Water Source,
- (e) the Greater Hunter Extraction Management Unit, which consists of all other water sources to which this Plan applies.

6 Interpretation

- (1) The Dictionary defines words used in this Plan.
Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Plan.
- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.
- (2) A map that amends or replaces a map adopted by this Plan only has effect if this Plan is amended to give effect to it.

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Part 2 Vision, objectives, strategies and performance indicators

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

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

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

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

The objectives of this Plan are as follows—

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

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

The strategies for reaching the objectives of this Plan include the following—

- (a) reserve all water volume in excess of each long-term average annual extraction limit for the environment,
- (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
- (c) restrict the take of water from an in-river pool or off-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
- (d) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between tidal pools and estuaries,
- (e) manage the construction and use of water supply works to minimise impacts on instream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights and town water supply,
- (f) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,
- (g) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
- (h) provide a stable and predictable framework for sharing water among water users,
- (i) provide for flexibility of access to water,

- (j) manage access to water consistently with the exercise of native title rights,
- (k) provide for water associated with Aboriginal cultural values and uses, and community development.

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

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

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Part 3 Requirements for water

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

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 17,776 ML/year and is distributed as follows—

- (a) 103 ML/year in the Baerami Creek Water Source,
- (b) 540 ML/year in the Black Creek Water Source,
- (c) 373 ML/year in the Bow River Water Source,
- (d) 350 ML/year in the Bylong River Water Source,
- (e) 658 ML/year in the Dart Brook Water Source,
- (f) 379 ML/year in the Dora Creek Water Source,
- (g) 41 ML/year in the Doyles Creek Water Source,
- (h) 782 ML/year in the Glendon Brook Water Source,
- (i) 565 ML/year in the Glennies Water Source,
- (j) 420 ML/year in the Halls Creek Water Source,
- (k) 182 ML/year in the Hunter Coastal Floodplain Alluvial Groundwater Source,
- (l) 116 ML/year in the Hunter Regulated River Alluvial Water Source,
- (m) 284 ML/year in the Hunter River Tidal Pool Water Source,
- (n) 328 ML/year in the Isis River Water Source,
- (o) 459 ML/year in the Jerrys Water Source,
- (p) 314 ML/year in the Krui River Water Source,
- (q) 6 ML/year in the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
- (r) 387 ML/year in the Lower Goulburn River Water Source,
- (s) 306 ML/year in the Lower Wollombi Brook Water Source,
- (t) 374 ML/year in the Luskintyre Water Source,
- (u) 141 ML/year in the Martindale Creek Water Source,
- (v) 352 ML/year in the Merriwa River Water Source,
- (w) 443 ML/year in the Munmurra River Water Source,
- (x) 662 ML/year in the Muswellbrook Water Source,
- (y) 204 ML/year in the Newcastle Water Source,
- (z) 172 ML/year in the North Lake Macquarie Water Source,
- (aa) 415 ML/year in the Pages River Water Source,
- (ab) 192 ML/year in the Paterson River Tidal Pool Water Source,
- (ac) 1,396 ML/year in the Paterson/Allyn Rivers Water Source,
- (ad) 257 ML/year in the Rouchel Brook Water Source,
- (ae) 344 ML/year in the Singleton Water Source,
- (af) 124 ML/year in the South Lake Macquarie Water Source,
- (ag) 284 ML/year in the Upper Goulburn River Water Source,
- (ah) 560 ML/year in the Upper Hunter River Water Source,

- (ai) 310 ML/year in the Upper Paterson Water Source,
- (aj) 921 ML/year in the Upper Wollombi Brook Water Source,
- (ak) 604 ML/year in the Wallis Creek Tidal Pool Water Source,
- (al) 595 ML/year in the Wallis Creek Water Source,
- (am) 144 ML/year in the Widden Brook Water Source,
- (an) 1,837 ML/year in the Williams River Water Source,
- (ao) 219 ML/year in the Wollar Creek Water Source,
- (ap) 633 ML/year in the Wybong Creek Water Source.

13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is estimated to be 0 ML/year.

Note 1— A native title holder is entitled, without the need for an access licence, water supply work approval or water use approval, to take and use water in the exercise of native title rights—see the Act, section 55.

Note 2— When this Plan was made, no determinations of native title had been made in relation to the water sources.

14 Harvestable rights

[Not applicable]

Note— The following harvestable rights orders have been made in relation to the water sources—

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

However, on the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

Division 2 Requirements for water for extraction under access licences

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 1,095.5 ML/year and are distributed as follows—
 - (a) 85 ML/year in the Black Creek Water Source,
 - (b) for the Dart Brook Water Source—
 - (i) 10 ML/year in the Lower Dart Brook Management Zone, and
 - (ii) 26 ML/year in the Lower Middle Brook and Kingdon Ponds Management Zone, and
 - (iii) 5 ML/year in the Petwyn Vale Management Zone, and
 - (iv) 30 ML/year in the Upper Dart Brook Management Zone,
 - (v) 21 ML/year in the Upper Middle Dart Brook Management Zone, and
 - (c) 2 ML/year in the Dora Creek Water Source,
 - (d) 11.5 ML/year in the Glendon Brook Water Source,
 - (e) 41 ML/year in the Halls Creek Water Source,
 - (f) 52 ML/year in the Hunter River Tidal Pool Water Source,
 - (g) for the Isis River Water Source—
 - (i) 4 ML/year in the Lower Isis River Management Zone, and
 - (ii) 17 ML/year in the Upper Isis River Management Zone,

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Part 3 Requirements for water

- (h) for the Jerrys Water Source—
 - (i) 31 ML/year in the Appletree Flat Management Zone, and
 - (ii) 10 ML/year in the Jerrys Management Zone,
 - (i) 79 ML/year in the Lower Goulburn River Water Source,
 - (j) 53 ML/year in the Lower Wollombi Brook Water Source,
 - (k) 16 ML/year in the Martindale Creek Water Source,
 - (l) 6.5 ML/year in the Merriwa River Water Source,
 - (m) 6 ML/year in the Munmurra River Water Source,
 - (n) 88 ML/year in the Muswellbrook Water Source,
 - (o) for the Pages River Water Source—
 - (i) 73.5 ML/year in the Kewell Creek and Gundy Management Zone, and
 - (ii) 64 ML/year in the Murrurundi and Scotts Creek Management Zone, and
 - (iii) 5 ML/year in the Segenhoe Management Zone,
 - (p) 25.5 ML/year in the Paterson/Allyn Rivers Water Source,
 - (q) 115.5 ML/year in the Paterson River Tidal Pool Water Source,
 - (r) 12 ML/year in the Rouchel Brook Water Source,
 - (s) 13 ML/year in the Singleton Water Source,
 - (t) 8 ML/year in the Upper Goulburn River Water Source,
 - (u) for the Upper Hunter River Water Source—
 - (i) 0 ML/year in the Stewarts Brook Management Zone, and
 - (ii) 33 ML/year in the Upper Hunter Management Zone,
 - (v) for the Upper Wollombi Brook Water Source—
 - (i) 1 ML/year in the Mid Congewai Creek Management Zone, and
 - (ii) 3 ML/year in the South Arm Management Zone, and
 - (iii) 0 ML/year in the Upper Congewai Creek Management Zone,
 - (w) 1 ML/year in the Wallis Creek Tidal Pool Water Source,
 - (x) 6 ML/year in the Wallis Creek Water Source,
 - (y) 5 ML/year in the Widden Brook Water Source,
 - (z) for the Williams River Water Source—
 - (i) 0 ML/year in the Williams River Management Zone, and
 - (ii) 8 ML/year in the Seaham Weir Management Zone, and
 - (iii) 9 ML/year in the Upper Williams River Management Zone,
 - (aa) 20 ML/year in the Wollar Creek Water Source,
 - (ab) for the Wybong Creek Water Source—
 - (i) 5 ML/year in the Bunnan Management Zone, and
 - (ii) 5 ML/year in the Manobalai Management Zone, and
 - (iii) 89 ML/year in the Wybong Management Zone, and
 - (iv) 0 ML/year in all other management zones,
 - (ac) 0 ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 5,418 ML/year and are distributed as follows—

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Part 3 Requirements for water

- (a) 198 ML/year in the Dart Brook Water Source in the Lower Middle Brook and Kingdon Ponds Management Zone,
 - (b) for the Hunter Regulated River Alluvial Water Source—
 - (i) 4,095 ML/year in the Downstream Glennies Creek Management Zone, and
 - (ii) 843 ML/year in the Upstream Glennies Creek Management Zone,
 - (c) 50 ML/year in the Lower Goulburn Water Source,
 - (d) 232 ML/year in the Pages River Water Source in the Murrurundi and Scotts Creek Management Zone,
 - (e) 0 ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 114,229.9 unit shares and are distributed as follows—
- (a) 1,556 unit shares in the Baerami Creek Water Source,
 - (b) 6,321.5 unit shares in the Black Creek Water Source,
 - (c) 200 unit shares in the Bow River Water Source,
 - (d) 89 unit shares in the Bylong River Water Source,
 - (e) for the Dart Brook Water Source—
 - (i) 62 unit shares in the Lower Dart Brook Management Zone, and
 - (ii) 14 unit shares in the Lower Middle Brook and Kingdon Ponds Management Zone, and
 - (iii) 126 unit shares in the Petwyn Vale Management Zone, and
 - (iv) 722 unit shares in the Upper Dart Brook Management Zone, and
 - (v) 302 unit shares in the Upper Middle Dart Brook Management Zone,
 - (f) 796 unit shares in the Dora Creek Water Source,
 - (g) 20 unit shares in the Doyles Creek Water Source,
 - (h) 1,567 unit shares in the Glendon Brook Water Source,
 - (i) 446 unit shares in the Glennies Water Source,
 - (j) 3,208.5 unit shares in the Halls Creek Water Source,
 - (k) 11,499.5 unit shares in the Hunter River Tidal Pool Water Source,
 - (l) for the Isis River Water Source—
 - (i) 1,497 unit shares in the Lower Isis River Management Zone, and
 - (ii) 571 unit shares in the Upper Isis River Management Zone,
 - (m) for the Jerrys Water Source—
 - (i) 817 unit shares in the Appletree Flat Management Zone, and
 - (ii) 2,044 in the Jerrys Management Zone,
 - (n) 1,449 unit shares in the Krui River Water Source,
 - (o) 13,941 unit shares in the Lower Goulburn River Water Source,
 - (p) 6,625.2 unit shares in the Lower Wollombi Brook Water Source,
 - (q) 574.5 unit shares in the Luskintyre Water Source,
 - (r) 2,943 unit shares in the Martindale Creek Water Source,
 - (s) 4,444 unit shares in the Merriwa River Water Source,
 - (t) 636 unit shares in the Muswellbrook Water Source,
 - (u) 48 unit shares in the Newcastle Water Source,

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- (v) 1,211 unit shares in the North Lake Macquarie Water Source,
 - (w) for the Pages River Water Source—
 - (i) 1,938 unit shares in the Kewell Creek and Gundy Management Zone, and
 - (ii) 2,888 unit shares in the Murrurundi and Scotts Creek Management Zone, and
 - (iii) 264 unit shares in the Segenhoe Management Zone,
 - (x) 3,823.5 unit shares in the Paterson/Allyn Rivers Water Source,
 - (y) 10,849.5 unit shares in the Paterson River Tidal Pool Water Source,
 - (z) 1,086 unit shares in the Rouchel Brook Water Source,
 - (aa) 1,170 unit shares in the Singleton Water Source,
 - (ab) 295 unit shares in the South Lake Macquarie Water Source,
 - (ac) 1,770 unit shares in the Upper Goulburn River Water Source,
 - (ad) for the Upper Hunter River Water Source—
 - (i) 337 unit shares in the Stewarts Brook Management Zone, and
 - (ii) 3,658 in the Upper Hunter Management Zone,
 - (ae) for the Upper Wollombi Brook Water Source—
 - (i) 1,421 unit shares in the Mid Congewai Creek Management Zone, and
 - (ii) 516 unit shares in the South Arm Management Zone, and
 - (iii) 451 unit shares in the Upper Congewai Creek Management Zone,
 - (af) 1,411.5 unit shares in the Wallis Creek Tidal Pool Water Source,
 - (ag) 457.5 unit shares in the Wallis Creek Water Source,
 - (ah) 2,022 unit shares in the Widden Brook Water Source,
 - (ai) for the Williams River Water Source—
 - (i) 1,558 unit shares in the Seaham Weir Management Zone, and
 - (ii) 1,227 unit shares in the Upper Williams River Management Zone, and
 - (iii) 5,190.2 in the Williams River Management Zone,
 - (aj) 78 unit shares in the Wollar Creek Water Source,
 - (ak) for the Wybong Creek Water Source—
 - (i) 124 unit shares in the Cuan and Reedy Management Zone, and
 - (ii) 311 unit shares in the Cuan Management Zone, and
 - (iii) 943 unit shares in the Bunnan Management Zone, and
 - (iv) 1,489 unit shares in the Kars Springs Management Zone, and
 - (v) 309 unit shares in the Manobalai Management Zone, and
 - (vi) 473 unit shares in the White Rock Management Zone, and
 - (vii) 4,439.5 unit shares in the Wybong Management Zone,
 - (al) 0 unit shares in all other water sources.
- (4) On the commencement of this Plan, the share components of unregulated river (high flow) access licences are estimated to be a total of 0 unit shares and are distributed as follows in the Upper Hunter Water Source—
- (a) 0 unit shares in the Upper Hunter Management Zone, and
 - (b) 0 unit shares in the Stewarts Brook Management Zone.

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

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- (5) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 87,490.5 unit shares and are distributed as follows—
- (a) 2,524 unit shares in the Baerami Creek Water Source,
 - (b) 5 unit shares in the Bow River Water Source,
 - (c) 7,719 unit shares in the Bylong River Water Source,
 - (d) for the Dart Brook Water Source—
 - (i) 12,801 unit shares in the Lower Dart Brook Management Zone, and
 - (ii) 13,313 unit shares in the Lower Middle Brook and Kingdon Ponds Management Zone, and
 - (iii) 588 unit shares in the Petwyn Vale Management Zone, and
 - (iv) 513 unit shares in the Upper Dart Brook Management Zone, and
 - (v) 5 unit shares in the Upper Middle Dart Brook Management Zone,
 - (e) 300 unit shares in the Doyles Creek Water Source,
 - (f) 65 unit shares in the Glendon Brook Water Source,
 - (g) 10 unit shares in the Glennies Water Source,
 - (h) 691 unit shares in the Halls Creek Water Source,
 - (i) for the Hunter Regulated River Alluvial Water Source—
 - (i) 7,130 unit shares in the Downstream Glennies Management Zone, and
 - (ii) 10 unit shares in the Glennies Management Zone, and
 - (iii) 15,960 unit shares in the Upstream Glennies Management Zone,
 - (j) for the Jerrys Water Source—
 - (i) 451 unit shares in the Appletree Flat Management Zone, and
 - (ii) 812 in the Jerrys Management Zone,
 - (k) 3,086 unit shares in the Lower Goulburn River Water Source,
 - (l) 3,745 unit shares in the Lower Wollombi Brook Water Source,
 - (m) 100 unit shares in the Luskintyre Water Source,
 - (n) 1,580 unit shares in the Martindale Creek Water Source,
 - (o) 1,901 unit shares in the Merriwa River Water Source,
 - (p) 24 unit shares in the Munmurra Water Source,
 - (q) 1,169 unit shares in the Muswellbrook Water Source,
 - (r) 91 unit shares in the Newcastle Water Source,
 - (s) 5 unit shares in the North Lake Macquarie Water Source,
 - (t) for the Pages River Water Source—
 - (i) 207 unit shares in the Kewell Creek and Gundy Management Zone, and
 - (ii) 120 unit shares in the Murrurundi and Scotts Creek Management Zone, and
 - (iii) 7,069 unit shares in the Segenhoe Management Zone,
 - (u) 97 unit shares in the Rouchel Brook Water Source,
 - (v) 230 unit shares in the Singleton Water Source,
 - (w) 102 unit shares in the Upper Goulburn River Water Source,
 - (x) for the Upper Hunter River Water Source—
 - (i) 240 unit shares in the Stewarts Brook Management Zone, and
 - (ii) 329 in the Upper Hunter River Management Zone,

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- (y) for the Upper Wollombi Brook Water Source—
 - (i) 71 unit shares in the Mid Congewai Creek Management Zone, and
 - (ii) 3 unit shares in the South Arm Management Zone, and
 - (iii) 0 unit shares in the Upper Congewai Creek Management Zone,
 - (z) 5 unit shares in the Wallis Creek Water Source,
 - (aa) 1,303 unit shares in the Widden Brook Water Source,
 - (ab) for the Williams River Water Source—
 - (i) 5 unit shares in the Seaham Weir Management Zone, and
 - (ii) 0 unit shares in the Upper Williams River Management Zone, and
 - (iii) 61 in the Williams River Management Zone,
 - (ac) 20 unit shares in the Wollar Creek Water Source,
 - (ad) for the Wybong Creek Water Source—
 - (i) 5 unit shares in the Bunnan Management Zone, and
 - (ii) 68 unit shares in the Cuan Management Zone, and
 - (iii) 504 unit shares in the Kars Springs Management Zone, and
 - (iv) 1,785 unit shares in the Wybong Management Zone, and
 - (v) 0 unit shares in all other management zones,
 - (ae) 0 unit shares in all other water sources.
- (6) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 346,775 ML/year and are distributed as follows—
- (a) for the Jerrys Water Source—7,700 ML/year in the Jerrys Management Zone,
 - (b) 100,000 ML/year in the Newcastle Water Source,
 - (c) 75 ML/year in the Paterson/Allyn Rivers Water Source,
 - (d) for the Williams River Water Source—
 - (i) 189,000 in the Seaham Weir Management Zone, and
 - (ii) 50,000 ML/year in the Upper Williams River Management Zone.

Part 4 Limits to the availability of water—the Act, s 20(2)(b)

Division 1 Available water determinations

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, the Minister must consider making the following available water determinations—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for major utility access licences—100%,
 - (d) for unregulated river access licences—1 ML/unit share,
 - (e) for unregulated river (high flow) access licences—1 ML/unit share,
 - (f) for aquifer access licences—1 ML/unit share,
 - (g) for an aquifer access licence in the Hunter Regulated River Alluvial Water Source—the available water determination made for regulated river (high security) access licences under the *Water Sharing Plan for the Hunter Regulated River Water Source 2016*.
- (3) This clause is subject to clauses 21 and 24.

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

Division 2 Extraction limits

Note— This Division contains planned environmental water provisions. The provisions limit extraction—see the Act, section 8(1A)(b).

Subdivision 1 Definitions

17 Definitions

In this Division—

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

annual standard extraction—see clause 19(2).

higher flow extraction licence means the following—

- (a) an unregulated river (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) a higher flow specific purpose access licence,
- (d) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

higher flow specific purpose access licence means a specific purpose access licence granted after the commencement of this Plan, which is permitted to extract water from high flows only.

Hunter Water LTAAEL, for Subdivision 4—see clause 25.

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

standard long-term average annual extraction limit or **standard LTAAEL** means—

- (a) the standard long-term average annual extraction limit established by clause 18, and
- (b) includes a variation to the limit, if any, made under the Act, section 8F(2).

standard share components, for Subdivision 2, means—

- (a) all access licence share components, and
- (b) the share components for replacement licences converted under the Act, Schedule 10, and
- (c) amendments to share components made by the Minister under the Act, section 68A(1A), whether made before or after the commencement of this Plan.

Subdivision 2 Standard long-term average annual extraction limits

18 Establishment of standard long-term average annual extraction limits

The standard long-term average annual extraction limits are as follows—

- (a) for the Hunter Coastal Floodplain Alluvial Extraction Management Unit—4,750 ML/year,
- (b) for the Lake Macquarie Coastal Floodplain Extraction Management Unit—825 ML/year,
- (c) for the Greater Hunter Extraction Management Unit, the Hunter Regulated River Alluvial Extraction Management Unit and the Lake Macquarie Extraction Management Unit—the sum of the following for each extraction management unit—
 - (i) the standard share components on the commencement of this Plan,
 - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 1 August 2009,
 - (iii) an estimate of annual extraction from harvestable rights dams authorised to capture water under a harvestable rights order as of 1 August 2009.

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

19 Calculation of annual standard extraction

- (1) After the end of a water year, the annual standard extraction of each extraction management unit must be calculated for the water year.
- (2) In this clause—

annual standard extraction means the volume of water taken from an extraction management unit in the following circumstances, excluding extractions under a higher flow extraction licence—

- (a) under an access licence that has share components included in the standard share components,

- (b) in the exercise of native title rights and domestic and stock rights,
- (c) under a harvestable rights order that authorises the capture of the average regional rain water run-off in a harvestable rights dam.

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

20 Assessment of compliance with standard long-term average annual extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average standard extraction for each extraction management unit must be compared against the standard LTAAEL for the extraction management unit for the water year.
- (2) In determining the standard LTAAEL for the water year, the following share components, if any, within the extraction management unit must be excluded from the sum referred to in clause 18(b)—
 - (a) the share components of an access licence cancelled in order to grant a higher flow extraction licence after the commencement of this Plan,
 - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is non-compliance with the standard LTAAEL if the 3-year average standard extraction exceeds the standard LTAAEL by 5% or more.

21 Compliance with standard long-term average annual extraction limits

- (1) This clause applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed, reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made for 1 or both of the following categories of licences—
 - (a) an unregulated river access licence,
 - (b) an aquifer access licence.
- (3) The total sum of all available water determinations, including reduced available water determinations, made for the water sources in the extraction management unit within the same water year must be less than the sum specified in clause 16(1).

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

Subdivision 3 Annual higher flow extraction limits

22 Establishment of annual higher flow extraction limit

- (1) This clause applies to the following extraction management units—
 - (a) the Greater Hunter Extraction Management Unit,
 - (b) the Lake Macquarie Extraction Management Unit.
- (2) The annual higher flow extraction limit is the sum of the share components of all higher flow extraction licences within each extraction management unit on the commencement of this Plan.

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

23 Calculation of annual higher flow extraction

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

- (2) In this clause—

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

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

24 Compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year (the relevant water year), the annual higher flow extraction for the relevant water year for an extraction management unit must be compared against the annual higher flow extraction limit for the relevant water year for the extraction management unit.

- (2) There is non-compliance with the annual higher flow extraction limit if the annual higher flow extraction for the relevant water year exceeds the annual higher flow extraction limit for the relevant water year.

- (3) On 1 July in the following water year, reduced available water determinations must be made for 1 or more of the following categories of licences—

- (a) an unregulated river (high flow) access licence,
- (b) an Aboriginal community development access licence,
- (c) a higher flow specific purpose access licence.

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

- (4) The reduced available water determinations must be likely to result in the annual higher flow extraction from the extraction management unit for the following water year complying with the reduced annual higher flow extraction limit for the next water year.

- (5) If the annual higher flow extraction from the extraction management unit exceeds the reduced annual higher flow extraction limit for the following water year, further reduced available water determinations must be made for 1 or more of the following categories of licences until the exceedance is corrected—

- (a) an unregulated river (high flow) access licence,
- (b) an Aboriginal community development access licence,
- (c) a higher flow specific purpose access licence.

- (6) In subclause (5), the exceedance is taken to be corrected when the total annual higher flow extractions from the extraction management unit are reduced by the amount by which the limit was exceeded in the relevant water year.

- (7) In this clause—

following water year means the water year occurring immediately after a non-compliance is assessed in accordance with subclause (2).

reduced annual higher flow extraction limit means the annual higher flow extraction limit reduced by the amount by which the limit was exceeded in the relevant water year.

total annual higher flow extractions means the sum of the annual higher flow extractions from the extraction management unit for the water years for which reduced available water determinations are made.

Subdivision 4 Long-term average annual extraction limits for Hunter Water Corporation

25 Establishment of LTAAEL for Hunter Water Corporation

The long-term average annual extraction limit for the Hunter Water Corporation (the *Hunter Water LTAAEL*) in the Greater Hunter Extraction Management Unit is 78,500 ML/year and includes a variation to the limit, if any, made under the Act, section 8F(2).

26 Calculation of annual extractions

- (1) After the end of a water year, the volume of water taken under all major utility access licences held by Hunter Water Corporation must be calculated for the water year.
- (2) In calculating the volume of water taken for the water year, the following must be included—
 - (a) the water passing the outlet of Grahamstown Water Treatment Plant, excluding water passing the boundary meter from Hunter Water Corporation to Central Coast Council,
 - (b) water passing the boundary meter from Central Coast Council to Hunter Water Corporation,
 - (c) water taken by another major utility infrastructure nominated by Hunter Water Corporation and approved by the Minister for the purposes of this clause.

27 Assessment of compliance with long-term average annual extraction limit

- (1) As soon as practicable after the end of a water year, the 10-year average extraction must be compared against the Hunter Water LTAAEL for the water year.
- (2) In determining the Hunter Water LTAAEL for the water year—
 - (a) the following must be subtracted from the long-term average extraction limit established by clause 25—
 - (i) the volume of water sent to the Central Coast Council Water Authority through the Hunter pipeline link from Hunter Water Corporation, and
 - (ii) the long-term average extraction under access licences held by the Hunter Water Corporation, which take from the following water sources—
 - (A) the Stockton Groundwater Source,
 - (B) the Tomago Groundwater Source,
 - (C) the Tomaree Groundwater Source, and
 - (b) the volume of water received from the Central Coast Council Water Authority through the Hunter pipeline link must be added to the amount calculated under paragraph (a).
- (3) There is non-compliance with the Hunter Water LTAAEL if the 10-year average extraction exceeds the Hunter Water LTAAEL for the water year.
- (4) In this clause—

10-year average extraction means the average of the annual extractions for the 10 consecutive water years most recently calculated under clause 26.

28 Compliance with long-term average annual extraction limit

- (1) This clause applies if there is noncompliance with the Hunter Water LTAAEL.

- (2) In the water year occurring immediately after a noncompliance is assessed, the Department must carry out a review to consider—
 - (a) the urban water supply requirements of Hunter Water Corporation, and
 - (b) the impacts associated with an increase to the Hunter Water LTAAEL.

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Part 5 Rules for granting access licences

29 Specific purpose access licences—the Act, s 20(2)(b)

- (1) A person may apply for the following specific purpose access licences—
- (a) an unregulated river (Aboriginal community development) access licence in the following water sources and management zones—
 - (i) the Kewell Creek and Gundy Management Zone of the Pages River Water Source,
 - (ii) the Lower Goulburn River Water Source,
 - (iii) the Lower Wollombi Water Source,
 - (iv) the Rouchel Brook Water Source,
 - (v) the Upper Dart Brook Management Zone of the Dart Brook Water Source,
 - (vi) the Upper Goulburn River Water Source,
 - (vii) the Upper Hunter River Water Source,
 - (b) a major utility (urban water) access licence,
 - (c) an aquifer (Aboriginal community development) access licence in the following water sources—
 - (i) the Hunter Coastal Floodplain Alluvial Groundwater Source,
 - (ii) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source.

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

- (2) A person may apply for an unregulated river (Aboriginal cultural) access licence or an aquifer (Aboriginal cultural) access licence if—
- (a) the share component of the licence is no more than 10ML/year, and
 - (b) the licence is only for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) recreational, cultural and ceremonial purposes.
- (3) An application for an unregulated river (Aboriginal community development) access licence may be made to take water from B class flows only if the total share component of all unregulated river (Aboriginal community development) access licences in the following water sources is no more than the amount shown opposite each water source—
- (a) the Pages River Water Source—174 unit shares,
 - (b) the Lower Goulburn River Water Source—500 unit shares,
 - (c) the Lower Wollombi Brook Water Source—210 unit shares,
 - (d) the Rouchel Brook Water Source—198 unit shares,
 - (e) the Dart Brook Water Source—210 unit shares,

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- (f) the Upper Goulburn River Water Source—234 unit shares,
 - (g) the Upper Hunter River Water Source—500 unit shares.
- (4) An application for a specific purpose access licence must not be made for the Hunter Regulated River Alluvial Water Source unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (5) An application for an aquifer (Aboriginal community development) access licence must not be made unless the sum of the share components of all aquifer (Aboriginal community development) access licences in the water source does not exceed 500ML/year.
- (6) In this clause—
Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

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Part 6 Operation of water allocation accounts and managing access licences

Note 1— Divisions 1, 2, 3 and 4 contain planned environmental water provisions. The provisions limit the amount of water that may be extracted on a daily and water year basis—see the Act, section 8(1A)(c).

Note 2— Divisions 2, 3 and 4 contain planned environmental water provisions. The provisions protect a portion of flow from extraction by access licences—see the Act, section 8(1A)(a).

Division 1 Accounting for water allocation accounts—the Act, s 21(c)

30 Water allocation account debiting

- (1) The Minister must debit from the water allocation account of an access licence the volume of water extracted by a water supply work nominated by the access licence.
- (2) The volume of water debited from the water allocation account of an access licence must not be more than—
 - (a) the relevant water allocations in a water year for an access licence in the following water sources and management zones—
 - (i) the Appletree Flat Management Zone of the Jerrys Water Source,
 - (ii) the Baerami Creek Water Source,
 - (iii) the Bylong River Water Source,
 - (iv) the Doyles Creek Water Source,
 - (v) the Halls Creek Water Source,
 - (vi) the Hunter Coastal Floodplain Alluvial Groundwater Source,
 - (vii) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
 - (viii) the Lower Goulburn River Water Source,
 - (ix) the Lower Middle Brook and Kingdon Ponds Management Zone of Dart Brook Water Source,
 - (x) the Lower Wollombi Brook Water Source,
 - (xi) the Martindale Creek Water Source,
 - (xii) the Segenhoe Management Zone of the Pages River Water Source,
 - (xiii) the South Arm Management Zone of the Upper Wollombi Brook Water Source,
 - (xiv) the Upper Goulburn River Water Source,
 - (xv) the Widden Brook Water Source,
 - (xvi) the Wollar Creek Water Source, or
 - (b) otherwise—the relevant water allocations during a period of 3 consecutive water years.
- (3) In this clause—

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

relevant water allocations means the sum of the following—

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

31 Carryover of water remaining in water allocation account

- (1) For an access licence in the Hunter Regulated River Alluvial Water Source, water allocations remaining in the water allocation account must be carried over from one water year to the next water year up to an amount that is equal to the following—
 - (a) for access licences with share components expressed as ML/year—10% of the share component,
 - (b) for access licences with share components expressed as a number of unit shares—0.1 ML/unit share.
- (2) For all other access licences, water allocations remaining in the water allocation account must be carried over from one water year to the next water year up to an amount that is equal to the following—
 - (a) for access licences with share components expressed as ML/year—100% of the share component,
 - (b) for access licences with share components expressed as a number of unit shares—1 ML/unit share.
- (3) Subclause (2) does not apply to an access licence in the following water sources and management zones—
 - (a) the Appletree Flat Management Zone of the Jerrys Water Source,
 - (b) the Baerami Creek Water Source,
 - (c) the Bylong River Water Source,
 - (d) the Doyles Creek Water Source,
 - (e) the Halls Creek Water Source,
 - (f) the Hunter Coastal Floodplain Alluvial Groundwater Source,
 - (g) the Hunter Regulated River Alluvial Groundwater Source,
 - (h) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
 - (i) the Lower Goulburn River Water Source,
 - (j) the Lower Middle Brook and Kingdon Ponds Management Zone of Dart Brook Water Source,
 - (k) the Lower Wollombi Brook Water Source,
 - (l) the Martindale Creek Water Source,
 - (m) the Segenhoe Management Zone of the Pages River Water Source,
 - (n) the South Arm Management Zone of the Upper Wollombi Brook Water Source,
 - (o) the Upper Goulburn River Water Source,
 - (p) the Widden Brook Water Source,
 - (q) the Wollar Creek Water Source.

Division 2 Flow classes

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

- (1) This Plan establishes the flow classes specified in Schedule 1.
- (2) All flows are measured or observed flows at the flow reference point specified for each water source or management zone.
- (3) In this clause, a reference to a flow includes the following—
 - (a) a water flow,

- (b) a surface water level,
- (c) a groundwater level,
- (d) an electrical conductivity level.

33 Minister may determine flow classes in certain circumstances

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

Division 3 Access rules for take of surface water—the Act, s 21(a)

34 General

- (1) Surface water must not be taken—
 - (a) if there is no visible flow at the location from which the water is taken, and
 - (b) for take from a water source under an entitlement specified in Schedule 4—when flows are at or less than the flows specified in the cease to take condition if, in the Minister's opinion—
 - (i) the cease to take condition is more restrictive than the upper limit of the relevant Very Low Flow Class for the water source or management zone of the access licence, or
 - (ii) the cease to take condition is more restrictive than the access rules specified in clause 35.
- (2) Subclause (1)(a) does not apply to the following—
 - (a) an in-river pool,
 - (b) an off-river pool,
 - (c) an in-river dam pool.

35 Specific access rules

- (1) Surface water must not be taken from a water source if flows are in the Very Low Flow Class.
- (2) Surface water must not be taken under the following access licences if flows are in the Very Low Flow Class or the A Class—
 - (a) an access licence of the subcategory Aboriginal community development,
 - (b) a major utility access licence that takes from the Seaham Weir Management Zone in the Williams River Water Source,
 - (c) a major utility access licence with a share component that specifies the Paterson/Allyn Rivers Water Source unless—

- (i) blue green algae is present at the Gresford Water Treatment Plant offtake, and
 - (ii) the presence of the algae prevents the water in the Paterson Regulated River from being treated to a potable standard.
- (3) Surface water must not be taken under an access licence of a high flow category when flows are in the Very Low Flow Class, the A Class or the B Class.
- (4) Surface water must not be taken under an unregulated river access licence in the Williams River Management Zone or the Upper Williams Management Zone if flows are in—
 - (a) the Very Low Flow Class, or
 - (b) the Low Flow Class.
- (5) Subclause (4)(b) does not apply to an access licence holder accredited under DPI Agriculture’s Williams River Very Low Flow Accreditation Scheme.
- (6) Surface water must not be taken under the following access licences with a share component that specifies a water source for which a B Class has not been established under clause 33 unless flows exceed a flow class or level determined by the Minister—
 - (a) a local water utility access licence granted on or after 1 August 2009,
 - (b) a major water utility access licence granted on or after 1 August 2009 that does not replace a local water utility access licence.
- (7) Surface water must not be taken under the following access licences with a share component that specifies a water source for which a B Class has been established under clause 33 if flows are in the Very Low Flow Class or A Class—
 - (a) a local water utility access licence granted on or after 1 August 2009,
 - (b) a major water utility access licence granted on or after 1 August 2009 that does not replace a local water utility access licence,
 - (c) an access licence granted on or after 1 August 2009 that has a zero share component.

36 Exceptions

- (1) Clauses 34 and 35 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 4, Table A if no more than 20 kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purposes of hygiene,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) for domestic consumption under a domestic and stock access licence if no more than 1 kl/day is taken,
 - (c) from a runoff harvesting dam,
 - (d) under an access licence specified in Schedule 4, Table B until, in the Minister’s opinion major augmentation of the access licence holder’s water supply system occurs,

- (e) under a major water utility access licence that takes from the Seaham Weir Management Zone in the Williams River Water Source when—
 - (i) flows in the Williams River at the Glen Martin (Mill Dam Falls) gauge (210010) are greater than 600 ML/day, and
 - (ii) the water level in the Seaham Weir Pool in the William River Water Source, as measured at the visual gauge board, is greater than 0.32m pool height.
- (2) Subject to clause 35(1), surface water is permitted to be taken in the following circumstances—
 - (a) from an in-river pool at or above full capacity,
 - (b) from an off-river pool,
 - (c) from an in-river dam pool if—
 - (i) the in-river dam is at or above full capacity, or
 - (ii) the take is otherwise permitted under the water supply work approval for the in-river dam.

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

37 General

- (1) Groundwater must not be taken in the following circumstances—
 - (a) if there is no visible flow—
 - (i) in the river at the location closest to the water supply work, or
 - (ii) if the location closest to the water supply work is an in-river pool—in or out of the pool,
 - (b) if flows in the water source are in the Very Low Flow Class.
- (2) Subclause (1) does not apply to the following—
 - (a) a water supply work that is not located within 40m of the high bank of a river in the following water sources and management zones unless the water is taken under an aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence—
 - (i) the Black Creek Water Source,
 - (ii) the Dora Creek Water Source,
 - (iii) the Glendon Brook Water Source,
 - (iv) the Glennies Creek Water Source,
 - (v) the Isis River Water Source,
 - (vi) the Jerrys Management Zone of the Jerrys Water Source,
 - (vii) the Luskintyre Water Source,
 - (viii) the Muswellbrook Water Source,
 - (ix) the Newcastle Water Source,
 - (x) the North Lake Macquarie Water Source,
 - (xi) the Paterson/Allyn Rivers Water Source,
 - (xii) the Rouchel Brook Water Source,
 - (xiii) the Singleton Water Source,
 - (xiv) the South Lake Macquarie Water Source,
 - (xv) the Upper Hunter River Water Source,
 - (xvi) the Upper Paterson Water Source,

- (xvii) the Wallis Creek Water Source,
 - (xviii) the Williams River Water Source,
 - (b) the Hunter Coastal Floodplain Alluvial Groundwater Source,
 - (c) the Lake Macquarie Coastal Floodplain Alluvial Groundwater Source,
 - (d) the Hunter Regulated River Alluvial Water Source,
 - (e) a water supply work nominated by a local water utility access licence if the work is more than 40m from the high bank of a river.
- (3) Subclause (1)(a) does not apply to the following water sources if flows are in the Very Low Flow Class—
- (a) the Baerami Creek Water Source,
 - (b) the Bylong River Water Source,
 - (c) the Lower Goulburn River Water Source,
 - (d) the Lower Middle Brook and Kingdon Ponds and Lower Dart Brook and Upper Middle Brook Management Zones of Dart Brook Water Source,
 - (e) the Lower Wollombi Brook Water Source,
 - (f) the Martindale Creek Water Source,
 - (g) the Segenhoe Management Zone of Pages River Water Source,
 - (h) the Widden Brook Water Source.

Explanatory note Access rules for these water sources are based on analysis of groundwater levels at bores. The Department recognises that users in the water sources have previously not been subject to access rules.

Groundwater levels in these water sources are affected during droughts. The access rules aim to protect ecosystems that are dependent on groundwater and protect water for basic landholder rights.

To date, targeted consultation on this matter indicates some concern with the impact proposed access rules may have on licence holders.

This is an important issue and your comments are sought.

38 Specific access rules

[Not applicable]

39 Exceptions

Groundwater is permitted to be taken in the following circumstances—

- (a) for the following purposes under an access licence specified in Schedule 4, Table A if no more than 20 kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purposes of hygiene,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
- (b) for domestic consumption under a domestic and stock access licence if no more than 1 kl/day is taken,
- (c) under an access licence specified in Schedule 4, Table B until, in the Minister's opinion major augmentation of the access licence holder's water supply system occurs.

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

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

Division 1 Water supply works that take groundwater

40 Application of Division

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

41 Replacement groundwater works

- (1) In this Part, *replacement groundwater work* means a water supply work that—
 - (a) replaces an existing water supply work that is authorised by a water supply work approval, and
 - (b) is constructed to extract water—
 - (i) from the same water source as the existing water supply work, and
 - (ii) from the same depth as the existing water supply work, and
 - (c) is located—
 - (i) within 20 m of the existing water supply work, and
 - (ii) if the existing water supply work is located within 40 m of the top of the high bank of a river—at the same or a further distance from the top of the high bank of the river, and
 - (d) has an internal diameter or excavation footprint the same as or less than the existing water supply work unless—
 - (i) if the existing water supply work is no longer manufactured—the internal diameter of the water supply work will not be more than 120% of the internal diameter of the existing water supply work, or
 - (ii) if the internal diameter of the existing water supply work is less than 100 mm—the internal diameter of the water supply work will not be more than 100 mm.
- (2) A water supply work that does not meet the requirements in subclause (1)(b)(ii) or (c)(i) is taken to be a replacement groundwater work if, in the Minister’s opinion, the water supply work is not likely to—
 - (a) result in a greater adverse impact than the existing water supply work on the following—
 - (i) a water source,
 - (ii) a high priority groundwater-dependent ecosystem,
 - (iii) public health and safety,
 - (iv) a groundwater-dependent culturally significant area, and
 - (b) adversely affect the ability of a person to take water using an existing water supply work.
- (3) In this clause—

existing water supply work means the water supply work being replaced by the replacement groundwater work.

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

42 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—
 - (a) 200 m of a water supply work that is—
 - (i) located on another landholding, and
 - (ii) authorised to take water solely for basic landholder rights from the same water source,
 - (b) 200 m of a water supply work that is—
 - (i) located on another landholding, and
 - (ii) nominated by another access licence to take water from the same water source,
 - (c) 100 m of the boundary of the landholding on which the water supply work is located unless the owner of the landholding adjoining the boundary has provided written consent,
 - (d) 500 m of a water supply work that is nominated by a local water utility access licence or a major utility access licence authorised to take water from the same water source unless the holder of the licence has provided written consent,
 - (e) 100 m of a Government monitoring or observation bore.
- (2) Subclause (1) does not apply if—
 - (a) the water supply work is used only for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
 - (d) the location of the water supply work at a lesser distance than that specified in subclause (1) would result in no more than a minimal detrimental effect on the ability of a person to take water using an existing approved water supply work.

43 Contamination sources

- (1) A water supply work must not be constructed on land within the following areas—
 - (a) within 500 m of a contamination source,
 - (b) within 250 m of the edge of a plume associated with a contamination source,
 - (c) between 250 m and 500 m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250 m of the plume.
- (2) Subclause (1) does not apply if—
 - (a) the location of the water supply work is adequate to protect the water source, the environment and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work must not be constructed on land within 250 m of an on-site sewage disposal system unless the water supply work is—
 - (a) constructed with cement grout in the borehole annulus to a minimum depth of 20 m from the ground surface, and

- (b) located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.
- (4) The Minister may reduce the depth requirement in subclause (3)(a) if—
 - (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this clause—
contamination source means a contamination source specified in Schedule 3.

44 High priority groundwater-dependent ecosystems

- (1) A water supply work must not be constructed on the following land—
 - (a) for a water source other than the Hunter Regulated River Alluvial Water Source—land within 40m of the top of the high bank of a river,
 - (b) land within 200m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion—
 - (i) there is not a high probability of groundwater dependence for the relevant ecosystem, and
 - (ii) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem,
 - (c) land within 500m of a Karst environment,
 - (d) the bed of a third order or higher stream or perennial stream,
 - (e) land within 40m of—
 - (i) a first, second or third order stream upstream of Kerrabee Creek in the Lower Goulburn River Water Source or the Upper Goulburn River Water Source, or
 - (ii) a first or second order stream in the Hunter Regulated River Alluvial Water Source,
 - (f) land within 200m of a third order or higher stream or lagoon in the Hunter Regulated River Alluvial Water Source,
 - (g) land within 200m of the top of the high bank of the Hunter Regulated River.
- (2) Subclause (1) does not apply if—
 - (a) the water supply work is used only for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) Subclause (1)(e) does not apply if the Minister is satisfied—
 - (a) the water supply work will be drilled into the underlying parent material and the slotted intervals of the work will commence deeper than 30m, or
 - (b) the bore will have no more than minimal impact on base flows in the stream.
- (4) In this clause—
first, second or third order stream means a stream identified as a first, second or third order stream, as determined in accordance with the system set out in the *Water Management (General) Regulation 2018*, Schedule 2.
Karst environment means an area of land, including subterranean land—

- (a) developed in soluble rock through the processes of solution, abrasion or collapse, together with its associated bedrock, soil, water, gases and biodiversity, and
- (b) identified on the High Priority Groundwater-Dependent Ecosystem Map.

45 Potential acid sulfate soils

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

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

46 Groundwater-dependent culturally significant areas

- (1) A water supply work must not be constructed on land within 200 m of a groundwater-dependent culturally significant area.
Note— Groundwater-dependent culturally significant areas may be identified after the commencement of this Plan.
- (2) Subclause (1) does not apply if—
 - (a) the water supply work is used only for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal harm to a groundwater-dependent culturally significant area.

47 Water supply works used only for basic landholder rights

- (1) A water supply work used only for basic landholder rights must not be constructed on land within the following areas—
 - (a) 100 m of a Government monitoring or observation bore,
 - (b) 40 m of the top of the high bank of a river,
 - (c) 100 m of a high priority groundwater-dependent ecosystem unless, in the Minister's opinion—
 - (i) there is not a high probability of groundwater dependence for the relevant ecosystem, and
 - (ii) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem,
 - (d) 100 m of a groundwater-dependent culturally significant area unless, in the Minister's opinion, the water supply work is likely to cause no more than minimal harm to the groundwater-dependent culturally significant area.
- (2) Subclause (1) does not apply if the water supply work is a replacement groundwater work.

Division 2 Water supply works that take surface water

48 Application of Division

This Division applies to a water supply work used in the take of surface water.

49 In-river dams

An in-river dam on a third order or higher stream must not be constructed or used within the following water sources—

- (a) Dora Creek Water Source,
- (b) Glennies Water Source,
- (c) Hunter River Tidal Pool Water Source,
- (d) Lower Wollombi Brook Water Source,
- (e) Merriwa River Water Source,
- (f) Munmurra River Water Source,
- (g) Newcastle Water Source,
- (h) Paterson/Allyn Rivers Water Source,
- (i) Paterson River Tidal Pool Water Source,
- (j) Rouchel Brook Water Source,
- (k) South Lake Macquarie Water Source,
- (l) Upper Goulburn River Water Source,
- (m) Upper Hunter River Water Source,
- (n) Upper Paterson Water Source,
- (o) Upper Wollombi Brook Water Source,
- (p) Wallis Creek Tidal Pool Water Source,
- (q) Wallis Creek Water Source,
- (r) Widden Brook Water Source,
- (s) Williams River Water Source.

50 Coastal wetlands

- (1) This clause applies to the following water sources—
 - (a) Dora Creek Water Source,
 - (b) Newcastle Water Source,
 - (c) North Lake Macquarie Water Source,
 - (d) South Lake Macquarie Water Source,
 - (e) Williams River Water Source.
- (2) A water supply work must not be constructed within 200m of coastal wetlands unless, in the Minister's opinion, there will be no more than minimal harm to the coastal wetlands.
- (3) In this clause—

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

Coastal Wetlands and Littoral Rainforests Area Map has the same meaning as in *State Environmental Planning Policy (Coastal Management) 2018*.

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

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

Explanatory note The draft trading rules proposed in this Part aim to improve opportunities for trade within and between water sources compared to the current 2009 water sharing plan.

The Department is seeking to reach a balance between providing improved trade opportunities while still protecting environmental values and maintaining water security for existing users.

This is an important issue and your comments are sought.

Division 1 Conversions under the Act, section 71O

51 Certain conversions of access licence to new categories permitted

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

- (a) an unregulated river access licence to an aquifer access licence in the same water source,
- (b) an aquifer access licence to an unregulated river access licence in the following water sources—
 - (i) Appletree Flat Management Zone of Jerrys Water Source,
 - (ii) Baerami Creek Water Source,
 - (iii) Bow River Water Source,
 - (iv) Bylong River Water Source,
 - (v) Dart Brook Water Source,
 - (vi) Doyles River Water Source
 - (vii) Halls Creek Water Source,
 - (viii) Krui River Water Source,
 - (ix) Lower Goulburn River Water Sources,
 - (x) Lower Wollombi Brook Water Source,
 - (xi) Martindale Creek Water Source,
 - (xii) Merriwa River Water Source,
 - (xiii) Munmurra River Water Source,
 - (xiv) Pages River Water Source,
 - (xv) Upper Goulburn River Water Source,
 - (xvi) Upper Wollombi Brook Water Source,
 - (xvii) Widden Brook Water Source,
 - (xviii) Wollar Creek Water Source,
 - (xix) Wybong Creek Water Source,
- (c) an unregulated river access licence to an unregulated (high flow) access licence in the Upper Hunter River Water Source if the conversion does not result in the sum of the share components of all access licences in the water source exceeding 3,080 ML/year.

Note— The *Access Licence Dealing Principles Order 2004*, clause 11(3) contains restrictions relating to dealings under the Act, section 71O.

Division 2 Dealings under the Act, sections 71Q, 71R and 71T

52 Prohibited assignments of rights and water allocations

- (1) This clause applies to the following dealings—

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- (a) an assignment of rights under the Act, section 71Q,
 - (b) an assignment of water allocations under the Act, section 71T.
- (2) An assignment from an access licence that nominates a groundwater water supply work located further than 40 m from the top of the high bank of a river to an access licence that nominates a groundwater water supply work located within 40 m from the top of the high bank of a river in the following water sources—
- (a) Black Creek Water Source,
 - (b) Dora Creek Water Source,
 - (c) Glendon Brook Water Source,
 - (d) Glennies Water Source,
 - (e) Isis River Water Source,
 - (f) Jerrys Management Zone of Jerrys Water Source,
 - (g) Luskintyre Water Source,
 - (h) Muswellbrook Water Source,
 - (i) Newcastle Water Source,
 - (j) North Lake Macquarie Water Source,
 - (k) Paterson/Allyn Rivers Water Source,
 - (l) Rouchel Brook Water Source,
 - (m) Singleton Water Source,
 - (n) South Lake Macquarie Water Source,
 - (o) Upper Hunter River Water Source,
 - (p) Upper Paterson Water Source,
 - (q) Wallis Creek Water Source,
 - (r) Williams River Water Source.
- (3) An assignment to or from an unregulated river (high flow) access licence is prohibited.
- (4) An assignment to or from an unregulated river (Aboriginal community development) access licence is prohibited.
- (5) An assignment of water allocations under the Act, section 71T from a major utility access licence to another category of access licence is prohibited.
- (6) An assignment from an access licence that nominates a water supply work located further than 200 m from the top of the high bank of a river in the Hunter Regulated River Alluvial Water Source to an access licence that nominates a water supply work located within 200 m from the top of the high bank of a river is prohibited.
- (7) An assignment from an access licence that nominates a water supply work located within 200 m from the top of the high bank of a river in the Hunter Regulated River Alluvial Water Source to an access licence that nominates a water supply work located closer to the top of the high bank of the river is prohibited.
- (8) An assignment from an access licence in the Upper Wollombi Brook Water Source that nominates a water supply work located downstream to an access licence that nominates a water supply work located upstream is prohibited unless the assignment relates to an access licence that takes water from the same property.
- (9) An assignment from an access licence that nominates a water supply work located in a stream below Glennies Creek Dam to another access licence that nominates a water supply work in a stream above Glennies Creek Dam.

- (10) An assignment from an access licence that nominates a water supply work located in a stream below Chichester Dam to another access licence that nominates a water supply work in a stream above Chichester Dam.
- (11) An assignment from an access licence that nominates a water supply work located in the Downstream Glennies Creek Management Zone or the Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source to an access licence that nominates a water supply work in the Upstream Glennies Creek Management Zone if the sum of share components in the Upstream Glennies Creek Management Zone will, as a result of the dealing, exceed the sum of the share components in the Upstream Glennies Creek Management Zone as of the date this Plan commenced.

53 Prohibited assignments between water sources in the same water management area

- (1) This clause applies to the following dealings between water sources in the same water management area—
 - (a) an assignment of rights under the Act, section 71Q,
 - (b) a dealing under the Act, section 71R, being the cancellation of an access licence in order to grant an access licence,
 - (c) an assignment of water allocations under the Act, section 71T.
- (2) An assignment to, or the granting of, an access licence in a different extraction management unit is prohibited.
- (3) An assignment to or from an access licence in a water source to which this Plan does not apply is prohibited.
- (4) The cancellation of an access licence in a water source to which this Plan does not apply in order to grant an access licence in a water source to which this Plan applies is prohibited.
- (5) An assignment to, or the granting of, an access licence in the following water sources is prohibited—
 - (a) Dora Creek Water Source,
 - (b) Glennies Water Source,
 - (c) Hunter Regulated River Alluvial Water Source,
 - (d) Hunter River Tidal Pool Water Source,
 - (e) Munmurra River Water Source,
 - (f) North Lake Macquarie Water Source,
 - (g) Paterson River Tidal Pool Water Source,
 - (h) South Lake Macquarie Water Source,
 - (i) Upper Hunter River Water Source,
 - (j) Upper Wollombi Brook Water Source,
 - (k) Wallis Creek Tidal Pool Water Source,
 - (l) Wallis Creek Water Source,
 - (m) Widden Brook Water Source,
 - (n) Williams River Water Source.
- (6) An assignment to, or the granting of, an access licence that will be amended to nominate a water supply work upstream of a major water supply dam in the Glennies Creek Water Source or the Williams River Water Source is prohibited.
- (7) In this clause—

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groundwater water supply work means a water supply work that takes groundwater.

54 Permitted dealings—general

- (1) This clause applies to the following dealings—
 - (a) a dealing under the Act, section 71R, being the cancellation of an access licence in order to grant an access licence,
 - (b) an assignment of water allocations under the Act, section 71T.
- (2) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.
- (3) An assignment from an access licence in a water source specified in the table to this subclause to an access licence in the water source specified opposite is permitted.

Water source from which rights are assigned	Water source to which rights are assigned
Munmurra River Water Source	Upper Goulburn River Water Source downstream of Munmurra River Confluence Lower Goulburn River Water Source
Krui River Water Source	Upper Goulburn River Water Source downstream of the Krui River Confluence Lower Goulburn River Water Source
Bow River Water Source	Upper Goulburn River Water Source downstream of Bow River Confluence Lower Goulburn River Water Source
Bylong River Water Source	Upper Goulburn River Water Source downstream of Bylong River Confluence Lower Goulburn River Water Source
Wollar Creek Water Source	Upper Goulburn River Water Source downstream of Wollar Creek Confluence Lower Goulburn River Water Source
Upper Goulburn River Water Source	Lower Goulburn River Water Source
Widden Brook Water Source	Lower Goulburn River Water Source downstream of Widden Brook Confluence
Baerami Creek Water Source	Lower Goulburn River Water Source downstream of Baerami Creek Confluence
Merriwa River Water Source	Lower Goulburn River Water Source downstream of Merriwa River Confluence
Halls Creek Water Source	Lower Goulburn River Water Source downstream of Halls Creek Confluence
Wybong Creek Water Source	Lower Goulburn River Water Source downstream of Wybong Creek Confluence
Upper Wollombi Brook Water Source	Lower Wollombi Brook Water Source
Upper Paterson Water Source	Paterson/Allyn Rivers Water Source

55 Permitted dealings if share components not increased

- (1) This clause applies to the following dealings only if the sum of the share components of all access licences in the water source or management zone to which the rights are being assigned or in which the licence is being granted does not, as a result of the assignment or dealing, exceed the sum of the share components of all access licences in the water source or management zone as of the date this Plan commenced—
 - (a) an assignment of rights under the Act, section 71Q,
 - (b) a dealing under the Act, section 71R, being the cancellation of an access licence in order to grant an access licence,
 - (c) an assignment of water allocations under the Act, section 71T.
- (2) An assignment to an access licence and the granting of an access licence in the following water sources is permitted—
 - (a) Baerami Creek Water Source,
 - (b) Black Creek Water Source,
 - (c) Bow River Water Source,
 - (d) Bylong River Water Source,
 - (e) Dart Brook Water Source,
 - (f) Glendon Brook Water Source,
 - (g) Halls Creek Water Source,
 - (h) Isis River Water Source,
 - (i) Jerrys Water Source,
 - (j) Krui River Water Source,
 - (k) Luskintyre Water Source,
 - (l) Martindale Creek Water Source,
 - (m) Merriwa River Water Source,
 - (n) Muswellbrook Water Source,
 - (o) Pages River Water Source,
 - (p) Rouchel Brook Water Source,
 - (q) Singleton Water Source,
 - (r) Upper Paterson Water Source,
 - (s) Wollar Creek Water Source,
 - (t) Wybong Creek Water Source.
- (3) An assignment from an access licence under which water is taken from the Downstream Glennies Creek Management Zone or the Glennies Creek Management Zone to an access licence under which water is taken from the Upstream Glennies Creek Management Zone is permitted.
- (4) An assignment from an access licence under which water is taken from the Lower Goulburn Water Source to an access licence under which water is taken from the Upper Goulburn Water Source is permitted.

56 Other permitted dealings

- (1) An assignment from an access licence to another access licence is permitted if the water will be taken under each licence from—
 - (a) the same water supply work, or
 - (b) the same property, or

- (c) an adjoining property owned by the same owner as the property to which the assignment relates.
- (2) The cancellation of an access licence (the *cancelled licence*) in order to grant an access licence (the *new licence*) is permitted if the new licence will take water from—
 - (a) the same water supply work as the cancelled licence, or
 - (b) the same area of land as the cancelled licence, or
 - (c) land that adjoins the land from which water was taken under the cancelled licence if the adjoining land is owned by the same person.

Division 3 Other prohibited dealings

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

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

58 Nomination of water supply works dealings

- (1) The following dealings under the Act, section 71W are prohibited—
 - (a) an access licence under which groundwater may be taken being amended to nominate a water supply work authorised by its approval to take surface water,
 - (b) an access licence being amended to nominate a water supply work outside of the State,
 - (c) an access licence that nominates a water supply work located further than 200 m from the top of the high bank of a river in the Hunter Regulated River Alluvial Water Source being amended to nominate a water supply work within 200 m of the river,
 - (d) an access licence that nominates a water supply work located in the Downstream Glennies Creek Management Zone or the Glennies Creek Management Zone being amended to nominate a water supply work located in the Upstream Glennies Creek Management Zone if the total extraction for the Upstream Glennies Creek Management Zone in the same water year exceeds the sum of the share components of all access licences in the Upstream Glennies Management Zone as of the date this Plan commenced,
 - (e) an access licence in the Upper Wollombi Brook Water Source being amended to nominate a water supply work located—
 - (i) in a different tributary, or
 - (ii) upstream from an existing nominated work,
 - (f) an access licence being amended to nominate a water supply work that is located upstream of a major water supply dam in the Glennies Creek Water Source or the Williams River Water Source.
- (2) Subclause (1)(a) does not apply to a dealing if the take of surface water is within the following water sources—
 - (a) Appletree Flat Management Zone of Jerrys Water Source,
 - (b) Baerami Creek Water Source,
 - (c) Bow River Water Source,
 - (d) Bylong River Water Source,
 - (e) Dart Brook Water Source,
 - (f) Doyles River Water Source,

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- (g) Halls Creek Water Source,
 - (h) Krui River Water Source,
 - (i) Lower Goulburn River Water Source,
 - (j) Lower Wollombi Brook Water Source,
 - (k) Martindale Creek Water Source,
 - (l) Merriwa River Water Source,
 - (m) Munmurra River Water Source,
 - (n) Pages River Water Source,
 - (o) Upper Goulburn River Water Source,
 - (p) Upper Wollombi Brook Water Source,
 - (q) Widden Brook Water Source,
 - (r) Wollar Creek Water Source,
 - (s) Wybong Creek Water Source.
- (3) An aquifer access licence that nominates a water supply work located more than 40m from the top of the high bank of a river being amended to nominate a water supply work located within 40m from the top of the high bank of a river is prohibited if the dealing involves a river within the following water sources—
- (a) Black Creek Water Source,
 - (b) Dora Creek Water Source,
 - (c) Glendon Brook Water Source,
 - (d) Glennies Water Source,
 - (e) Isis River Water Source,
 - (f) Jerrys Management Zone of Jerrys Water Source,
 - (g) Luskintyre Water Source,
 - (h) Muswellbrook Water Source,
 - (i) Newcastle Water Source,
 - (j) North Lake Macquarie Water Source,
 - (k) Paterson/Allyn Rivers Water Source,
 - (l) Rouchel Brook Water Source,
 - (m) Singleton Water Source,
 - (n) South Lake Macquarie Water Source,
 - (o) Upper Hunter River Water Source,
 - (p) Upper Paterson Water Source,
 - (q) Wallis Creek Water Source,
 - (r) Williams River Water Source.
- (4) A dealing under the Act, section 71W is permitted if the dealing involves the nomination of a water supply work that is located within a property within which an existing water supply work is located or within another property owned by the same person that adjoins the property.

Part 9 Rules for major utility storages—the Act, section 21(a)

59 Seaham Weir Management Zone

- (1) This clause applies to the Seaham Weir Management Zone of the Williams River Water Source.
- (2) The maximum percentages of daily flow specified in the table to this subclause, as measured at the Williams River Glen Martin gauge (210010), must be released each day when the combined water storage levels of all water storages operated by Hunter Water Corporation are at the level specified opposite.

Combined water storage levels—HWC	Maximum % daily flow
Greater than 60%	30%
Greater than 40% and less than or equal to 60%	20%
Less than or equal to 40%	10%

- (3) Seaham Weir in the Williams River Water Source must be managed to ensure—
 - (a) at least 20 ML/day is released, and
 - (b) at least 500 ML is released following 70 days of flows less than 123 ML/day as measured at the Williams River Glen Martin gauge (210010).

60 Chichester Dam

- (1) This clause applies to releases of water made from Chichester Dam in the Williams River Water Source.
- (2) A release that is at least equivalent to the combined daily inflows specified in the table to this subclause must be made from Chichester Dam, as measured at the Chichester River at weir gauge (210150), when the combined water storage levels of all water storages operated by Hunter Water Corporation are at the level specified opposite.

Combined water storage levels—HWC	Combined daily inflows
Greater than 60%	20ML/day
Greater than 40% and less than or equal to 60%	14ML/day
Less than or equal to 40%	7ML/day

- (3) Subclause (2) does not apply if the Chichester Dam is spilling at a rate that is equal to or greater than the release required.
- (4) The Minister may suspend or adjust the requirements in subclause (2) for the purpose of an emergency or maintenance activity that, in the Minister's opinion, may temporarily affect the flow volume or behaviour of water for more than 24 hours.
- (5) In this clause—

combined daily inflows means the combined daily inflows from Chichester and Wangat Rivers, as measured at the Chichester River at Chichester gauge (210136) and the Wangat River at Wangat gauge (210137) respectively.

61 Upper Hunter River Water Source

- (1) This clause applies to the Upper Hunter River Water Source.

- (2) All natural inflows to Oakey Creek Dam must be allowed to pass downstream to Oakey Creek.

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Part 10 Mandatory conditions—the Act, s 17(c)

Division 1 General

62 Definition

In this Part—

operational meter means an operational meter that complies with AS 4747.

Division 2 Access licences

63 General conditions

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

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under clause 30,
- (b) the relevant access rules for the taking of water specified in Part 6, Divisions 3 and 4,
- (c) on becoming aware of a breach of a condition of the access licence, the licence holder must—
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification is not provided in writing, give the Minister written notice within 7 days of becoming aware of the breach,
- (d) notice to the Minister must be given by writing to the email address for enquiries specified on the Department's website,
- (e) other conditions required to implement the provisions of this Plan.

64 Record keeping conditions

- (1) Each access licence must have mandatory conditions to give effect to the following—
 - (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have both an operational meter and an operational data logger—
 - (i) the date and the start and end time during which water was taken under the licence,
 - (ii) the volume of water taken on that date,
 - (iii) the water supply work approval number of the water supply work used to take the water on that date,
 - (iv) the purposes for which the water was taken on that date,
 - (v) the volume of water taken in a water year compared with the water account debit permitted under clause 30 for the licence,
 - (b) the licence holder must retain the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (2) This clause is repealed on 1 December 2023.

Note— The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2023.

Division 3 Water supply work approvals

65 General conditions

- (1) Water supply work approvals must have mandatory conditions to give effect to the provisions of this Plan.
- (2) A water supply work approved for the purpose of monitoring, an environmental remediation activity or emergency services must be used only for that purpose.
- (3) On becoming aware of a breach of any condition of the approval, the approval holder must—
 - (a) notify the Minister as soon as practicable, and
 - (b) if the notification is not provided in writing, give the Minister written notice within 7 days of becoming aware of the breach.

66 Record keeping conditions

- (1) This clause does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water, the approval holder must confirm that a cease to take condition does not apply.
- (3) The approval holder must—
 - (a) record the following information in a Logbook whenever the water supply work does not have both an operational meter and an operational data logger—
 - (i) the confirmation required under subclause (2), including the way in which the confirmation was established,
 - (ii) the date and the start and end time during which water was taken using the water supply work,
 - (iii) the volume of water taken on that date,
 - (iv) the access licence under which water was taken on that date or, if water was taken under some other authority, the authority under which water was taken,
 - (v) the purposes for which the water was taken on that date,
 - (vi) 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,
 - (vii) if metering equipment has been installed for use in connection with the water supply work and is operational, the meter reading before each time water is taken,
 - (viii) if metering equipment has not been installed for use in connection with the water supply work, or has been installed but is not operational, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
 - (b) retain the information recorded in the Logbook for 5 years from the date to which that information relates.
- (4) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.
- (5) Subclauses (3) and (4) are repealed on 1 December 2023.

Note— The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2023.

67 Metering conditions

- (1) This clause applies to water supply works used to take water under an access licence.
- (2) The approval holder must install metering equipment, as directed by the Minister, that complies with AS 4747.
- (3) If directed to install metering equipment under subclause (2), the approval holder must ensure the following—
 - (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,
 - (b) the metering equipment is operated and maintained in a proper and efficient manner at all times,
 - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.
- (4) This clause is repealed on 1 December 2023.

Note— The *Water Management (General) Regulation 2018*, clause 230 provides that the mandatory metering equipment condition applies to all access licences and approvals from 1 December 2023.

Division 4 Water supply work approvals for groundwater

68 General conditions

- (1) This Division sets out the conditions required to be imposed on a water supply work approval for a work that takes groundwater.
- (2) In this Division—

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

69 Water supply work decommissioning condition

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

70 Water supply work construction conditions

- (1) An approval holder must ensure that a water supply work is constructed to ensure the following—
 - (a) the water supply work must be situated in the location specified in the application for the water supply work,
 - (b) water must be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work,
 - (c) the water supply work must be sealed off from all other water sources,
 - (d) construction of the water supply work must comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
 - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
 - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed for the purposes of monitoring or remediating contaminated water, the approval holder must do the following—
 - (a) notify the Minister within 48 hours of becoming aware of the contaminated water,
 - (b) take all reasonable steps to minimise contamination and environmental harm,
 - (c) ensure that the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work,
 - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister,
 - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—
 - (a) within 60 days of completion of the construction of the water supply work, or
 - (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.
- (4) The approval holder must ensure—
 - (a) the construction of the water supply work is completed within 3 years of the approval being granted, and
 - (b) the water supply work is not used unless construction is completed within 3 years of the approval being granted.
- (5) A water supply work approval for a replacement groundwater work must impose conditions that give effect to clause 41(1)(b)–(d).

71 Water quality condition

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

Part 11 Amendment of this Plan—the Act, s 17(d)

72 Amendments

- (1) This Plan authorises the following amendments—
 - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow,
 - (d) to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules in response to changes in water availability resulting from climate change by amending Part 8, Divisions 2–4,
 - (e) to add or modify provisions relating to the following—
 - (i) the management of waters in coastal sands,
 - (ii) managed aquifer recharge,
 - (iii) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (iv) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (v) the protection of groundwater-dependent culturally significant areas,
 - (vi) stormwater harvesting,
 - (vii) total daily extraction limits,
 - (viii) individual daily extraction limits,
 - (f) to protect water-dependent Aboriginal cultural assets, including the following—
 - (i) identifying water-dependent Aboriginal cultural assets,
 - (ii) establishing new flow classes or access rules,
 - (iii) restricting the construction and use of water supply works,
 - (iv) establishing new access licence dealing rules,
 - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (h) if, within 3 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted under the 2006 Harvestable Rights Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,
 - (i) to add, modify or remove a definition,
 - (j) to add or remove a contamination source by amending Schedule 3,
 - (k) to add or remove an access licence by amending Schedule 2 or 4,
 - (l) amendments consequential on an amendment to the Act or regulations made under the Act.
- (2) An amendment authorised by this Plan is taken to include consequential amendments, if any, to give effect to the authorised amendment.
- (3) In this clause—

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

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Schedule 1 Flow classes

clause 32(1)

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Baerami Creek		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 6.41m below the measuring point, and (b) if groundwater levels are rising—at least 6.28m below the measuring point	Groundwater Monitoring Bore at Baerami House Baerami Road, Baerami (GW040962)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 6.41m below the measuring point, and (b) if groundwater levels are rising—less than 6.28m below the measuring point	
Black Creek		Very Low Flow Class	Less than or equal to 1ML/day	Black Creek at Rothbury gauge (210089)
		A Class	More than 1ML/day	
Bylong River		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 6.31m below the measuring point, and (b) if groundwater levels are rising—at least 6.09m below the measuring point	Groundwater monitoring bore at Sylvania Park Wollar Road, Bylong (GW271002)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 6.31m below the measuring point, and (b) if groundwater levels are rising—less than 6.09m below the measuring point	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Dart Brook	Upper Dart Brook	Very Low Flow Class	Less than or equal to 1ML/day	Dart Brook at Yarrandi Bridge gauge (210124)
		A Class	More than 1ML/day and less than or equal to 35ML/day	
		B Class	More than 35ML/day	
	Upper Middle Brook	Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 3.74m below the measuring point, and (b) if groundwater levels are rising—at least 3.45m below the measuring point	Henderson Middlebrook Road, Scone (GW271019)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 3.74m below the measuring point, and (b) if groundwater levels are rising—less than 3.45m below the measuring point	
	Lower Middle Brook and Kingdon Ponds	Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 4.25m below the measuring point, and (b) if groundwater levels are rising—at least 3.92m below the measuring point	Groundwater monitoring bore at Turanville, Scone (GW080074)
A Class		Water depth is— (a) if groundwater levels are falling—less than 4.25m below the measuring point, and (b) if groundwater levels are rising—less than 3.92m below the measuring point		
Lower Dart Brook	Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 9.71m below the measuring point, and (b) if groundwater levels are rising—at least 9.23m below the measuring point	Groundwater monitoring bore at Rockview Station, Scone (GW080433)	
	A Class	Water depth is— (a) if groundwater levels are falling—less than 9.71m below the measuring point, and (b) if groundwater levels are rising—less than 9.23m below the measuring point		

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Glennies		Very Low Flow Class	No visible flow	At the causeway on Goorangoola Creek 230m downstream of the boundary between Lots 23 and 24, DP 752462
		A Class	Visible flow	
Halls Creek		Very Low Flow Class	No visible flow	Halls Creek at upstream Giants Creek (210146)
		A Class	Visible flow	
Hunter River Tidal Pool		Very Low Flow Class	Equal to or more than 4,000uS/cm	Hunter River at Green Rocks gauge (210432)
		A Class	Less than 4,000uS/cm	
Isis River	Upper Isis River	Very Low Flow Class	Less than or equal to 3ML/day	Isis River at Lower Timor gauge (210070)
	Lower Isis River	Very Low Flow Class	No visible flow	Isis River at Stick-Me-Up Bridge gauge (210118)
Lower Goulburn River		A Class	More than 3ML/day	Groundwater monitoring bore at Constable Yarrawa (GW273104)
		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 13.13m below the measuring point, and (b) if groundwater levels are rising—at least 13.04m below the measuring point	
		A Class	Visible flow	
		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—less than 13.13m below the measuring point, and (b) if groundwater levels are rising—less than 13.04m below the measuring point	
		B Class	More than 93ML/day	Goulburn River at Sandy Hollow gauge (210031)

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Goulburn River		Very Low Flow Class	Less than or equal to 2ML/day	Goulburn River at Coggan gauge (210006)
		A Class	More than 2ML/day and less than or equal to 39ML/day	
		B Class	More than 39ML/day	
Lower Wollombi Brook		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 8.81m below the measuring point, and (b) if groundwater levels are rising—at least 8.61m below the measuring point	Groundwater monitoring bore at Warkworth (GW079060)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 8.81m below the measuring point, and (b) if groundwater levels are rising—less than 8.61m below the measuring point	
		B Class	More than 35ML/day	
Upper Wollombi Brook	Upper Congewai Creek	Very Low Flow Class	No visible flow	In Congewai Creek under the Congewai Road Bridge adjacent to Lot 2, DP 347691, known as Cameron's corner
		A Class	Visible flow	
	Mid Congewai Creek	Very Low Flow Class	No visible flow	Congewai Creek at Cedar Creek Road crossing
		A Class	Visible flow	
	South Arm	Very Low Flow Class	No visible flow	Wollombi Creek at Gleghorns Bridge, south of Wollombi at 151.139E and 32.946S
		A Class	Visible flow	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Martindale Creek		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 6.91m below the measuring point, and (b) if groundwater levels are rising—at least 6.61m below the measuring point	Groundwater monitoring bore 1063 Martindale Road, Martindale (GW271032)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 6.91m below the measuring point, and (b) if groundwater levels are rising—less than 6.61m below the measuring point	
Merriwa River		Very Low Flow Class	Less than or equal to 1ML/day	Merriwa River at upstream Vallances Creek (210066)
		A Class	More than 1ML/day	
Pages River	Murrurundi and Scotts Creek	Very Low Flow Class	Less than or equal to 1ML/day	Pages River at Blandford gauge (210061)
		A Class	More than 1ML/day	
	Kewell Creek and Gundy	Very Low Flow Class	Less than or equal to 1ML/day	Pages River at Gundy gauge (210052)
		A Class	More than 1ML/day and less than or equal to 29ML/day	
Segenhoe		Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 8.39m below the measuring point, and (b) if groundwater levels are rising—at least 7.93m below the measuring point	Groundwater monitoring bore Pages River Segenhoe (GW271021)
		A Class	Water depth is— (a) if groundwater levels are falling—less than 8.39m below the measuring point, and (b) if groundwater levels are rising—less than 7.93m below the measuring point	

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Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Paterson/Allyn Rivers		Very Low Flow Class	Less than or equal to 3ML/day	Allyn River at Flying Fox Lane gauge (210143)
		A Class	More than 3ML/day	
		A2 Class	More than 25ML/day at Halton gauge (210022) and more than 3ML/day at Flying Fox Lane gauge (210143)	
Paterson River Tidal Pool		Very Low Flow Class	Equal to or more than 4,000uS/cm	Hunter River at Green Rocks gauge (210432)
		A Class	Less than 4,000uS/cm	
Rouchel Brook		Very Low Flow Class	During October to March inclusive— Less than or equal to 2ML/day on a falling river; must not commence pumping unless flows are greater than 10ML/day on a rising river	Rouchel Brook at The Vale gauge (210014)
			During April to September inclusive— Less than or equal to 1ML/day on a falling river; must not commence pumping unless flows are greater than 10ML/day on a rising river	
		A Class	More than 10ML/day or on a rising river and less than or equal to 35ML/day	
		B Class	More than 35ML/day on a rising river	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Hunter	Upper Hunter	Very Low Flow Class	Less than or equal to— (a) 10 ML/day at Moonan Dam gauge (210018), or (b) 1 ML/day at Belltrees gauge (210039)	Hunter River at Moonan Dam gauge (210018) and Belltrees gauge (210039)
		A Class	More than— (a) 10 ML/day at Moonan Dam gauge (210018), or (b) 1 ML/day at Belltrees gauge (210039), and Less than or equal to 126 ML/day at Belltrees gauge (210039)	
		B Class	More than 126 ML/day and less than or equal to 280 ML/day	
	Stewarts Brook	C Class	More than 280 ML/day	Hunter River at Belltrees gauge (210039)
		Very Low Flow Class	Less than or equal to 1 ML/day	Belltrees gauge (210039)
		A Class	More than 1 ML/day and less than or equal to 126 ML/day	
Upper Paterson	B Class	Less than or equal to 126 ML/day		
	C Class	More than 280 ML/day		
	Very Low Flow Class	No visible flow	Paterson River crossing on Birds Road at Beresford Property 151.427E 32.322S	
Wallis Creek Tidal Pool	A Class	Visible flow		
	Very Low Flow Class	Equal to or more than 4,000 uS/cm	Hunter River at Green Rocks gauge (210432)	
Widden Brook	A Class	Less than 4,000 uS/cm		
	Very Low Flow Class	Water depth is— (a) if groundwater levels are falling—at least 3.66m below the measuring point, and (b) if groundwater levels are rising—at least 3.46m below the measuring point	Groundwater monitoring bore at Widden Stud via Denman (GW271005)	
		A Class	Water depth is— (a) if groundwater levels are falling—less than 3.66m below the measuring point, and (b) if groundwater levels are rising—less than 3.46m below the measuring point	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Williams River	Upper Williams	Very Low Flow Class	Less than or equal to 1 ML/day	Williams River at Tillegra gauge (210011)
		Low Flow Class	More than 1 ML/day and less than or equal to 8 ML/day	
		A Class	More than 8 ML/day	
	Seaham Weir	Very Low Flow Class	Water level is less than or equal to 0.38m pool height	Visual gauge board at Seaham Weir
		A Class	Water level is more than 0.38m pool height	
		B Class	Water level is more than 0.42 pool height at the visual gauge board at Seaham Weir when flows are greater than 15 ML/day at Williams River at Glen Martin gauge (210010)	Visual gauge board at Seaham Weir and Williams River at Glen Martin gauge (210010)
Wybong Creek	Kars Springs	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek at the ford across Little Creek Road at Kars Springs Road along Little Creek Road 10m from the western boundary of Lot 33, DP 750946 and Wybong Creek in the cobble riffle extending 50m from the Staunton Bridge on Bunnan Road across Wybong Creek on the southern Boundary of Lot 2, DP 224163
		A Class	Visible flow at both reference points	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
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Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
	Cuan	Very Low Flow Class	No visible flow at either flow reference point	Cuan Creek rock bar immediately downstream of the Guan Guan Bridge across Cuan Creek 8km east of Bunnan on the Merriwa to Scone Road between Lots 2 and 3, DP 1219769 and Cuan Creek rock bar in the Cuan Creek at Lot 25, DP 750928
		A Class	Visible flow at both reference points	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
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Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
	Bunnan	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek in the cobble riffle extending 50m from the Staunton Bridge on Bunnan Road across Wybong Creek on the southern boundary of Lot 2, DP 224163 and Wybong Creek rock bar (located on common boundary between Lot 207, DP 723279, Lot 6, DP 47284 and Lot 205, DP 720650) in Wybong Creek 50m upstream from the Ridgelands Road Bridge across Wybong Creek
		A Class	Visible flow at both reference points	
	Cuan and Reedy Creeks	Very Low Flow Class	No visible flow at either flow reference point	Cuan Creek rock bar in the Cuan Creek at Lot 25, DP 750928 and the cobble riffle in Cuan Creek extending 100m downstream of the southern boundary of Lot 1, DP 126490
		A Class	Visible flow at both reference points	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

Flow class thresholds

Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
	White Rock	Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek rock bar (located on common boundary between Lot 207, DP 723279, Lot 6, DP 47284 and Lot 205, DP 720650) in Wybong Creek 50m upstream from the Ridgелands Road Bridge across Wybong Creek and Wybong Creek in the ford on Ridgелands Road adjacent to Lot 4, DP 113992
	Manobalai	A Class	Visible flow at both reference points	
		Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek in the ford on Ridgелands Road adjacent to Lot 4, DP 113992 and Wybong Creek at Manobalai gauge (210147)
	Wybong	A Class	Visible flow at both reference points	
		Very Low Flow Class	No visible flow at either flow reference point	Wybong Creek at Manobalai gauge (210147) and Wybong Creek gauge (210040)

Explanatory note Access rules for the Hunter River, Paterson River and Wallis Creek tidal pool water sources specified in this table are based on results of numerical modelling and scenario testing using a hydrodynamic model developed by UNSW Water Research Laboratory.

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 1 Flow classes

The Department recognises the tidal pool users have previously not been subject to access rules. It is important to protect the ecological assets of the tidal pools, including the downstream Ramsar wetlands. The access rules aim to minimise the upstream migration of tidal water as a result of extraction during dry times.

To date, targeted consultation on this matter indicates some concerns with the impact proposed access rules may have on licence holders.

This is an important issue and your comments are sought.

Flow classes—Williams Management Zone in the Williams River Water Source

Flow class	Flows in Chichester River measured at Cipolletti Weir gauge (210150)	Flow class threshold	Flow reference point
Very Low Flow Class	More than 20ML/day	Less than or equal to 8ML/day	Williams River at Glen Martin gauge (210010)
	At least 14ML/day and less than or equal to 20ML/day	Less than or equal to 6ML/day	
	Less than 14ML/day	Less than or equal to 3ML/day	
Low Flow Class	More than 20ML/day	More than 8ML/day and less than or equal to 20ML/day	
	At least 14ML/day and less than or equal to 20ML/day	More than 6ML/day and less than or equal to 15ML/day	
	Less than 14ML/day	More than 3ML/day and less than or equal to 8ML/day	
A Class	More than 20ML/day	More than 20ML/day	
	At least 14ML/day and less than or equal to 20ML/day	More than 15ML/day	
	Less than 14ML/day	More than 8ML/day	

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Cease to take conditions

Schedule 2 Cease to take conditions

clause 34(1)(b)

Access licence numbers	Water source	Cease to take condition
20AL209501, 20AL209502	Pages River	Diversion of water from the Pages River must be at a rate not exceeding 8 ML/day unless the discharge of the Pages River at the Blandford gauge is greater than— (a) 10 ML/day during April to September, and (b) 15 ML/day during October to March
20AL206190, 20AL206192, 20AL206216, 20AL206241, 20AL206265, 20AL206425, 20AL206427, 20AL213353	Black Creek	Water must only be taken for irrigation when there is a visible flow in Black Creek at the New England Highway Bridge crossing of the Black Creek adjacent to the south-eastern corner of Lot 40, DP 1175531
20AL206194, 20AL206208, 20AL206212, 20AL206218, 20AL206220, 20AL206234, 20AL206239, 20AL206245, 20AL206253, 20AL206258, 20AL206263, 20AL206271, 20AL206273, 20AL206275, 20AL206282, 20AL206371, 20AL206397, 20AL206442, 20AL206444, 20AL211189, 20AL219490, 20AL219491	Black Creek	Water must only be taken for irrigation when there is a visible flow in Black Creek at the bridge on the Cessnock to Braxton Road adjacent to Lot 1, DP 248540
20AL206267	Black Creek	Water must only be taken for irrigation when there is a visible flow in Halls Creek over the concrete road causeway downstream of the work on Lot 28, DP 593178
20AL207229	Dora Creek	Water must only be taken for irrigation when there is a visible flow in Dora Creek at the Owens Road bridge adjacent to Lot 42, DP 867536
20AL207243	Dora Creek	Water must only be taken for irrigation when there is a visible flow in Morans Creek at the Chapmans Road bridge at the northern boundary of Lot 17, DP 755238
20AL207386	Glennies Creek	Water must only be taken for irrigation when there is a visible flow in Dawleys Creek at the Falbrook Road Culvert and the Dawson Hill Road culvert, both located on Lot 2, DP 741173 and flows must be maintained during pumping

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Cease to take conditions

Access licence numbers	Water source	Cease to take condition
20AL208999, 20AL209003, 20AL209005, 20AL209007, 20AL209009, 20AL209011, 20AL209013, 20AL209015, 20AL209017, 20AL209019, 20AL209029, 20AL209050, 20AL209054, 20AL209062, 20AL209068	Merriwa River	Water must only be taken for irrigation when the flow in Merriwa River is greater than 2.7 ML/day at the Merriwa town gauge
20AL209001, 20AL209021, 20AL209023, 20AL209031, 20AL209033, 20AL209035, 20AL209037, 20AL209039, 20AL209041, 20AL209043, 20AL209046, 20AL209048, 20AL209052, 20AL209056, 20AL209058, 20AL209060, 20AL209064, 20AL209066, 20AL209070, 20AL209072, 20AL209076, 20AL209080, 20AL209083, 20AL209085, 20AL209087, 20AL209089, 20AL209091, 20AL209093, 20AL209095, 20AL209101, 20AL209103, 20AL219668, 20AL219669	Merriwa River	Water must only be taken for irrigation when the flow in Merriwa River is greater than— (a) 2.7 ML/day at the Merriwa town gauge, and (b) 0.5 ML/day at the upstream Vallances Creek gauge
20AL209074	Merriwa River	Water must only be taken for irrigation when the flow in the Merriwa River at the Merriwa River town gauge is at least 10 ML/day
20AL209097	Merriwa River	Water must only be taken for irrigation when there is a visible flow in Coulsons Creek at the Coulsons Creek Road causeway in the south-eastern corner of Lot 1, DP 609208

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Cease to take conditions

Access licence numbers	Water source	Cease to take condition
20AL208981	Merriwa River	Water must only be taken when the flow in the Merriwa River is greater than 0.5 ML/day at the Upstream Vallances gauge (210066)
20AL209822	Paterson/Allyn Rivers	The pumps on the Allyn River must not be used for irrigation or filling storages for irrigation unless the water height is more than 0.49m at the Halton gauge in the Allyn River
20AL210194, 20AL210208, 20AL210214, 20AL210238, 20AL210251, 20AL210280, 20AL210331	Upper Wollombi Brook	Water must only be taken for irrigation when there is a visible flow in Congewai Creek at the Thursby's Road Bridge within Lot 2, DP 347691
20AL210269	Upper Wollombi Brook	Water must only be taken for irrigation when the flow in the Quorrobolong Creek is greater than 6.5 ML/day at the Sandy Creek Road Bridge
20AL210261	Upper Wollombi Brook	Water must only be taken for irrigation— (a) when the flow in the Quorrobolong Creek is greater than 2 ML/day at the Sandy Creek Road Bridge, and (b) when the flow in the Quorrobolong Creek at the private road bridge on South Street at Lots 39 and 45, DP 755225 is at or above the gauge mark attached to the central bridge pylon
20AL210335	Upper Wollombi Brook	Water must only be taken for irrigation when there is a visible flow in Wollombi Brook at least 20 m upstream or downstream of the pump site
20AL211878, 20AL211879	Upper Wollombi Brook	Water must only be taken for irrigation— (a) when there is a visible flow in Congewai Creek at Thursby's Road Bridge within Lot 2, DP 347691, and (b) when there is a visible flow at least 10 m upstream or downstream of the extraction point named on the access licence
20AL211532, 20AL212233	Upper Wollombi Brook	Water must only be taken for irrigation— (a) when there is a visible flow in Congewai Creek at Thursby's Road Bridge, and (b) when there is a visible flow in Congewai Creek at least 20 m downstream from the Cedar Creek Bridge at the north-eastern boundary of Lot 1, DP 783764, and (c) when there is a visible flow at least 10 m upstream or downstream of the extraction point named on the access licence
20AL208295, 20AL208297, 20AL208299, 20AL208305, 20AL208311, 20AL208317	Krui River	Water must only be taken for irrigation when there is a visible flow in the Krui River at the Merriwa–Cassilis Road Bridge adjacent to Lot 11, DP 881929
20AL211495	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the Stanhope Road Bridge adjacent to Lot 18, DP 752502

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Cease to take conditions

Access licence numbers	Water source	Cease to take condition
20AL208842	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the— (a) Stanhope Road Bridge adjacent to Lot 18, DP 752502, and (b) Lambs Valley Road Bridge at Lot 7, DP 262509
20AL208844	Luskintyre	Water must only be taken for irrigation when there is a visible flow in the Lambs Valley Creek at the Stanhope Road Bridge adjacent to Lot 101, DP 809436
20AL209192	Muswellbrook	Water must only be taken for irrigation when there is a visible flow in Muscle Creek at Terry's Crossing, Lot 111, DP 1042080 and downstream at the property boundary of Lot 4, DP 136691, known as Church Hole and flows must be maintained while pumping
20AL209676	Paterson/Allyn Rivers	Water must only be taken for irrigation when there is a visible flow in Chads Creek at the common boundary of Lots 5 and 6, DP 666039
20AL209829, 20AL209830	Paterson/Allyn Rivers	The pumps on the Allyn River must not be used for irrigation or filling storages for irrigation unless the water height is more than 0.49 m at the Halton gauge in the Allyn River
20AL209834	Paterson/Allyn Rivers	The pumps on the Allyn River must not be used for irrigation or filling storages for irrigation unless the water height is more than 0.49 m at the Halton gauge in the Allyn River The take of water is limited to 40 ML/year when the gauge reading is between 0.491 and 0.57 m An additional 42 ML/year may be taken from the Allyn River when the water height exceeds 0.57 m at the Halton gauge
20AL211503	Singleton	Water must only be taken for irrigation when there is a visible flow in the Doughboy Hollow Creek at the culverts in Racecourse Land on the boundary of Lot 50, DP 860530
20AL210680	Williams River	Water must only be taken for irrigation when there is a visible flow in the Tumbledown Creek at the road bridge on the Seaham–Clarence Road in Lot 1601, DP 629738

Schedule 3 Contamination sources

clause 43(5)

A site that has been declared to be significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*.

A site that has been notified to the Environment Protection Authority under the *Contaminated Land Management Act 1997*, section 60.

A site that is or has been the subject of an activity listed in Table 1 of the contaminated land planning guidelines within the meaning of the *Environmental Planning and Assessment Act 1979*.

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Schedule 4 Access licences permitted to take from very low flows

clauses 36(1)(a) and (d) and 39(a) and (c)

Table A – Access licences other than town water supply

Water Source	Management Zone	Access licence numbers
Glendon Brook Water Source		17947, 17963, 17987
Martindale Creek Water Source		18605
Paterson/Allyn Rivers Water Source		18918, 18939, 18944, 18947, 18951, 18957, 18964, 18971, 18987, 30223
Williams River Water Source	Williams River	19301, 19304, 19311, 19255, 19272, 19321, 19329, 19336, 19339, 19343, 19341, 19348, 19355, 19369, 19376, 19383, 19400
	Seaham Weir	19250, 19257, 19268, 19382
	Upper Williams River	19251, 19286, 19290, 19313, 19326, 19330, 19331, 19359, 19403, 19406, 19411, 19416
Muswellbrook Water Source		18725
Black Creek Water Source		17531, 17536, 17540, 17541, 17546, 17552, 17553, 17554, 17555, 17559, 17560, 17561, 17567, 17570, 17571, 17578, 17581, 17585, 17588, 17593, 17594, 17595, 17605, 17606, 17607, 17609, 17619, 17626, 17628, 17637, 17639, 17641, 17644, 17657, 17658, 17660, 17661, 17663, 17664, 17665, 17669, 17671, 17678, 17682, 17683, 17685, 17686, 17687, 17690, 17695
Upper Wollombi Brook Water Source	Mid Congewai Creek	19143, 19174
Lower Wollombi Brook Water Source		18464, 18466, 18467, 18480, 18484, 18535, 18543, 18567, 18568, 18569
Lower Goulburn River Water Source		18395
Wallis Creek Water Source		19225
Halls Creek Water Source		18014, 18039, 35541
Pages River Water Source	Kewell Creek and Gundy	18872
	Murrurundi and Scotts Creek	18876
Dart Brook Water Source	Petwyn Vale	17845
Widden Brook Water Source		19243
Jerrys Water Source	Jerrys	18319
Hunter Regulated River Alluvial Water Source	Downstream Glennies Creek	18093, 18094, 18095, 18148, 18164, 18229, 18248

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 4 Access licences permitted to take from very low flows

Table B – Major utility access licences, local water utility access licences and access licences of the subcategory “Town water supply”

Water Source	Management Zone	Water Access Licence number
Lower Goulburn River Water Source		18394
Hunter Regulated River Alluvial Water Source	Upstream Glennies Creek	18095, 18164, 18168, 18204, 18248, 18255,
	Downstream Glennies Creek	18123, 18161
Dart Brook Water Source	Lower Middlebrook and Kingdon Ponds	17738
Paterson/Allyn Rivers Water Source		27427
Pages River Water Source	Murrurundi and Scotts Creek	30603

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Dictionary

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

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

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

cease to take condition means a term or condition on an entitlement specified in Schedule 2 that prohibits the taking of water in the circumstance specified opposite the entitlement in the Schedule.

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

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

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

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

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

groundwater means all water contained within all unconsolidated alluvial sediments below the surface of the ground within the boundaries of the water sources shown on the Plan Application Map.

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

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

High Priority Groundwater-Dependent Ecosystem Map means the Water Sharing Plan for the Hunter Regulated and Alluvial Water Sources 2022 High Priority Groundwater-Dependent Ecosystem Map.

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

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

kl/day means kilolitres per day.

Logbook, in relation to an access licence or a water supply work approval, means a record in the form—

- (a) approved by the Minister, and
- (b) published on the Department's website.

ML/unit share means megalitres per unit share.

ML/year means megalitres per year.

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

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

operational meter, for Part 9—see clause 49.

Plan Application Map means the Water Sharing Plan for the Hunter Regulated and Alluvial Water Sources 2022 Plan Application Map.

replacement groundwater work—see clause 33.

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Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022 [NSW]
Dictionary

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

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

top of the high bank of a river means, in relation to the location of a water supply work, the top of the highest bank on the side of the river where the work is located, unless otherwise determined by the Minister.

uS/cm means microsiemens per centimetre.

visible flow means the continuous perceptible downstream movement of water.

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

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

Williams River Accreditation Scheme means the Water Use Accreditation Scheme operated by the Department.

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