



New South Wales

Water Sharing Plan for the Lower North Coast 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*, section 50.

Minister for Water, Property and Housing

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Water Sharing Plan for the Lower North Coast 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 Lower North Coast Water Management Area.

1 Name of Plan

This Plan is the Water Sharing Plan for the Lower North Coast 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 Lower North Coast Water Management Area—
- (a) the Avon River Water Source,
 - (b) the Bowman River Water Source,
 - (c) the Coolongolook River Water Source,
 - (d) the Cooplacurripa River Water Source,
 - (e) the Dingo Creek Water Source,
 - (f) the Karuah River Water Source,
 - (g) the Lower Barnard River Water Source,
 - (h) the Lower Barrington/Gloucester Rivers Water Source,
 - (i) the Lower Manning River Water Source,
 - (j) the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source,
 - (k) the Manning Estuary Tributaries Water Source,
 - (l) the Manning River Tidal Pool Water Source,
 - (m) the Mid Manning River Water Source,
 - (n) the Myall Creek Water Source,
 - (o) the Myall Lakes Water Source,
 - (p) the Myall River Water Source,
 - (q) the Nowendoc River Water Source,
 - (r) the Rowleys River Water Source,

- (s) the Upper Barnard River Water Source,
 - (t) the Upper Barrington River Water Source,
 - (u) the Upper Gloucester River Water Source,
 - (v) the Upper Manning River Water Source,
 - (w) the Wallamba River Water Source.
- (2) The water sources, other than the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source, Myall Lakes in the Myall Lakes Water Source and Khappinghat Creek in the Wallamba River Water Source, include the following—
- (a) all water occurring on the surface of the land identified on the Plan Application Map,
 - (b) all water in estuaries, rivers, lakes and wetlands upstream of the mangrove limit,
 - (c) all water contained within alluvial sediments upstream of the tidal limit.
- (3) The Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source includes all water contained within alluvial sediments downstream of the tidal limit.
- (4) The Myall Lakes in the Myall Lakes Water Source and Khappinghat Creek in the Wallamba River Water Source include all water in estuaries, rivers, lakes and wetlands upstream and downstream of the mangrove limit.
- (5) The water sources do not include the following—
- (a) water contained in the coastal sands in the water sources,
 - (b) water contained in fractured rock aquifers and basement rocks in the water sources.
- (6) 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 Bowman River Water Source is divided into the following management zones shown on the Plan Application Map—
- (a) Bowman River above Craven Creek Junction Management Zone,
 - (b) Craven Creek Management Zone,
 - (c) Lower Bowman River Management Zone.
- (2) The Coolongolook River Water Source is divided into the following management zones shown on the Plan Application Map—
- (a) Upper Coolongolook River Management Zone,
 - (b) Tidal Coolongolook River Management Zone,
 - (c) Wang Wauk River Management Zone.
- (3) The Cooplacurripa River Water Source is divided into the following management zones shown on the Plan Application Map—
- (a) Cooplacurripa River Headwaters Management Zone,
 - (b) Cooplacurripa River Management Zone.
- (4) The Karuah River Water Source is divided into the following management zones shown on the Plan Application Map—
- (a) Karuah Upriver Management Zone,

- (b) Karuah Estuarine Management Zone.
- (5) The Lower Barnard River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Lower Barnard River Upper Reaches Management Zone,
 - (b) Lower Barnard River Management Zone.
- (6) The Lower Barrington/Gloucester Rivers Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Lower Barrington River Upper Reaches Management Zone,
 - (b) Lower Barrington River Management Zone,
 - (c) Lower Gloucester River Management Zone.
- (7) The Manning Estuary Tributaries Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Landsdowne River Upper Reaches Management Zone,
 - (b) Dawson River Management Zone,
 - (c) Cedar Party Creek Management Zone,
 - (d) Manning Estuary Tributaries Management Zone.
- (8) The Myall River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Myall River Management Zone,
 - (b) Tidal Myall River Management Zone,
 - (c) Crawford River Management Zone.
- (9) The Nowendoc River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Nowendoc River Headwaters Management Zone,
 - (b) Nowendoc River downstream of Cooplacurripa River Confluence Management Zone.
- (10) The Rowleys River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Rowleys River Headwaters Management Zone,
 - (b) Rowleys River Management Zone.
- (11) The Upper Barrington River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Barrington River Headwaters Management Zone,
 - (b) Upper Barrington River Management Zone.
- (12) The Upper Gloucester River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Gloucester River Headwaters Management Zone,
 - (b) Upper Gloucester River Management Zone.
- (13) The Upper Manning River Water Source is divided into the following management zones shown on the Plan Application Map—
 - (a) Upper Manning River Headwaters Management Zone,
 - (b) Upper Manning River Management Zone.

- (14) The Wallamba River Water Source is divided into the following management zones shown on the Plan Application Map—
- (a) Khappinghat Creek Management Zone,
 - (b) Upper Wallamba River Management Zone,
 - (c) Tidal Wallamba River Management Zone.

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

The following extraction management units are established—

- (a) the Great Lakes Extraction Management Unit, which consists of the following water sources—
 - (i) the Myall Lakes Water Source,
 - (ii) the Myall River Water Source,
 - (iii) the Coolongolook River Water Source,
 - (iv) the Wallamba River Water Source,
- (b) the Karuah River Extraction Management Unit, which consists of the Karuah River Water Source,
- (c) the Lower North Coast Coastal Floodplain Alluvial Groundwater Extraction Management Unit, which consists of the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source,
- (d) the Manning 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.

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 10,872 ML/year and is distributed as follows—

- (a) 436 ML/year in the Avon River Water Source,
- (b) 270 ML/year in the Bowman River Water Source,
- (c) 732 ML/year in the Coolongolook River Water Source,
- (d) 231 ML/year in the Cooplacurripa River Water Source,
- (e) 666 ML/year in the Dingo Creek Water Source,
- (f) 1,290 ML/year in the Karuah River Water Source,
- (g) 313 ML/year in the Lower Barnard River Water Source,
- (h) 474 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (i) 924 ML/year in the Lower Manning River Water Source,
- (j) 282 ML/year in the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source,
- (k) 933 ML/year in the Manning Estuary Tributaries Water Source,
- (l) 834 ML/year in the Manning River Tidal Pool Water Source,
- (m) 110 ML/year in the Mid Manning River Water Source,
- (n) 511 ML/year in the Myall Creek Water Source,
- (o) 151 ML/year in the Myall Lakes Water Source,
- (p) 338 ML/year in the Myall River Water Source,
- (q) 296 ML/year in the Nowendoc River Water Source,
- (r) 159 ML/year in the Rowleys River Water Source,
- (s) 136 ML/year in the Upper Barnard River Water Source,
- (t) 244 ML/year in the Upper Barrington River Water Source,
- (u) 311 ML/year in the Upper Gloucester River Water Source,
- (v) 258 ML/year in the Upper Manning River Water Source,
- (w) 973 ML/year in the Wallamba River 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 order has 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 102 ML/year and are distributed as follows—
 - (a) 7 ML/year in the Avon River Water Source,
 - (b) 9 ML/year in the Bowman River Water Source,
 - (c) 11 ML/year in the Dingo Creek Water Source,
 - (d) 46.5 ML/year in the Lower Barrington/Gloucester Water Source,
 - (e) 1 ML/year in the Lower Manning River Water Source,
 - (f) 4 ML/year in the Manning Estuary Tributaries Water Source,
 - (g) 4.5 ML/year in the Myall River Water Source,
 - (h) 1 ML/year in the Nowendoc River Water Source,
 - (i) 7 ML/year in the Upper Gloucester River Water Source,
 - (j) 7 ML/year in the Upper Manning River Water Source,
 - (k) 4 ML/year in the Wallamba River Water Source,
 - (l) 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 17,256 ML/year and are distributed as follows—
 - (a) 320 ML/year in the Karuah River Water Source,
 - (b) 610 ML/year in the Lower Barrington/Gloucester Water Source,
 - (c) 12,500 ML/year in the Lower Manning River Water Source,
 - (d) 575 ML/year in the Manning Estuary Tributaries Water Source,
 - (e) 3,000 ML/year in the Manning River Tidal Pool Water Source,
 - (f) 221 ML/year in the Myall River Water Source,
 - (g) 30 ML/year in the Upper Gloucester River Water Source,
 - (h) 0 ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of major utility access licences are estimated to be a total of 20,000 ML/year and are distributed as follows—
 - (a) 20,000 ML/year in the Lower Barnard River Water Source,
 - (b) 0 ML/year in all other water sources.
- (4) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 50,569 unit shares and are distributed as follows—
 - (a) 1,736 unit shares in the Avon River Water Source,
 - (b) 2,111 unit shares in the Bowman River Water Source,
 - (c) 483 unit shares in the Coolongolook River Water Source,

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Part 3 Requirements for water

- (d) 800 unit shares in the Cooplacurripa River Water Source,
 - (e) 5,020 unit shares in the Dingo Creek Water Source,
 - (f) 3,221 unit shares in the Karuah River Water Source,
 - (g) 3,064.5 unit shares in the Manning Estuary Tributaries Water Source,
 - (h) 962 unit shares in the Mid Manning River Water Source,
 - (i) 57 unit shares in the Myall Creek Water Source,
 - (j) 263 unit shares in the Myall River Water Source,
 - (k) 1,369 unit shares in the Lower Barnard River Water Source,
 - (l) 10,704.5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
 - (m) 7,979 unit shares in the Lower Manning River Water Source,
 - (n) 1,273 unit shares in the Nowendoc River Water Source,
 - (o) 277 unit shares in the Rowleys River Water Source,
 - (p) 1,159 unit shares in the Upper Barnard River Water Source,
 - (q) 944 unit shares in the Upper Barrington River Water Source,
 - (r) 5,324 unit shares in the Upper Gloucester River Water Source,
 - (s) 2,234 unit shares in the Upper Manning River Water Source,
 - (t) 1,588 unit shares in the Wallamba River Water Source,
 - (u) 0 unit shares in all other water sources.
- (5) [Not applicable]
Note— When this Plan was made, there were no unregulated river (high flow) access licences.
- (6) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 992 unit shares and are distributed as follows—
- (a) 47 unit shares in the Dingo Creek Water Source,
 - (b) 18 unit shares in the Upper Gloucester River Water Source,
 - (c) 568 unit shares in the Manning Estuary Tributaries Water Source,
 - (d) 25 unit shares in the Myall River Water Source,
 - (e) 10 unit shares in the Lower Manning River Water Source,
 - (f) 224 unit shares in the Wallamba River Water Source,
 - (g) 100 unit shares in the Karuah River Water Source,
 - (h) 0 unit shares in all other water sources.
- Note**— The total share components of access licences in the water sources may change during the term of this Plan as a result of—
- (a) the grant, surrender or cancellation of access licences in the water sources, or
 - (b) the variation of local water utility licences under the Act, section 66.

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 exceed 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.
- (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 are permitted to extract water from high flows only.

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 Lower North Coast Coastal Floodplain Alluvial Extraction Management Unit—8,750 ML/year,
- (b) for the Karuah Extraction Management Unit—the sum of the following within the 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 July 2003,
 - (iii) an estimate of annual extractions from harvestable rights dams authorised to capture water under a harvestable rights order as of 1 July 2003,
- (c) for all other extraction management units—the sum of the following within the 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 extractions 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 under the following, excluding extractions under a higher flow extraction licence—

- (a) an access licence which has share components included in the standard share components,
- (b) in the exercise of native title rights and domestic and stock rights,
- (c) 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.
- (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 noncompliance with the standard LTAAEL if the 3-year average standard extraction exceeds the 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

On the commencement of this Plan, the annual higher flow extraction limit is the sum of the share components of all higher flow extraction licences within the 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).

higher flow specific purpose access licence—see clause 17.

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 Total daily extraction limits

25 Establishment and assignment of total daily extraction limits

- (1) The following total daily extraction limits (*TDELS*) are established and assigned for unregulated river (high flow) access licences in B Class flows—
 - (a) 2.3 ML/day in the Avon River Water Source,
 - (b) 19.6 ML/day in the Dingo Creek Water Source,
 - (c) 51.6 ML/day in the Lower Barrington/Gloucester Rivers Water Source,

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- (d) 37.7 ML/day in the Lower Manning River Water Source,
 - (e) 3.3 ML/day in the Mid Manning River Water Source,
 - (f) 14.2 ML/day in the Upper Gloucester River Water Source.
- (2) The following TDELs are established and assigned for local water utility access licences in the Karuah River Water Source—
- (a) in Very Low Flows—0 ML/day,
 - (b) in A Class flows—1.5 ML/day,
 - (c) in B Class flows—2.2 ML/day.
- (3) A TDEL may be established for B Class flows in a water source or management zone after the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 48.

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Part 5 Rules for granting access licences

26 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,
 - (b) an aquifer (Aboriginal community development) access licence.

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) An application for a specific purpose access licence must not be made—
 - (a) in relation to the Myall Lakes Water Source, and
 - (b) unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) An application for an unregulated river (Aboriginal community development) access licence may be made to take water from B class flows only in the following water sources if the total share components of all unregulated river (Aboriginal community development) access licences in each water source is no more than the amount shown opposite the water source—
 - (a) the Avon River Water Source—400 ML/year,
 - (b) the Bowman River Water Source—500 ML/year,
 - (c) the Cooplacurripa River Water Source—500 ML/year,
 - (d) the Dingo Creek Water Source—430 ML/year,
 - (e) the Lower Barrington/Gloucester Rivers Water Source—500 ML/year,
 - (f) the Lower Manning River Water Source—500 ML/year,
 - (g) the Mid Manning River Water Source—500 ML/year,
 - (h) the Myall Creek River Water Source—500 ML/year,
 - (i) the Nowendoc River Water Source—500 ML/year,
 - (j) the Rowleys River Water Source—500 ML/year,
 - (k) the Upper Barrington Water Source—500 ML/year,
 - (l) the Upper Gloucester Water Source—450 ML/year,
 - (m) the Upper Manning River Water Source—500 ML/year.
- (4) An application for an aquifer (Aboriginal community development) access licence may be made only in the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source if the total share components of all aquifer (Aboriginal community development) access licences in the water source is no more than 500 ML/year.
- (5) An application for a specific purpose access licence of the subcategory Aboriginal cultural may be made—
 - (a) if the total share component of the licence is no more than 10 ML/year, and
 - (b) 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,

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- (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) recreational, cultural and ceremonial purposes.
- (6) Surface water must not be taken under the following specific purpose access licences if flows are in the Very Low Flow Class or A Class—
- (a) an unregulated river (Aboriginal community development) access licence,
 - (b) a major utility (Barnard) access licence with an extraction component that specifies the Lower Barnard River Upper Reaches Management Zone of the Lower Barnard River Water Source.
- (7) 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)

27 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 exceed the sum of the following during a period of 3 consecutive water years—
 - (a) the water allocations credited to the water allocation account from available water determinations,
 - (b) the net 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.

28 Carryover of water remaining in water allocation account

For an access licence, 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.

Division 2 Flow classes

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

- (1) This Plan establishes the flow classes specified in the table to this clause in relation to the water sources and management zones specified in the table.
- (2) All flows are measured or observed flows at the flow reference point specified for each water source or management zone.
- (3) 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.
- (4) 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.
- (5) 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.

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Part 6 Operation of water allocation accounts and managing access licences

- (6) A flow class published in a notice under this clause is taken to be a flow class established by this Plan.

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Avon River		Very Low Flow Class	Less than 0 ML/day	Avon River at Waukivory Creek (208028)
		A Class	Equal to or more than 0 ML/day and less than 23 ML/day	
		B Class	Equal to or more than 23 ML/day	
Bowman River	Lower Bowman River	Very Low Flow Class	Less than or equal to 40 ML/day on a rising river or less than or equal to 27 ML/day on a falling river	Gloucester River at Doon Ayre (208003)
	Bowman River above Craven Creek Junction	A Class	More than 40 ML/day and less than 532 ML/day on a rising river or more than 27 ML/day and less than 532 ML/day on a falling river	
	Craven Creek	B Class	More than or equal to 532 ML/day	
Coolongolook River	Upper Coolongolook River	Very Low Flow Class	No visible flow	Coolongolook River at Locketts Crossing
		A Class	Visible flow	
	Wang Wauk River		No flow classes established	
Cooplacurripa River	Tidal Coolongolook River			
	Cooplacurripa River Headwaters	Very Low Flow Class	Less than or equal to 64 ML/day on a rising river or less than or equal to 61 ML/day on a falling river	Nowendoc River at the Rocks Crossing (208005)
	Cooplacurripa River	A Class	More than 64 ML/day and less than 350 ML/day on a rising river or more than 61 ML/day and less than 350 ML/day on a falling river	
	B Class	More than or equal to 350 ML/day		

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Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Dingo Creek		Very Low Flow Class	Less than or equal to 2 ML/day on a rising river or less than or equal to 1 ML/day on a falling river	Dingo Creek at Belbourie Bridge (208032)
		A Class	More than 2 ML/day and less than 110 ML/day on a rising river or more than 1 ML/day and less than 110 ML/day on a falling river	
		B Class	More than or equal to 110 ML/day	
Karuah River	Karuah River	Very Low Flow Class	Less than or equal to 5 ML/day on a rising river or less than or equal to 3.5 ML/day on a falling river	Karuah River at Booral (209003)
		A Class	From 1 June to 31 July and from 1 October to 30 November, equal to or more than 9 ML/day maintained for no more than 3 continuous weeks in each period or to the end of either period More than 5 ML/day and less than or equal to 18 ML/day on a rising river or more than 3.5 ML/day and less than or equal to 18 ML/day on a falling river	
		B Class	From 1 June to 31 July and from 1 October to 30 November, equal to or more than 9 ML/day maintained for no more than 3 continuous weeks in each period or to the end of either period More than 18 ML/day	
	Karuah Estuarine		No flow classes established	

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Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Lower Barnard River	Lower Barnard River Upper Reaches	Very Low Flow Class	Less than or equal to 13 ML/day on a rising river or less than or equal to 11 ML/day on a falling river	Barnard River at the Measuring Weir (208027)
		A Class	More than 13 ML/day and less than or equal to the 80th percentile flow on a rising river or more than 11 ML/day and less than or equal to the 80th percentile flow on a falling river	
		B Class	More than the 80th percentile flow	
	Lower Barnard River	Very Low Flow Class	Less than or equal to 34 ML/day on a rising river or less than or equal to 32 ML/day on a falling river	Barnard River at Mackay (208011)
		A Class	More than 34 ML/day or more than 32 ML/day on a falling river	
Lower Barrington/G loucester Rivers	Lower Barrington River Upper Reaches	Very Low Flow Class	Less than or equal to 39 ML/day on a rising river or less than or equal to 32 ML/day on a falling river	Barrington River at U/S Rocky Crossing (208006)
		A Class	More than 39 ML/day and less than or equal to 373 ML/day on a rising river or more than 32 ML/day and less than or equal to 373 ML/day on a falling river	
		B Class	More than 373 ML/day	
	Lower Barrington River	Very Low Flow Class	Less than or equal to 15 ML/day on a rising river or less than or equal to 10 ML/day on a falling river	Barrington River at Relfs Road (208031)
		A Class	More than 15 ML/day and less than or equal to 272 ML/day on a rising river or more than 10 ML/day and less than or equal to 272 ML/day on a falling river	
		B Class	More than 272 ML/day	

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Part 6 Operation of water allocation accounts and managing access licences

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5		
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point		
Lower Manning River	Lower Gloucester River	Very Low Flow Class	Less than or equal to 40 ML/day on a rising river or less than or equal to 27 ML/day on a falling river	Gloucester River at Doon Ayre (208003)		
		A Class	More than 40 ML/day and less than or equal to 548 ML/day on a rising river or more than 27 ML/day and less than or equal to 548 ML/day on a falling river			
		B Class	More than 548 ML/day			
		Lower Manning River		Very Low Flow Class	Less than or equal to 137 ML/day on a rising river or less than or equal to 98 ML/day on a falling river	Manning River at Killawarra (208004)
				A Class	More than 137 ML/day and less than 1,566 ML/day on a rising river or more than 98 ML/day and less than 1,566 ML/day on a falling river	
				B Class	Equal to or more than 1,566 ML/day	
Manning Estuary Tributaries	Landsdowne River		No flows classes established			
	Dawson River					
	Cedar Party Creek					
	Manning Estuary Tributaries					
Manning River Tidal Pool			No flow classes established			
Mid Manning River		Very Low Flow Class	Less than or equal to 137 ML/day on a rising river or less than or equal to 98 ML/day on a falling river	Manning River at Killawarra (208004)		
		A Class	More than 137 ML/day and less than 1,566 ML/day on a rising river or more than 98 ML/day and less than 1,566 ML/day on a falling river			
		B Class	Equal to or more than 1,566 ML/day			

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Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Myall Creek		Very Low Flow Class	Less than or equal to 34 ML/day on a rising river or less than or equal to 32 ML/day on a falling river	Barnard River at Mackay (208011)
		A Class	More than 34 ML/day and less than 245 ML/day on a rising river or more than 32 ML/day and less than 245 ML/day on a falling river	
		B Class	Equal to or more than 245 ML/day	
Myall Lakes			No flow classes established	
Myall River	Upper Myall River	Very Low Flow Class	No visible flow	Markwell River Bridge at Markwell
		A Class	Visible flow	
	Crawford River	Very Low Flow Class	No visible flow	Crawford River weir pool
		A Class	Visible flow	
	Tidal Myall River		No flow classes established	
Nowendoc River	Nowendoc River Headwaters	Very Low Flow Class	Less than or equal to 64 ML/day on a rising river or less than or equal to 61 ML/day on a falling river	Nowendoc River at the Rocks Crossing (208005)
		A Class	More than 64 ML/day and less than 350 ML/day on a rising river or more than 61 ML/day and less than 350 ML/day on a falling river	
	Nowendoc River downstream of Cooplacurripa River confluence	B Class	Equal to or more than 350 ML/day	
Rowley's River	Rowley's River Headwaters	Very Low Flow Class	Less than or equal to 64 ML/day on a rising river or less than or equal to 61 ML/day on a falling river	Nowendoc River at the Rocks Crossing (208005)
		A Class	More than 64 ML/day and less than 350 ML/day on a rising river or more than 61 ML/day and less than 350 ML/day on a falling river	
	Rowley's River	B Class	Equal to or more than 350 ML/day	

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Part 6 Operation of water allocation accounts and managing access licences

Flow class thresholds

Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Barnard River		Very Low Flow Class	Less than or equal to 13 ML/day on a rising river or less than or equal to 11 ML/day on a falling river	Barnard River at the Measuring Weir (208027)
		A Class	More than 13 ML/day on a rising river or more than 11 ML/day on a falling river	
Upper Barrington River	Upper Barrington River Headwaters	Very Low Flow Class	Less than or equal to 39 ML/day on a rising river or less than or equal to 32 ML/day on a falling river	Barrington River at U/S Rocky Crossing (208006)
		A Class	More than 39 ML/day and less than 390 ML/day on a rising river or more than 32 ML/day and less than 390 ML/day on a falling river	
	Upper Barrington River	B Class	Equal to or more than 390 ML/day	
Upper Gloucester River	Upper Gloucester River Headwaters	Very Low Flow Class	Less than or equal to 8 ML/day on a rising river or less than or equal to 6 ML/day on a falling river	Gloucester River at Forbesdale (208008)
		A Class	More than 8 ML/day and less than 75 ML/day on a rising river or more than 6 ML/day and less than 75 ML/day on a falling river	
		B Class	Equal to or more than 75 ML/day	
	Upper Gloucester River	Upper Gloucester River	Very Low Flow Class	
A Class			More than 2 ML/day and less than 67 ML/day on a rising river or more than 1 ML/day and less than 67 ML/day on a falling river	
		B Class	Equal to or more than 67 ML/day	

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Part 6 Operation of water allocation accounts and managing access licences

Flow class thresholds				
Column 1	Column 2	Column 3	Column 4	Column 5
Water Source	Management Zone	Flow class	Flow class threshold	Flow reference point
Upper Manning River	Upper Manning River Headwaters	Very Low Flow Class	Less than or equal to 17 ML/day on a rising river or less than or equal to 14 ML/day on a falling river	Manning River at Leslies Bridge (208029)
		A Class	More than 17 ML/day and less than 99 ML/day on a rising river or more than 14 ML/day and less than 99 ML/day on a falling river	
		B Class	Equal to or more than 99 ML/day	
Wallamba River	Upper Wallamba River	Very Low Flow Class	No visible flow	Dargavilles Crossing at Dargavilles Road
		A Class	Visible flow	
	Khappinghat Creek		No flow classes established	
	Tidal Wallamba River			

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

30 General

- (1) Surface water must not be taken in the following circumstances—
- (a) if there is no visible flow at the location from which the water is taken,
 - (b) for take under an entitlement subject to a cease to take condition—when flows are at or less than the flows specified in a 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 concerned, or
 - (ii) the cease to take condition is more restrictive than the access rules specified in clause 31,
 - (c) for all water sources other than the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source—from an in-river pool or in-river dam pool if the pool is not at or above full capacity,
 - (d) for the Karuah River Water Source—from an off-river pool if the pool is not at or above full capacity,
 - (e) under an access licence with a share component that specifies the following if flows in the water source or management zone are in the Very Low Flow Class—
 - (i) a water source specifying a management zone with a Very Low Flow Class that has commenced,

- (ii) an extraction component specifying a management zone with a Very Low Flow Class that has commenced,
- (f) under an unregulated river (high flow) access licence if flows are in the Very Low Flow Class or A Class,
- (g) 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 29 unless flows exceed a flow class or level determined by the Minister—
 - (i) a local water utility access licence granted after the commencement of this Plan under the Act, section 66(3) or (4),
 - (ii) a major utility access licence of the subcategory “Urban water” granted after the commencement of this Plan that has not replaced a local water utility access licence,
- (h) under the following access licences with a share component that specifies a water source for which a B Class has been established under clause 29 if flows are in the Very Low Flow Class or A Class—
 - (i) a local water utility access licence granted after the commencement of this Plan under the Act, section 66(3) or (4),
 - (ii) a major utility access licence of the subcategory “Urban water” granted after the commencement of this Plan if the licence has not replaced a local water utility access licence,
 - (iii) an access licence with a zero share component granted after the commencement of this Plan.
- (2) Subclause (1)(a) does not apply to the following—
 - (a) an in-river dam pool,
 - (b) an in-river pool,
 - (c) an off-river pool.

31 Specific access rules

- (1) Surface water must not be taken, other than from an off-river pool, under an access licence with an extraction component that specifies the Karuah Upriver Management Zone in the Karuah River Water Source for 24 hours after flows first exceed 5 ML/day following a flow of 2 ML/day at the Karuah River at Booral (209003).
- (2) Surface water must not be taken under an access licence with a share component or extraction component that specifies 1 or more of the following management zones for a 24-hour period after flows in the management zones have exceeded the top of the Very Low Flow Class—
 - (a) Upper Myall River Management Zone in the Myall River Water Source,
 - (b) Crawford River Management Zone in the Myall River Water Source,
 - (c) Upper Coolongolook River Management Zone in the Coolongolook River Water Source,
 - (d) Upper Wallamba River Management Zone in the Wallamba River Water Source.

32 Exceptions

Surface water is permitted to be taken in the following circumstances—

- (a) for the following purposes under an access licence specified in Schedule 2, 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 purpose 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) from an in-river dam pool if the in-river dam is passing flows in the circumstances specified on the water supply work approval for the in-river dam,
- (e) under an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
- (f) under an access licence held by the local water utility for Bottawa Dam arising from entitlement 20SL022548 and specified in Schedule 2.

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

33 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) the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,
 - (b) a water supply work that is not located within 40 m of the high bank of the river unless the water is taken under an aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence.

34 Exceptions

Groundwater is permitted to be taken in the following circumstances—

- (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20 kl/day is taken—
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose 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 a local water utility access licence or an access licence of the subcategory “Town water supply” to which Schedule 2, clause 2 applies.

Division 5 Rules for major utility storages—the Act, s 21(a)

35 Diversion from Barnard River Dam

- (1) This clause applies to the Lower Barnard River Water Source.
- (2) A maximum of 30,000 ML/year of water may be diverted from the Barnard River Dam if—
 - (a) releases reach the following *minimum release rate*—
 - (i) the 80th percentile flow in the Barnard River at the gauging weir downstream of the junction of the Barnard River and Orham Creek, or
 - (ii) the inflow to the Dam, or
 - (b) the dam is spilling at a rate that is equal to or more than the minimum release rate.
- (3) The maximum volume of water taken must not exceed 100,000 ML in 5 consecutive water years.
- (4) The Minister may suspend or adjust the requirements in subclause (2)(a) or (b) 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.

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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

36 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.

37 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 exceed 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 does not exceed 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 an associated access licence or the ability of a person to take water from 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.

38 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 and associated access licences, if any.

39 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 1.

40 High priority groundwater-dependent ecosystems

- (1) A water supply work must not be constructed on land within the following areas—
 - (a) 40 m of the top of the high bank of a river,
 - (b) 200 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,
- (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.

41 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.

42 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.

43 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

44 Application of Division

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

45 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) Bowman River Water Source,
- (b) Coolongolook River Water Source,
- (c) Cooplacurripa River Water Source,
- (d) Dingo Creek Water Source,
- (e) Karuah River Water Source,
- (f) Lower Barnard River Water Source,
- (g) Lower Barrington/Gloucester Rivers Water Source,
- (h) Lower Manning River Water Source,
- (i) Mid Manning River Water Source,
- (j) Myall Creek Water Source,
- (k) Myall Lakes Water Source,
- (l) Myall River Water Source,
- (m) Nowendoc River Water Source,
- (n) Rowleys River Water Source,
- (o) Upper Barnard River Water Source,
- (p) Upper Barrington River Water Source,
- (q) Upper Gloucester River Water Source,

- (r) Upper Manning River Water Source,
- (s) Wallamba River Water Source.

46 Coastal wetlands

- (1) This clause applies to the following water sources—
 - (a) Coolongolook River Water Source,
 - (b) Karuah River Water Source,
 - (c) Manning Estuary Tributaries Water Sources,
 - (d) Myall Lakes Water Source,
 - (e) Myall River Water Source,
 - (f) Wallamba River Water Source.
- (2) A water supply work must not be constructed upstream from or within 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*.

Division 3 Prohibited water supply works

47 Water supply works prohibited in Myall Lakes Water Source

A water supply work must not be constructed or used in the Myall Lakes Water Source.

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.

Division 1 Conversions under the Act, section 71O

48 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, or
- (b) an unregulated river access licence in a water source to an unregulated river (high flow) access licence in the following water sources if the total share components of unregulated river (high flow) access licences resulting from the dealing do not exceed the amount specified for the water source—
 - (i) Avon River Water Source—1,340 ML/year,
 - (ii) Dingo Creek Water Source—2,110 ML/year,
 - (iii) Lower Barrington/Gloucester Rivers Water Source—7,330 ML/year,
 - (iv) Upper Gloucester River Water Source—1,560 ML/year,
 - (v) Lower Manning River Water Source—14,400 ML/year,
 - (vi) Mid Manning River Water Source—14,400 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

49 Prohibited assignments in same water source

- (1) This clause applies to the following dealings in the same water source—
 - (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 aquifer access licence that nominates a 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 water supply work located within 40 m from the top of the high bank of a river is prohibited.
- (3) An assignment from an access licence in a management zone specified in Column 1 of the table to this clause to an access licence in a management zone specified in Column 2 of the table is prohibited.
- (4) An assignment that is not permitted under clauses 51–53 is prohibited.

Column 1	Column 2
Karuah Estuarine Management Zone	Karuah Upriver Management Zone
Lower Bowman River Management Zone	Craven Creek Management Zone Bowman Creek above Craven Creek Junction Management Zone
Craven Creek Management Zone Bowman Creek above Craven Creek Junction Management Zone	Lower Bowman River Management Zone
Craven Creek Management Zone	Bowman Creek above Craven Creek Junction Management Zone

public consultation draft

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Craven Creek Management Zone
Upper Wallamba River Management Zone Tidal Wallamba River Management Zone	Khappinghat Creek Management Zone

50 Prohibited assignments of rights 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) Bowman River Water Source,
 - (b) Coolongolook River Water Source,
 - (c) Dingo Creek Water Source,
 - (d) Myall Lakes Water Source,
 - (e) Myall River Water Source,
 - (f) Upper Gloucester River Water Source,
 - (g) Wallamba River Water Source.

51 Permitted assignments of rights—general

- (1) This clause applies to the following dealings—
 - (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 from an access licence in a water source specified in Column 1 to the table to this clause to an access licence in a water source or management zone specified in Column 2 of the table is permitted.
- (3) 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.
- (4) An assignment between access licences in the same water source is permitted.

Note— Clauses 50(3)–(6) prohibit certain assignments of rights between access licences in the same water source.

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1 - Water source assigned from	Column 2 - Water source/management zone assigned to
Cooplacurripa River Water Source Rowleys River Water Source	Nowendoc River downstream of Cooplacurripa River Confluence Management Zone
Myall Creek Water Source Upper Barnard River Water Source	Lower Barnard River Water Source
Lower Barnard River Water Source Myall Creek Water Source Upper Barnard River Water Source Upper Manning River Water Source	Mid Manning River Water Source
Avon River Water Source Bowman River Water Source Upper Barrington River Water Source Upper Gloucester River Water Source	Lower Barrington/Gloucester Rivers Water Source
Avon River Water Source Bowman River Water Source Cooplacurripa River Water Source Dingo Creek Water Source Lower Barnard River Water Source Lower Barrington/Gloucester Rivers Water Source Mid Manning River Water Source Myall Creek Water Source Nowendoc River Water Source Rowleys River Water Source Upper Barnard River Water Source Upper Barrington River Water Source Upper Gloucester River Water Source Upper Manning River Water Source	Lower Manning River Water Source

52 Permitted assignments of rights 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 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 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) Avon River Water Source,
 - (b) Cooplacurripa River Water Source,
 - (c) Manning Estuary Tributaries Water Source,
 - (d) Rowleys River Water Source,
 - (e) Upper Barrington River Water Source,
 - (f) Upper Manning River Water Source.

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
 Part 8 Access licence dealing rules—the Act, s 20(1)(d)

- (3) An assignment from an access licence in a water source specified in Column 1 to the table to this clause to an access licence in a water source specified in Column 2 of the table is permitted.

Column 1 - Water source assigned from	Column 2 - Water source/management zone assigned to
Manning Estuary Tributaries Water Source	Lower Manning River Water Source
Avon River Water Source	Lower Barnard River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Avon River Water Source	Mid Manning River Water Source
Bowman River Water Source	
Cooplacurripa River Water Source	
Dingo Creek Water Source	
Lower Barrington/Gloucester Rivers Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Avon River Water Source	Nowendoc River Water Source
Bowman River Water Source	
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Barrington/Gloucester Rivers	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Upper Barnard River Water Source	
Upper Barrington River Water Source	
Upper Gloucester River Water Source	
Upper Manning River Water Source	
Cooplacurripa River Water Source	Lower Barrington/Gloucester Rivers Water Source
Dingo Creek Water Source	
Lower Barnard River Water Source	
Lower Manning River Water Source	
Manning Estuary Tributaries Water Source	
Mid Manning River Water Source	
Myall Creek Water Source	
Nowendoc River Water Source	
Rowleys River Water Source	
Upper Barnard River Water Source	
Upper Manning River Water Source	

53 Other permitted dealings

- (1) This clause applies to the following dealings—
 - (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 the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source is permitted only if the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone does not, as a result of the dealing, exceed the sum of the share components of all access licences in the Nowendoc River Headwaters Management Zone as of the date this Plan commenced.
- (3) An assignment to, or the granting of, an access licence in the Myall Creek Water Source and the Upper Barnard River Water Source is permitted only if the sum of the share components of all access licences in both water sources does not, as a result of the dealing, exceed the sum of the share components of all access licences in both water sources as of the date this Plan commenced by more than 10 ML/year.

Division 3 Other prohibited dealings

54 Interstate access licence transfers and interstate assignments of water allocations prohibited

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

55 Prohibited nominations of water supply works

- (1) This clause applies to a dealing under the Act, section 71W.
- (2) 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 is prohibited.
- (3) An access licence under which surface water may be taken being amended to nominate a water supply work authorised by its approval to take groundwater is prohibited.
- (4) An aquifer access licence that nominates a water supply work located further than 40 m from the top of the high bank of a river being amended to nominate a water supply work located within 40 m from the top of the high bank of a river is prohibited.
- (5) An access licence being amended to nominate a water supply work located in a different management zone than the zone specified in the extraction component of the licence is prohibited.
- (6) An access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence is prohibited.
- (7) An access licence being amended to nominate a water supply work outside of the State is prohibited.

Part 9 Mandatory conditions—the Act, s 17(c)

Division 1 General

56 Definition

In this Part—

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

Division 2 Access licences

57 General conditions

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

- (a) the water taken under an access licence must not exceed the maximum water account debit permitted under clause 27,
- (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.

58 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 27 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

59 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.

60 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) 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 date and the start and end time during which water was taken using the water supply work,
 - (ii) the volume of water taken on that date,
 - (iii) 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,
 - (iv) the purposes for which the water was taken on that date,
 - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
 - (vi) 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,
 - (vii) 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.
- (3) 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.
- (4) 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.

61 Metering conditions

- (1) This clause applies to water supply works used to take water under an access licence.

- (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 install metering equipment, as directed by the Minister, that complies with AS 4747.
- (4) 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.
- (5) Subclauses (3) and (4) are 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

62 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.

63 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.

64 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 37(1)(b)–(d).

65 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 10 Amendment of this Plan—the Act, s 17(d)

66 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 1,
 - (k) amendments consequential on an amendment to the Act or regulations.
- (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.

Schedule 1 Contamination sources

clause 36(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 2 Access licences used to take surface water that are exempt from cease to pump rules

clause 29

Table A

Water source	Management zone	Licence number
Dingo Creek		20BL166823
Lower Manning River		20BL167130
Lower Barrington/Gloucester Rivers		20BL168359
Upper Gloucester River	Upper Gloucester River	20SL021370
Lower Manning River		20SL021476
Bowman River	Craven Creek	20SL021507
Upper Gloucester River	Upper Gloucester River	20SL021509
Upper Gloucester River	Upper Gloucester River	20SL021559
Dingo Creek		20SL021660
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL021717
Dingo Creek		20SL021964
Upper Gloucester River	Upper Gloucester River Headwaters	20SL023478
Lower Manning River		20SL024073
Karuah River	Karuah Upriver	20SL024158
Upper Gloucester River	Upper Gloucester River	20SL024444
Karuah River	Karuah Upriver	20SL024517
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL024596
Upper Gloucester River		20SL027211
Upper Manning River	Upper Manning River	20SL027959
Upper Gloucester River	Upper Gloucester River	20SL028376
Karuah River	Karuah Upriver	20SL029842
Karuah River	Karuah Upriver	20SL030639
Dingo Creek		20SL031506
Dingo Creek		20SL031541
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL031823
Wallamba River	Upper Wallamba River	20SL033839
Avon River		20SL034011
Karuah River	Karuah Upriver	20SL034204
Upper Gloucester River	Upper Gloucester River	20SL034799
Lower Manning River		20SL035247
Upper Gloucester River	Upper Gloucester River	20SL035393
Dingo Creek		20SL035645

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Water source	Management zone	Licence number
Avon River		20SL036378
Karuah River	Karuah Upriver	20SL040017
Karuah River	Karuah Upriver	20SL041506
Karuah River	Karuah Upriver	20SL043285
Karuah River	Karuah Upriver	20SL048719
Upper Gloucester River	Upper Gloucester River	20SL040731
Dingo Creek		20SL041763
Myall Creek	Tidal Myall River	20SL043052
Dingo Creek		20SL044477
Lower Manning River		20SL049302
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL050162
Manning Estuary Tributaries	Cedar Party Creek	20SL050357
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL050676
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL051915
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060015
Avon River		20SL060023
Wallamba River	Upper Wallamba River	20SL060027
Dingo Creek		20SL060028
Avon River		20SL060029
Avon River		20SL060057
Dingo Creek		20SL060093
Dingo Creek		20SL060108
Dingo Creek		20SL060110
Manning Estuary Tributaries	Manning Estuary Tributaries	20SL060126
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060127
Dingo Creek		20SL060131
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060143
Dingo Creek		20SL060173
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060200
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060217
Lower Manning River		20SL060230
Lower Manning River		20SL060235
Lower Manning River		20SL060236
Lower Manning River		20SL060237
Lower Manning River		20SL060240
Lower Manning River		20SL060242
Lower Manning River		20SL060246

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Water source	Management zone	Licence number
Wallamba River	Upper Wallamba River	20SL060251
Lower Manning River		20SL060256
Dingo Creek		20SL060258
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060294
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060305
Dingo Creek		20SL060307
Dingo Creek		20SL060308
Dingo Creek		20SL060320
Lower Manning River		20SL060323
Lower Manning River		20SL060356
Lower Manning River		20SL060361
Lower Manning River		20SL060363
Lower Barrington/Gloucester Rivers	Lower Barrington River Upper Reaches	20SL060367
Lower Barrington/Gloucester Rivers		20SL060376
Lower Barrington/Gloucester Rivers		20SL060400
Lower Manning River		20SL060409
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL060415
Lower Manning River		20SL060439
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060443
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060561
Bowman River	Craven Creek	20SL060564
Lower Manning River		20SL060574
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL060575
Myall River	Upper Myall River	20SL060578
Lower Manning River		20SL060646
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL060647
Upper Manning River		20SL060760
Bowman River	Lower Bowman River	20SL060764
Avon River		20SL060840
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20SL060865
Lower Manning River		20SL060873
Wallamba River	Upper Wallamba River	20SL060879
Avon River		20SL060925
Avon River		20SL060927
Avon River		20SL060989
Lower Manning River		20SL061075
Dingo Creek		20SL061087

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Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 [NSW]
Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Water source	Management zone	Licence number
Lower Manning River		20SL061089
Avon River		20SL061094
Lower Manning River		20SL061096
Avon River		20SL061119
Myall River	Tidal Myall River	20SL061127
Lower Manning River		20SL061133
Manning Estuary Tributaries	Manning Estuary Tributaries	20SL061142
Avon River		20SL061145
Avon River		20SL061176
Bowman River	Bowman River above Craven Creek Junction	20SL061183
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL061453
Coolongolook River	Wangwauk River	20SL061591
Coolongolook River	Upper Coolongolook River	20SL061611
Wallamba River	Upper Wallamba River	20SL061632
Lower Barrington/Gloucester Rivers	Lower Barrington River	20SL061726
Karuah River	Karuah Upriver	20SL060639
Karuah River	Karuah Upriver	20SL060861
Karuah River	Karuah Upriver	20SL060862
Karuah River	Karuah Upriver	20SL060863
Karuah River	Karuah Upriver	20SL060867
Karuah River	Karuah Upriver	20SL060881
Karuah River		20SL060887
Karuah River	Karuah Estuarine	20SL061018
Karuah River	Karuah Estuarine	20SL061019
Karuah River	Karuah Estuarine	20SL061020
Karuah River	Karuah Upriver	20SL061021
Karuah River	Karuah Upriver	20SL061269

Table B

Water source	Management zone	Licence number
Karuah River	Karuah River Upriver	20AL200003
Manning Estuary Tributaries		20SL022548
Myall River		20SL022558
Lower Barrington/Gloucester Rivers		20SL045139
Lower Manning River		20SL046844
Lower Barrington/Gloucester Rivers		20SL060565

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.

approved development means—

- (a) a project approved under the *Environmental Planning and Assessment Act 1979*, Part 3A, when that Part was in force or continued in operation, or
- (b) State significant development authorised by a development consent under that Act, Division 4.7, or
- (c) State significant infrastructure approved under that Act, Division 5.2.

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 that prohibits the taking of water in a particular circumstance.

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.

full capacity means the volume of water impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of the pool, lagoon or lake would stop.

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.

groundwater-dependent ecosystem is an ecosystem that has its species composition and natural ecological processes wholly or partially determined by groundwater.

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 Lower North Coast Unregulated 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 approved by the Minister that is notified 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 55.

Plan Application Map means the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022 Plan Application Map.

replacement groundwater work—see clause 31.

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.

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.

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