



Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020

under the

Water Management Act 2000

I, Melinda Pavey, the Minister for Water, Property and Housing do, by this Order, in pursuance of section 50 of the *Water Management Act 2000*, make the following Minister's plan, being the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020*.

Dated this day of 2020.

Minister for Water, Property and Housing

Explanatory note

This Plan replaces the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*.

This Order is made under section 50 of the *Water Management Act 2000*. The concurrence of the Minister for Energy and Environment was obtained prior to the making of this Plan.

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Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020

Notes.

- 1 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 2 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 3 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 provides.

Part 1 Introduction

1 Name of Plan

This Plan is the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020 (this Plan)*.

2 Nature and status of Plan

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

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

3 Commencement

This Plan commences on 1 July 2020.

Notes.

- 1 This Plan replaces the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*.
- 2 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2020. In accordance with section 43A of the Act, the Minister may extend this Plan for a further period of 10 years after it is due to expire.

4 Application of Plan

- (1) This Plan applies to the following water sources within the Upper North Coast Water Management Area (*the water sources*):
 - (a) Bellinger River Coastal Floodplain Alluvial Groundwater Water Source,
 - (b) Bellinger River Water Source,
 - (c) Boggy Creek Water Source,

- (d) Coastal Bellinger Water Source,
- (e) Coastal Kalang Water Source,
- (f) Dalhousie Creek Water Source,
- (g) Hydes Creek Water Source,
- (h) Kalang River Water Source,
- (i) Never Never Creek Water Source,
- (j) Rosewood Creek Water Source,
- (k) Spicketts Creek Water Source,
- (l) Thora–North Arm Bellinger River Water Source.

Note. The Upper North Coast Water Management Area was constituted by Ministerial order made under section 11 of the Act and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) The boundaries of the water sources are shown on the *Plan Map (WSP002_Version 2) Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020 (the Plan Map)*, held by the Department.

Notes.

- 1 The Plan Map shows the extent of the water sources. The extent of the Bellinger River Coastal Floodplain Alluvial Groundwater Source below the surface of the ground is described in subclause (4).
- 2 The Plan Map is part of this Plan and is available on the NSW legislation website. An overview of the Plan Map is shown in Appendix 1.

- (3) The waters in the water sources, other than the Bellinger River Coastal Floodplain Alluvial Groundwater Source, comprise the following:
 - (a) all water occurring on the land surface, including but not limited to all rivers, lakes and wetlands, within the boundaries of those water sources shown on the Plan Map,
 - (b) 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 Map, other than the Bellinger River Coastal Floodplain Alluvial Groundwater Source.

Notes.

- 1 **Unconsolidated alluvial sediments** is defined in the Dictionary.
- 2 At the commencement of this Plan, the known extent of the alluvial sediments is shown on the Plan Map. This Plan applies to all alluvial sediments within the boundaries of the water sources, which may include alluvial sediments not shown on the Plan Map.

- (4) The waters in the Bellinger River Coastal Floodplain Alluvial Groundwater Source comprise all water contained within all unconsolidated alluvial sediments below the surface of the ground within the boundaries of that water source shown on the Plan Map.
- (5) The high priority groundwater-dependent ecosystems for the purposes of this Plan are shown on the *High Priority Groundwater-Dependent Ecosystem Map (GDE026_Version 1)*, *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020* (the **High Priority Groundwater-Dependent Ecosystem Map**), held by the Department.

Notes.

- 1 **Groundwater-dependent ecosystem** and **high priority groundwater-dependent ecosystems** are defined in the Dictionary.
- 2 The High Priority Groundwater-Dependent Ecosystem Map is part of this Plan and is available on the NSW legislation website. An overview of the High Priority Groundwater-Dependent Ecosystem Map is shown in Appendix 2.

5 Management zones

- (1) The Thora–North Arm Bellinger River Water Source is divided into the following management zones:
 - (a) Upper Thora–North Arm Bellinger River Management Zone,
 - (b) Lower Thora–North Arm Bellinger River Management Zone.
- (2) The Bellinger River Water Source, the Hydes Creek Water Source, the Kalang River Water Source, the Coastal Bellinger Water Source and the Coastal Kalang Water Source are divided into the following management zones:
 - (a) Non Tidal Management Zone,
 - (d) Tidal Pool Management Zone.

Note. **Management zone** is defined in the Dictionary.

- (3) The management zones in subclauses (1) and (2) are shown on the Plan Map.

6 Extraction management units

- (1) This clause establishes the following extraction management units:
 - (a) the Bellinger River Catchment Extraction Management Unit,
 - (b) the Bellinger River Coastal Floodplain Alluvial Extraction Management Unit,
 - (c) the Dalhousie Creek Catchment Extraction Management Unit.

- (2) The Bellinger River Catchment Extraction Management Unit consists of all of the water sources, other than the Bellinger River Coastal Floodplain Alluvial Groundwater Source and the Dalhousie Creek Water Source.
- (3) The Bellinger River Coastal Floodplain Alluvial Extraction Management Unit consists of the Bellinger River Coastal Floodplain Alluvial Groundwater Source.
- (4) The Dalhousie Creek Catchment Extraction Management Unit consists of the Dalhousie Creek Water Source.

7 Interpretation

- (1) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations made under the Act have the same meaning in this Plan.
- (2) Words and expressions that are defined in the Dictionary have the meaning set out in the Dictionary.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (5) The Plan Map and the High Priority Groundwater-Dependent Ecosystem Map form part of this Plan.
- (6) A number in brackets following the name of a gauge is the gauge number.
- (7) Notes in the text of this Plan do not form part of this Plan.
- (8) Appendices to this Plan do not form part of this Plan.

Part 2 Vision, objectives, strategies and performance indicators

Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 A monitoring, evaluation and reporting (**MER**) plan is being developed for the water sources and will be available on the Department's website. The MER plan describes the following:
 - (a) guidelines and principles for developing broad and targeted objectives, strategies and performance indicators,
 - (b) selection criteria used to identify target ecological populations,
 - (c) selection criteria for identifying priority monitoring locations for targeted objectives,
 - (c) selection criteria used to identify external influences that may affect the success of achieving objectives or implementing strategies,
 - (d) selection criteria used to determine how the objectives to 'protect' and 'enhance' will be measured by performance indicators,
 - (e) which strategies contribute to the achievement of which objectives.
- 3 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

8 Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Upper North Coast Water Management Area.

9 Vision statement

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.

10 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and where possible enhance and restore, the condition of the water sources and their water-dependent ecosystems.

Note. The water-dependent ecosystems of the water sources include instream, riparian and floodplain ecosystems, and groundwater-dependent ecosystems.

- (2) The targeted environmental objectives of this Plan are to protect, and where possible, enhance and restore, the following over the term of this Plan:

- (a) the recorded distribution or extent of target ecological populations including native fish and native vegetation,
- (b) the population structure of target ecological populations including native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,
- (c) the connectivity between and within water sources, including to support surface and groundwater exchange and downstream processes including priority fish passages,
- (d) connectivity between the tidal pool, connected estuaries and connected upstream water sources,
- (e) water quality within target ranges to support water-dependent ecosystems and ecosystem functions,
- (f) flows that support ecosystem values and processes within connected estuaries,
- (g) to contribute to the prevention of structural damage to aquifers of the water sources resulting from groundwater extraction.

Note. *Structural damage to an aquifer* is defined in the Dictionary.

Notes.

- 1 The ecological condition of the water sources includes high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions, and are to be defined in the MER plan.
- 2 Target native fish and native vegetation populations are to be defined in the MER plan.
- 3 **Target ecological populations** is defined in the Dictionary and may include populations of native fish, native vegetation and low flow macroinvertebrate communities.
- 4 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.
- 5 Priority fish passages in the water sources are to be defined in the MER plan. Downstream processes in these water sources may include maintaining connectivity with downstream water sources.

6 **Structural damage to an aquifer** is defined in the Dictionary.

(3) The strategies for reaching the targeted environmental objectives of this Plan are as follows:

(a) reserve all water volume in excess of the long-term average annual extraction limits for the environments,

Note. Part 4 reserves all water remaining above the long-term average annual extraction limits for the environment. This contributes to the protection of target ecological populations.

(b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,

Notes.

1 **Flow regimes** is defined in the Dictionary.

2 The provisions in Division 2 of Part 8 establish flow classes that manage the take of water.

(c) restrict the take of water from in-river and off-river pools when the volume of that water is less than its full capacity,

Notes.

1 **Full capacity, in-river pool** and **off-river pool** are defined in the Dictionary.

2 The provisions in clause 42 restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

(d) restrict or prevent water supply work approvals on third order or higher streams within specified water sources,

Notes.

1 The provisions in Part 9 prevent the granting or amendment of a water supply work approval for an in-river dam on a third order or higher stream in the water sources listed in clause 46.

2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream ordering method is as described in Schedule 2 to the *Water Management (General) Regulation 2018*.

(e) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including connectivity between the tidal pool and estuary,

Note. The provisions in clause 42 ensure that very low flows are protected from extraction.

(f) manage the construction and use of water supply works to minimise impacts on instream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality.

Note. Part 9 establishes provisions that manage the location, construction and use of water supply works.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objectives in subclause (2) are the changes or trends in ecological condition during the term of this Plan as assessed using one or more of the following:
 - (a) the recorded range or extent of target populations including native fish, native vegetation communities and high priority groundwater-dependent ecosystems,
 - (b) the recorded condition of target populations of native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,
 - (c) measurements of fish movements through priority fish passage areas,
 - (d) measurements of flows through the tidal pool and into connected estuaries,
 - (e) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen,
 - (f) the recorded values of groundwater levels,
 - (g) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency, duration, timing and water quality to achieve the targeted environmental objectives,
 - (h) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
 - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,

- (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
- (d) the extent to which external influences on the water sources and their dependent ecosystems during the term of this Plan have affected progress toward achieving the environmental objectives.

Note. External influences may include long- and short-term climate trends, land use patterns and other factors.

11 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows:
 - (a) to maintain, and where possible improve, water trading opportunities for water-dependent businesses,

Note. Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.
 - (b) to maintain, and where possible improve, access to water up to the long-term average annual extraction limits for agriculture, water-dependent businesses and landholders,
 - (c) to protect, and where possible, improve connectivity to provide flows that support economic activities with connected estuaries,
 - (d) to contribute to maintaining water quality within target ranges for agriculture, water-dependent businesses and landholders.
- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows:
 - (a) provide for trade of water allocations and share components subject to environmental constraints and local impacts,

Note. The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another.
 - (b) provide a stable and predictable framework for sharing water among water users,

Note. The compliance with extraction limit provisions in Division 1 of Part 6 and the flow class and access provisions in Division 2 of Part 8 provide certainty in how water access will be shared between different categories of access licences.

- (c) provide for flexibility of access to water,

Note. The water allocation account management rules in Part 6 provide flexibility that reflects the characteristics of the licence category.

- (d) manage extractions to the long-term average annual extraction limits,

Note. Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limits.

- (e) reserve a portion of natural flows to maintain connectivity between tidal pools and connected estuaries.

Note. The provisions in clause 42 ensure that very low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of the following:

- (a) the economic benefits of water extraction and use,

- (b) the economic benefits of water trading as demonstrated by:

- (i) the annual number or volume of share components of access licences transferred or assigned, and

- (ii) the weighted average unit price of share components of access licences transferred or assigned, and

Note. *Weighted average unit price* is defined in the Dictionary.

- (iii) the annual volume of water allocations assigned, and

- (iv) the weighted average unit price of water allocations assigned,

- (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen,

- (d) the recorded values of groundwater levels.

- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the economic benefits of water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
 - (d) the extent to which external influences on water-dependent businesses have affected progress towards achieving the economic objectives.

Note. External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate and changes in industry policy or regulation.

12 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
 - (a) to provide access to water in the exercise of native title rights,
 - (b) to provide access to water for Aboriginal cultural use and community development, including fishing,
 - (c) to protect, and where possible improve, identified water-dependent culturally significant areas, including important riparian vegetation communities,
 - (d) to protect, and where possible improve, connectivity to provide flows that support Aboriginal cultural activities within connected estuaries,
 - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use and community development.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
 - (a) manage access to water consistently with the exercise of native title rights,

- (b) provide for water associated with Aboriginal cultural values and uses, and community development,

Note. The provisions in Part 7 provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural' or 'Aboriginal community development'.

- (c) manage extractions under access licences and basic landholder rights within the extraction limits,
- (d) reserve a portion of natural flows to mitigate alterations to natural flow regimes in the water sources,
- (e) restrict the take of water from in-river and off-river pools when the volume of water in that pool is less than its full capacity,

Note. The provisions in clause 42 restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.

- (f) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including between tidal pools and estuaries,

Note. The provisions in clause 42 ensure that a portion of natural flows are protected from extraction.

- (g) manage the construction and use of water supply works to minimise impacts on groundwater quality and groundwater-dependent culturally significant areas.

Note. *Groundwater-dependent culturally significant area* is defined in the Dictionary.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan as assessed using one or more of the following:
 - (a) the use of water by Aboriginal people, by measuring factors including:
 - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement,

- (ii) the extent to which access to water has contributed to achieving Aboriginal cultural and community development outcomes,
 - (b) the recorded range or extent of target populations including native fish, native vegetation communities and high priority groundwater-dependent ecosystems,
 - (c) the recorded condition of target populations of native fish, native vegetation, low flow macroinvertebrate communities and high priority groundwater-dependent ecosystems,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, and dissolved oxygen,
 - (e) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements,
 - (f) the recorded values of groundwater levels.
- (6) In evaluating the effectiveness of the strategies in meeting the Aboriginal cultural objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
 - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
 - (e) the extent to which external influences on the water-dependent Aboriginal cultural activities have affected progress toward achieving the Aboriginal cultural objectives,
- Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, changes in climate, policy or regulation.

13 Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to water to support water-dependent social and cultural values.

- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible, improve the following:
 - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) access to water for water-dependent cultural, heritage and recreational uses, including recreational fishing,
 - (c) flows that support cultural, heritage and recreational activities within connected estuaries,
 - (d) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
 - (a) provide water access for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) reserve all water in excess of the long term average annual extraction limits for the environment,
 - (c) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the water sources,
 - (d) restrict the take of water from in-river and off-river pools when the volume of water in that pool is less than its full capacity,
 - (e) reserve a portion of natural flows to maintain hydrological connectivity between the water sources and other connected water sources, including between tidal pool management zones and connected estuaries,
 - (f) manage the construction and use of water supply works to minimise impacts on groundwater quality, basic landholder rights, and town water supply.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan as assessed using one or more of the following:
- (a) the social and cultural uses of water during the term of this Plan, by measuring factors including:
 - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
 - (ii) the extent to which local water utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, and dissolved oxygen,
 - (e) the extent to which the strategies have provided flow conditions of sufficient magnitude, frequency and timing to tidal pool management zones with designated estuary flow requirements,
 - (f) the recorded values of groundwater levels.
- (6) In evaluating the effectiveness of the strategies in meeting the social and cultural objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the extent to which external influences on social and cultural activities dependent on the water sources during the term of this Plan have affected progress toward achieving the social and cultural objectives.

Note. External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate and changes in policy or regulation.

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Part 3 Bulk access regime

14 Bulk access regime

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences, having regard to the following:
 - (a) the planned environmental water established under Part 4,
 - (b) the requirements for water to satisfy basic landholder rights identified under Part 5,
 - (c) the requirements for water for extraction under access licences identified under Part 5,
 - (d) the access licence dealing rules established under Part 10.
- (2) The bulk access regime:
 - (a) establishes rules, according to which:
 - (i) access licences are to be granted as provided for in Part 7, and
 - (ii) available water determinations are to be made as provided for in Part 6, and
 - (iii) access licences are to be managed as provided for in Part 8, and
 - (b) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in extraction above the long-term average annual extraction limits in Part 6, and
 - (c) recognises and is consistent with the following:
 - (i) the limits to the availability of water as provided for in Part 6,
 - (ii) the water management principles under section 5 of the Act,
 - (iii) the effect of climatic variability on the availability of water as described in clause 15, and
 - (d) contains provisions with respect to the mandatory conditions imposed on access licences in Part 11.

15 Climatic variability

This Plan recognises the effects of climatic variability on river flow and groundwater levels in the water sources through provisions contained in:

- (a) Part 6 that manage the sharing of water within the limits of water availability on a long-term basis, and
- (b) Part 6 that establish priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in extraction against the long-term average annual extraction limits, and
- (c) Part 8 that manage the sharing of water access on a daily basis.

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

Part 4 Environmental water provisions

Note. This Part is made in accordance with section 8 of the Act.

16 General

This Part contains environmental water provisions that commit, identify, establish and maintain planned environmental water.

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

17 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water by reference to the following:

- (a) the physical presence of water in the water sources,
- (b) the long-term average annual commitment of water as planned environmental water,
- (c) the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

18 Establishment and maintenance of planned environmental water

- (1) Planned environmental water is established in each of the water sources, excluding the Bellinger River Coastal Floodplain Alluvial Groundwater Water Source, as follows:
 - (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8,
 - (b) the long-term average annual commitment of water as planned environmental water, resulting from compliance with the limits to the availability of water in accordance with the provisions specified in Part 6,
 - (c) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act, and the water that cannot be carried over from one water year to the next in accordance with the provisions specified in Part 6 and Part 8.
- (2) Planned environmental water is established in the Bellinger River Coastal Floodplain Alluvial Groundwater Source as follows:

- (a) the long-term average annual commitment of water as planned environmental water, resulting from compliance with the limits to the availability of water in accordance with the provisions specified in Part 6,
 - (b) the water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act, and the water that cannot be carried over from one water year to the next in accordance with the provisions specified in Part 6 and Part 8.
- (3) The planned environmental water established under subclause (1) (a) is maintained by the access rules specified in Division 2 of Part 8.
- (4) The planned environmental water established under subclause (1) (b), (1) (c), (2) (a) and 2 (b) is maintained by the provisions in Part 6 and Part 8.

Part 5 Requirements for water

Division 1 General

19 Application

- (1) This Part identifies the requirements for water for basic landholder rights and for extraction under access licences.
- (2) The volumes of water specified in this Part represent the estimated requirements for water to satisfy basic landholder rights and the total volumes or unit shares specified in the share components of all access licences on commencement of this Plan.
- (3) This Plan recognises that requirements for water for basic landholder rights and the total share components of access licences may change during the term of this Plan.

Notes.

- 1 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 section 66 of the Act.
- 2 Basic landholder rights requirements may increase as provided for under the Act. This Plan manages changes in basic landholder rights and total share components of all access licences through provisions in Part 6 that manage the sharing of water within the limits of water availability.
- 3 Inherent water quality and land use activities may make the water in some areas unsuitable for some purposes or uses. Water should not be consumed, or otherwise used, without first being tested and, if necessary, appropriately treated to ensure it is fit for purpose. Testing and treatment is the responsibility of the water user.

Division 2 Requirements for water for basic landholder rights

Note. Under the Act, basic landholder rights are defined as domestic and stock rights, native title rights and harvestable rights. Under the Act, basic landholder rights authorise the take of water without the need for an access licence or water use approval, although a water supply work approval is still required to construct a water bore.

20 Domestic and stock rights

On the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights are estimated to total 292 megalitres per year (*ML/year*) and are distributed as follows:

- (a) 13 ML/year in the Bellinger River Coastal Floodplain Alluvial Groundwater Source,
- (b) 60 ML/year in the Bellinger River Water Source,

- (c) 3 ML/year in the Boggy Creek Water Source,
- (d) 9 ML/year in the Coastal Bellinger Water Source,
- (e) 3 ML/year in the Coastal Kalang Water Source,
- (f) 0 ML/year in the Dalhousie Creek Water Source,
- (g) 22 ML/year in the Hydes Creek Water Source,
- (h) 60 ML/year in the Kalang River Water Source,
- (i) 36 ML/year in the Never Never Creek Water Source,
- (j) 8 ML/year in the Rosewood Creek Water Source,
- (k) 19 ML/year in the Spicketts Creek Water Source,
- (l) 59 ML/year in the Thora–North Arm Bellinger River Water Source.

Notes.

- 1 Domestic and stock rights are set out in section 52 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act for the taking and use of water for domestic consumption or stock watering.
- 2 Under section 331 of the Act, the Minister may direct the holder of a domestic and stock right to take specified measures to protect the environment, to preserve basic landholder rights or to overcome a threat to public health.
- 3 The volumes set out in this clause are separate from any volumes of water that may be taken under an access licence for domestic and stock purposes.

21 Native title rights

The requirement for water to satisfy native title rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including:

- (a) any determination of native title, and
- (b) any indigenous land use agreement.

Notes.

- 1 No determinations of native title in relation to the water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth.
- 2 This Plan may be amended if there is a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 Native title rights may be exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

22 Harvestable rights

The requirements for water under harvestable rights is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store pursuant to a harvestable rights order made under Part 1 of Chapter 3 of the Act.

Division 3 Requirements for water under access licences

Note. This Division sets out the total volumes or unit shares in the share components of access licences in the water sources at the commencement of this Plan. The actual volume of water available from year to year will depend on climate, access licence priority and the provisions in this Plan.

23 Share components of domestic and stock access licences

On the commencement of this Plan, it is estimated that the share components of domestic and stock access licences total 104 ML/year, distributed as follows:

- (a) 18 ML/year in the Bellinger River Water Source,
- (b) 4 ML/year in the Boggy Creek Water Source,
- (c) 26 ML/year in the Dalhousie Creek Water Source,
- (d) 1 ML/year in the Hydes Creek Water Source,
- (e) 12 ML/year in the Never Never Creek Water Source,
- (f) 43 ML/year in the Thora–North Arm Bellinger River Water Source,
- (g) 0 ML/year in all other water sources.

24 Share components of local water utility access licences

On the commencement of this Plan, it is estimated that the share components of local water utility access licences total 1,300 ML/year, distributed as follows:

- (a) 1,300 ML/year in the Bellinger River Water Source,
- (b) 0 ML/year in all other water sources.

25 Share components of unregulated river access licences

On the commencement of this Plan, it is estimated that the share components of unregulated river access licences total 2,205 unit shares, distributed as follows:

- (a) 0 unit shares in the Bellinger River Coastal Floodplain Alluvial Groundwater Source,
- (b) 883 unit shares in the Bellinger River Water Source,

- (c) 16 unit shares in the Boggy Creek Water Source,
- (d) 122 unit shares in the Coastal Bellinger Water Source,
- (e) 77 unit shares in the Coastal Kalang Water Source,
- (f) 165 unit shares in the Dalhousie Creek Water Source,
- (g) 338 unit shares in the Hydes Creek Water Source,
- (h) 18 unit shares in the Kalang River Water Source,
- (i) 409 unit shares in the Never Never Creek Water Source,
- (j) 11 unit shares in the Rosewood Creek Water Source,
- (k) 7 unit shares in the Spicketts Creek Water Source,
- (l) 159 unit shares in the Thora–North Arm Bellinger River Water Source.

Note. Part 7 provides for the granting of unregulated river (Aboriginal cultural) access licences and unregulated river (Aboriginal community development) access licences. These licences are subcategories of unregulated river access licences. At the commencement of this plan no licences of either subcategory have been issued in the water sources.

26 Share components of unregulated river (high flow) access licences

On the commencement of this Plan, it is estimated that the share components of unregulated river (high flow) access licences total 0 unit shares.

27 Share components of aquifer access licences

On the commencement of this Plan, it is estimated that the share components of aquifer access licences total 339 unit shares, distributed as follows:

- (a) 131 unit shares in the Bellinger River Coastal Floodplain Alluvial Groundwater Source,
- (b) 70 unit shares in the Bellinger River Water Source,
- (c) 5 unit shares in the Coastal Bellinger Water Source,
- (d) 120 unit shares in the Hydes Creek Water Source,
- (e) 3 unit shares in the Kalang River Water Source,
- (f) 10 unit shares in the Thora–North Arm Bellinger River Water Source.

Note. Part 7 provides for the granting of aquifer (Aboriginal cultural) access licences and aquifer (Aboriginal community development) access licences. These licences are subcategories of aquifer access licences. At the commencement of this plan, no licences of either subcategory have been issued in the water sources.

Part 6 Limits to the availability of water

Division 1 Long-term average annual extraction limits

28 Calculation of the long-term average annual extraction limits

- (1) The long-term average annual extraction limits for the Bellinger River Catchment Extraction Management Unit and the Dalhousie Creek Catchment Extraction Management Unit are the sum of the following:
 - (a) all access licence share components in the respective extraction management unit,
 - (b) an estimate of annual extraction under domestic and stock rights, native title rights and harvestable rights in the respective extraction management unit.
- (2) The long-term average annual extraction limit for the Bellinger River Coastal Floodplain Alluvial Extraction Management Unit is 350 ML/year.

Note. Part 12 allows the long-term average annual extraction limit for the Bellinger River Coastal Floodplain Alluvial Extraction Management Unit to be increased up to 1,050 ML/year.
- (3) The long-term average annual extraction limits to which this clause applies are to be adjusted by the following:
 - (a) any change to the amount of water committed as licensed environmental water under section 8F of the Act,
 - (b) any change to the total number of share components in the extraction management unit as a result of a dealing in accordance with Part 10.

29 Calculation of annual extraction

- (1) Following the end of each water year, the Minister is to determine the volume of water taken from each of the extraction management units during the previous water year under the following entitlements (the *annual extraction*):
 - (a) all categories of access licences,
 - (b) basic landholder rights.

Note. The volume of water taken in any water year under basic landholder rights is assumed to be the volumes specified in Part 5.
- (2) The determination of the volume of water taken from each of the extraction management units is to exclude water committed as licensed environmental water under section 8F of the Act.

30 Assessment of compliance with long-term average annual extraction limits

- (1) Following the calculation under subclause 29, the Minister is to compare the average of annual extraction for the preceding three water years for each extraction management unit against the respective long-term average annual extraction limit.
- (2) There is non-compliance with a long-term average annual extraction limit if the average of annual extraction for an extraction management unit for the preceding three water years exceeds the long-term average annual extraction limit for that extraction management unit by 5% or more.

31 Compliance with limits

- (1) If an assessment for an extraction management unit under clause 30 demonstrates non-compliance with the long-term average annual extraction limit, the Minister is to take, in relation to the water sources of that extraction management unit, any one or more of the following actions:
 - (a) make an available water determination for unregulated river access licences in accordance with clause 35 of less than 1 megalitre (ML) per unit share,
 - (b) make an available water determination for unregulated river (high flow) access licences in accordance with clause 36 of less than 1 ML per unit share,
 - (c) make an available water determination for aquifer access licences in accordance with clause 37 of less than 1 ML per unit share.

Note. Non-compliance with a long-term average extraction limit that is equal to the sum of access licence share components and water extractions under basic landholder rights can only occur if access licence holders are failing to comply with their access licence conditions. In these circumstances, generally the appropriate management response is to undertake compliance action against those licence holders under the offence provisions of the Act rather than to reduce available water determinations.

- (2) Any action in accordance with subclause (1) is to be taken to the extent and for as long as the Minister considers necessary to return average annual extractions in the relevant extraction management unit to the long-term average annual extraction limit.
- (3) If the Minister makes a reduced available water determination pursuant to subclause (1), the Minister may make further available water determinations in the water year subject to clause 32 (2).

Division 2 Available water determinations

32 General

- (1) Available water determinations are to be expressed as one of the following:
 - (a) for an access licence specifying the share component in ML/year— a percentage of the share component,
 - (b) for an access licence specifying the share component as a number of unit shares— ML per unit share.
- (2) The sum of available water determinations made for any access licence must not exceed the following in any 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 per unit share of the access licence share component.

Note. If the Minister makes an available water determination of less than 1 ML per unit share of the access licence share component, the Minister may make further available water determinations during a water year, subject to subclause (2).

33 Available water determinations for domestic and stock access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

34 Available water determinations for local water utility access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

35 Available water determinations for unregulated river access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of:

- (a) 1 ML per unit share is to be made for unregulated river access licences, or
- (b) 100% of the access licence share component for subcategories of unregulated river access licences.

36 Available water determinations for unregulated river (high flow) access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit share is to be made for unregulated river (high flow) access licences.

37 Available water determinations for aquifer access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit share is to be made for aquifer access licences.

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Part 7 Rules for granting access licences

Notes.

- 1 This Part is made in accordance with sections 61 and 63 of the Act. Section 61 of the Act provides for applications for specific purpose access licences in accordance with the regulations and the relevant water sharing plan.
- 2 Access licences in the water sources are granted subject to mandatory conditions required to be imposed by this Plan, the regulations and the Act, and may also be subject to discretionary conditions.

38 Specific purpose access licences

- (1) The Minister must not grant a specific purpose access licence unless satisfied that the share and extraction components of the access licence are the minimum required for the proposed use.
- (2) A person may make an application for the following access licences:
 - (a) an unregulated river (Aboriginal cultural) access licence or an aquifer (Aboriginal cultural) access licence, only if the share component of the proposed access licence is no greater than 10 ML/year,
 - (b) an unregulated river (tidal pool) access licence or domestic and stock access licence only in the Tidal Pool Management Zone of the following water sources, and only if a history of extraction in that management zone prior to 30 June 2006 can be demonstrated:
 - (i) Bellinger River Water Source,
 - (ii) Hydes Creek Water Source,
 - (iii) Kalang River Water Source,
 - (iv) Coastal Bellinger Water Source,
 - (v) Coastal Kalang Water Source,
 - (c) an unregulated river (Aboriginal community development) access licence or an aquifer (Aboriginal community development) access licence only in the following water sources, and only if the granting will not cause more than the following total share components of unregulated river (Aboriginal community development) access licences and aquifer (Aboriginal community development) access licence to be issued in the respective water source:
 - (i) Bellinger River Water Source– 500 ML/year,
 - (ii) Boggy Creek Water Source– 91.5 ML/year,

- (iii) Coastal Bellinger Water Source– 500 ML/year,
 - (iv) Coastal Kalang Water Source– 500 ML/year,
 - (v) Hydes Creek Water Source– 183 ML/year,
 - (vi) Bellinger River Coastal Floodplain Groundwater Source– 100 ML/year.
- (3) The Minister may only grant an access licence in accordance with subclause (2) (b) if the demonstrated history of extraction from that management zone was exempt from requiring a *Water Act 1912* entitlement.
- (4) The Minister may only grant an unregulated river (Aboriginal cultural) access licence or an aquifer (Aboriginal cultural) access licence for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

Notes.

- 1 **Aboriginal person** is defined in the Dictionary.
- 2 An unregulated river (Aboriginal community development) access licence will only be able to extract from B Class flows, applications for these licences will be assessed on the level of impact on those flows (i.e. flows greater than the 50th percentile flow), as well as any potential impact on the water source as a whole.
- 3 An unregulated river (Aboriginal community development) access licence or aquifer (Aboriginal community development) access licence is a specific purpose access licence and as such can only undertake limited access licence dealings under Division 4 of Part 2 of the Act. Any such dealings would need to be consistent with the purpose for which the licence was granted. Aboriginal communities, enterprises and individuals must purchase other categories of access licences if they require fully tradeable rights.

Part 8 Operation of water allocation accounts and managing access licences

Notes.

- 1 Section 85 of the Act provides for the keeping of water allocation accounts for access licences. The provisions in this Part restrict the water that may be taken under, or assigned from, an access licence over a specified period of time, and the unused water allocations in water allocation accounts that may be carried over from one water year to the next. These restrictions are in addition to any other limits on access licences for the taking or assignment of water. It is an offence under section 60C of the Act to take water under an access licence for which there is no or insufficient water allocation.
- 2 The provisions in this Part apply to the following persons:
 - (a) the Minister in managing water allocation accounts,
 - (b) the access licence holder, as required by mandatory conditions imposed on the access licence under Part 11.

Division 1 Accounting for water allocation accounts

39 Water allocation account debiting

- (1) A *water account debit* means any water allocation that is taken, assigned under section 71T of the Act, or otherwise debited or withdrawn from a water allocation account.
- (2) For any access licence, the water allocation taken under the access licence is the volume of water extracted by water supply works nominated by the access licence.
- (3) For any access licence, the maximum water account debit in any three consecutive water years must not exceed the sum of the following:
 - (a) the water allocations credited to the water allocation account of the access licence from available water determinations in those years,
 - (b) the water allocations assigned to the water allocation account of the access licence under section 71T of the Act in those years,
 - (c) the water allocations re-credited to the water allocation account of the access licence in accordance with section 76 of the Act in those years.

40 Limits on carryover

- (1) For any access licence, water allocations remaining in the water allocation account are to 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 per share.

Division 2 Flow classes and daily access rules

41 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table A for the corresponding management zone specified in Column 2 of Table A or where a management zone is not specified, for the corresponding water source specified in Column 1 of Table A.
- (2) The flow class specified in Column 3 of Table A applies whenever the flow as measured in megalitres per day (*ML/day*) at the corresponding flow reference point specified in Column 5 of Table A meets the corresponding criteria specified in Column 4 of Table A.
- (3) If, in the Minister’s opinion, accurate flow data is not available from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class and the period for which the flow class applies by notice on the Department’s website.

Notes.

- 1 For the purpose of determining the flow class that applies under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.
- 2 On days on which accurate flow data is not available, holders of access licences may check the Department’s website to find out what flow class applies on that day.
- 3 Only those water sources and management zones for which flow classes have been established are shown in Table A.

Table A 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
Bellinger River Water Source		Very Low Flow Class	Less than or equal to 56 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 56 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	

Boggy Creek Water Source		Very Low Flow Class	Less than or equal to 56 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 56 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	
Coastal Bellinger Water Source	Tidal Pool Management Zone	Very Low Flow Class	Less than or equal to 56 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 56 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	
Coastal Kalang Water Source	Tidal Pool Management Zone	Very Low Flow Class	Less than or equal to 43 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 43 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	
Hydes Creek Water Source		Very Low Flow Class	Less than or equal to 56 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 56 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	
Kalang River Water Source		Very Low Flow Class	Less than or equal to 43 ML/day	Bellinger River at Fosters gauge (205016)
		A Class	More than 43 ML/day and less than or equal to 335 ML/day	
		B Class	More than 335 ML/day	
Never Never Creek Water Source		Very Low Flow Class	Less than or equal to 4 ML/day	Never Never Creek at Old Crossing gauge (205019)
		A Class	More than 4 ML/day and less than or equal to 26 ML/day	
		B Class	More than 26 ML/day	
Rosewood Creek Water Source		Very Low Flow Class	Less than or equal to 4 ML/day	Never Never Creek at Old Crossing gauge (205019)
		A Class	More than 4 ML/day	
Thora–North Arm Bellinger		Very Low Flow Class	Less than or equal to 20 ML/day	Bellinger River at Thora

River Water Source		A Class	More than 20 ML/day	gauge (205002)
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Notes.

- 1 56 ML/day in the Bellinger River at Fosters gauge corresponds to the estimated 95th percentile flow. That is, 95% of the time, the flow at Fosters gauge is greater than 56 ML/day.
- 2 335 ML/day in the Bellinger River at Fosters gauge corresponds to the estimated 50th percentile flow.
- 3 43 ML/day in the Bellinger River at Fosters gauge corresponds to the estimated 98th percentile flow.
- 4 4 ML/day in Never Never Creek at Old Crossing gauge corresponds to the estimated 90th percentile flow.
- 5 26 ML/day in Never Never Creek at Old Crossing gauge corresponds to the estimated 50th percentile flow.
- 6 20 ML/day in the Bellinger River at Thora gauge corresponds to the estimated 95th percentile flow.

Minister's note

Most of the flow reference points specified in Table A differ from the locations in the current Plan. These new flow reference points are telemetered gauges. The use of telemetered gauges allows water users to check flow levels in real-time via the Water NSW website, and will also make the rules easier to enforce.

An analysis has been undertaken to ascertain the level of impact on extraction opportunities resulting from changes to flow class thresholds as well as using updated flow data and new telemetered gauge locations. This shows that the proposed changes would limit access once in every three years, compared to once in every six years under current rules. While the frequency of restricted access may increase, the analysis shows that the duration of each restriction period would not be extended.

42 Access rules for the taking of surface water

- (1) This clause applies to access licences that take water other than from the unconsolidated alluvial sediments to which this Plan applies (*surface water*).
- (2) In the Bellinger River Water Source, the Boggy Creek Water Source, the Hydes Creek Water Source, the Kalang River Water Source, the Never Never Creek Water Source, the Rosewood Creek Water Source or the Thora–North Arm Bellinger River Water Source, surface water must not be taken in the following circumstances, unless subclause (9) or (11) applies or water is being taken from an off-river pool:
 - (a) under any access licence during any period of time when flows in the relevant water source are in the Very Low Flow Class,
 - (b) under any access licence for a period of 24 hours after flows in the relevant water source have risen above the Very Low Flow Class,

- (c) under an unregulated river (high flow) or unregulated river (Aboriginal community development) access licence during any period of time when flows in the relevant water source are in A Class.
- (3) In the tidal pool management zones in the Coastal Bellinger Water Source or the Coastal Kalang Water Source, surface water must not be taken in the following circumstances, unless subclause (9) or (11) applies or water is being taken from an off-river pool:
- (a) under any access licence during any period of time when flows in the relevant management zone are in the Very Low Flow Class,
 - (b) under any access licence for a period of 24 hours after flows in the relevant management zone have risen above the Very Low Flow Class,
 - (c) under an unregulated river (high flow) or unregulated river (Aboriginal community development) access licence during any period of time when flows in the relevant management zone are in A Class.

Minister's note

A new rule restricting access for 24 hours when flows first exceed the top of the Very Low Flow Class is proposed.

The rules permit the commencement of take once 24 hours have elapsed after flow has risen above the very low flow class. These rules protect a proportion of fresh or new flow and are critical to replenishing habitat, improving water quality, and to the migration and spawning of aquatic fauna.

- (4) Surface water must not be taken for more than 8 hours per day in the following water source in the circumstances specified, unless subclause (9) or (11) applies or water is being taken from an off-river pool:
- (a) the Bellinger River Water Source– when the flow in the Bellinger River at Fosters gauge (205016) is greater than 56 ML/day and less than or equal to 122 ML/day,
 - (b) the Hydes Creek Water Source– when the flow in the Bellinger River at Fosters gauge (205016) is greater than 56 ML/day and less than or equal to 122 ML/day,
 - (c) the Never Never Creek Water Source– when the flow in Never Never Creek at Old Crossing gauge (205019) is greater than 4 ML/day and less than or equal to 8 ML/day.

Note. 122 ML/day and 8 ML/day correspond to the estimated 80th percentile flow at the respective gauge site.

Minister's note

The 8 hour pumping rule in the 2008 plan refers to flows in the Bellinger River at Thora, Hydes Creek at Kethels Road Bridge and Never Never Creek at Promised Land Loop Road. It is proposed that these sites no longer be used for this rule due to changed flow reference points and updated flow data.

The new flows thresholds for the 8 hour pumping rule have been determined using the new A Class commencement flow and the 80th percentile flow at the new flow reference points.

This methodology is consistent with that used to determine the 2008 plan 8 hour pumping flow thresholds.

- (5) Surface water must not be taken if there is no visible flow at the location from which water is proposed to be taken, unless subclause (9) applies, or water is being taken from an in-river pool or an off-river pool.
- (6) Surface water must not be taken from an in-river pool that is in a water source or management zone for which flow classes have not been established, when the volume of water in that pool is less than the full capacity of the pool.
- (7) Unless subclause (9) applies, surface water must not be taken from an off-river pool when the volume of water in that pool is less than the full capacity of the pool.
- (8) Unless subclause (9) or (11) applies, surface water must not be taken when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement if, in the Ministers opinion, that cease to take condition is higher than:
 - (a) the upper limit of the relevant Very Low Flow Class, or
 - (b) the access rule specified in subclauses (2) - (4)

Minister's note

Following public exhibition, it is intended that subclause (8) will be rewritten to refer to a new schedule in this Plan. The access licences on that schedule will be subject to new cease to take conditions, which will give effect to the intent of this clause.

- (9) Despite subclauses (2) – (8), the taking of surface water is permitted in the following circumstances:
 - (a) under an access licence specified in Table A of Schedule 1, for the following purposes only, provided the surface water taken does not exceed 20 kilolitres

per day per access licence or such lower amount as determined by the Minister and specified on the access licence:

- (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) the taking of water for domestic consumption only under a domestic and stock access licence or domestic and stock (domestic) access licence that existed at the commencement of the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*, provided that the volume does not exceed 1 kilolitre per house supplied by the access licence per day,
- (c) from a runoff harvesting dam or from an in-river dam pool,
Note. *In-river dam pool* is defined in the Dictionary.
- (d) under a local water utility access licence or an access licence of the subcategory “Town water supply” specified in Table B of Schedule 1, until such time as, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system has occurred.
- (10) The Minister may reduce the maximum daily volume limit imposed under subclause (9) (a) for an access licence if satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.
- (11) Despite subclauses (2), (3), (4) and (8), surface water is permitted to be taken 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.
- (12) Despite subclauses (2) – (8), the taking of surface water is permitted in the following circumstances:
- (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and

- (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
- (b) in association with an aquifer interference activity when:
- (i) in the Minister’s opinion, there are no reasonably practical measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.

Note. *Approved EP&A Act development* is defined in the Dictionary.

43 Access rules for taking of water from unconsolidated alluvial sediments

- (1) This clause applies to access licences that take water from the unconsolidated alluvial sediments to which this Plan applies (*groundwater*).
- (2) Unless subclause (5) or (7) applies, groundwater must not be taken in the Bellinger River Water Source, the Boggy Creek Water Source, the Hydes Creek Water Source, the Kalang River Water Source, the Never Never Creek Water Source, the Rosewood Creek Water Source or the Thora–North Arm Bellinger River Water Source under an access licence that nominates a water supply work that is located at or less than 40 metres from the top of the high bank of a river in the following circumstances:
 - (a) during any period of time when flows in the relevant water source are in the Very Low Flow Class,
 - (b) for a period of 24 hours after flows in the relevant water source have risen from the Very Low Flow Class to A Class.

Note. *Top of the high bank of a river* is defined in the Dictionary.

- (3) Unless subclause (5) or (7) applies, groundwater must not be taken in the tidal pool management zones in the Coastal Bellinger Water Source or the Coastal Kalang Water Source under an access licence that nominates a water supply work that is located at or less than 40 metres from the top of the high bank of a river in the following circumstances:
- (a) during any period of time when flows in the relevant management zone are in the Very Low Flow Class,
 - (b) for a period of 24 hours after flows in the relevant management zone have risen from the Very Low Flow Class to A Class,
- (4) Unless subclause (5) or (7) applies, groundwater must not be taken in the groundwater sources, excluding the Bellinger Coastal Floodplain Groundwater Sources, during any period of time when there is no visible flow in the river immediately adjacent to the water supply work being used to take groundwater.
- (5) Despite subclauses (2) - (4), the taking of groundwater is permitted in the following circumstances:
- (a) under an access licence specified in Table A of Schedule 1, for the following purposes only, provided the groundwater taken does not exceed 20 kilolitres per day per access licence or such lower amount as determined by the Minister and specified on the access licence:
 - (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) the taking of water for domestic consumption only under a domestic and stock access licence or domestic and stock (domestic) access licence that existed at the commencement of the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*, provided that the volume does not exceed 1 kilolitre per house supplied by the access licence per day,
 - (c) under a local water utility access licence or an access licence of the subcategory “Town water supply” specified in Table B of Schedule 1, until such time as, in

the Minister's opinion, major augmentation of the access licence holder's water supply system has occurred.

- (6) The Minister may reduce the maximum daily volume limit imposed under subclause (5) (a) for an access licence if the Minister is satisfied that the reduced volume is sufficient to meet the relevant purpose referred to in that subclause.
- (7) Despite subclauses (2) - (4), the taking of groundwater under an access licence is permitted in the following circumstances:
 - (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
 - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
 - (b) in association with an aquifer interference activity when:
 - (i) in the Minister's opinion, there are no reasonably practical measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.

Part 9 Rules for water supply work approvals

Note. This Part is made in accordance with sections 5, 95 (3) and 107 (5) of the Act.

Division 1 General

44 General

- (1) In addition to the matters listed in section 97 (2) of the Act, the Minister must not grant a water supply work approval unless satisfied that adequate arrangements are in place to ensure that there will be:
 - (a) no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences, and
 - (b) no more than minimal harm to public health and safety or to a water-dependent culturally significant area.
- (2) The Minister must not amend a water supply work approval unless satisfied of the matters listed in subclause (1) and section 97 (2) of the Act.

Notes.

New approvals

- 1 Division 2 of Part 3 of Chapter 3 of the Act sets out the process for applications for, and granting of, approvals.
- 2 Section 97 (2) of the Act provides that the Minister may only grant a water supply work approval if satisfied that adequate arrangements are in place to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water supply work.
- 3 Section 96 (b) of the Act specifies that the Minister must take into account any matters the Minister considers relevant in determining an application for a water supply work approval. Under section 92 (5), the Minister may require an applicant to provide any additional information the Minister considers relevant to determining the application. This may include, for example, hydrogeological studies, hydrogeochemical studies or ecological studies.

Amendment of approvals

- 4 Section 107 of the Act provides for the amendment of approvals.

Conditions of approvals

- 5 The Minister may grant a water supply work approval subject to conditions, as provided in sections 95 and 100 of the Act. The Minister may also, under section 102 of the Act, impose or vary conditions on a water supply work approval at any time as the Minister thinks fit. These conditions may limit the volume or rate of extraction from a water supply work.

Other limits on volumes or rates of extraction

- 6 The Minister may also limit the volume or rate of extraction from existing water supply works in the following ways:
 - (a) for all water supply works within a specified area, by an order made under section 324 of the Act,

- (b) for existing water supply works used solely for basic landholder rights, by an order made under section 331 of the Act.

Provisions in this Part

- 7 This Part specifies provisions in addition to those in the Act about when, and how, the Minister may grant or amend a water supply work approval.

Division 2 Rules for water supply works that take surface water

45 General

- (1) This Division applies to water supply works that take water other than from the unconsolidated alluvial sediments to which this Plan applies (*surface water*).
- (2) A water supply work approval that permits the taking of surface water must not be nominated on an access licence under which water may be taken from the unconsolidated alluvial sediments to which this Plan applies.

46 Granting or amending water supply work approvals that take surface water

- (1) A water supply work approval must not be granted or amended to authorise the construction or use of an in-river dam on a third order or higher stream within the following water sources:
 - (a) the Kalang River Water Source,
 - (b) the Never Never Creek Water Source,
 - (c) the Rosewood Creek Water Source,
 - (d) Thora–North Arm Bellinger River Water Source.
- (2) A water supply work approval must not be granted or amended to authorise the construction or use of an in-river dam within the following water sources:
 - (a) Dalhousie Creek Water Source,
 - (b) Spicketts Creek Water Source.
- (3) A water supply work approval must not be granted or amended unless, in the Minister’s opinion, there will be no more than minimal harm to any wetland mapped under the Coastal Management SEPP in the following water sources:
 - (a) the Coastal Bellinger Water Source,
 - (b) the Coastal Kalang Water Source.

Note. *Coastal management SEPP* is defined in the Dictionary.

Division 3 Rules for water supply works that take groundwater

47 General

- (1) This Division applies to water supply works that take water from the unconsolidated alluvial sediments to which this Plan applies (*groundwater*).
- (2) In this Division a reference to a water supply work is limited to a water supply work that is authorised to take groundwater.
- (3) A water supply work approval that permits the taking of groundwater must not be nominated on an access licence under which surface water may be taken.
- (4) A reference in this Division to a water supply work being located within a specified distance includes a reference to a water supply work that is proposed to be located within a specified distance.

48 Rules to minimise interference between water supply works

- (1) A water supply work approval must not be granted or amended to take groundwater if the water supply work is located within any of the following:
 - (a) 200 metres 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 metres 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 metres 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 consent in writing,
 - (d) 500 metres 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 local water utility access licence or major utility access licence has provided consent in writing,
 - (e) 100 metres of a Government monitoring or observation bore.

Note. Government monitoring or observation bore is defined in the Dictionary.

- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
- (a) the water supply work is used solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
Note. Replacement groundwater work is defined in the Dictionary.
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,
 - (d) the location of the water supply work at a lesser distance than that specified in subclause (1) would result in no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences.

49 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to take groundwater if, in the Minister's opinion, the water supply work is located:
- (a) within 500 metres of a contamination source listed in Schedule 2, or
 - (b) within 250 metres of the edge of a plume associated with a contamination source listed in Schedule 2, or
 - (c) between 250 metres and 500 metres from the edge of a plume associated with a contamination source listed in Schedule 1, unless the Minister is satisfied that no change in groundwater level will occur within 250 metres of that plume.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
- (a) the location of the water supply work is adequate to protect the water source, the environment and public health and safety,
 - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.

- (3) A water supply work approval for a water supply work located within 250 metres of an on-site sewage disposal system may only be granted or amended if the water supply work is:
- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20 metres from the ground surface, and
Note. *Borehole annulus* is defined in the Dictionary.
 - (b) in the Minister's opinion, 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 modify the depth requirement in subclause (3) (a) if satisfied of any of the following:
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety,
 - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.

50 Rules for water supply works located near high priority groundwater-dependent ecosystems

- (1) A water supply work approval must not be granted or amended to take groundwater if, in the Minister's opinion, the water supply work is located within any of the following:
- (a) 40 metres of the top of the high bank of a river,
 - (b) 200 metres of any high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
- (a) the water supply work is used solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,

- (d) the location of the water supply work at a lesser distance than that specified in subclause (1) would result in no more than minimal harm to any high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map.
- (3) The location restriction in subclause (1) (b) does not apply unless a high probability of groundwater dependence has been confirmed by the Department for the relevant ecosystem.
- (4) A water supply work approval must not be granted or amended for a water supply work to take water from the Bellinger River Coastal Floodplain Alluvial Groundwater Source unless, in the Minister's opinion, there will be no more than minimal harm to any wetland mapped under the Coastal Management SEPP.

51 Rules for water supply works located near potential acid sulfate soils

- (1) A water supply work approval must not be granted or amended within an area classed as having a high probability of occurrence of acid sulfate soils on an Acid Sulfate Soil Risk Map maintained by the Department of Planning, Industry and Environment.
- (2) Subclause (1) does not apply to the granting or amendment of a water supply work approval if the Minister is satisfied that the location of the water supply work would pose no significant risk of acidification of these water sources.
- (3) For the purposes of subclause (2), the Minister may require the applicant to submit a hydrogeological study to demonstrate that construction of a water supply work within an area classed as having a high probability of occurrence of acid sulfate soils would not, in the Minister's opinion, result in acidification of these water sources.

Notes.

- 1 ***Acid sulfate soils*** is defined in the dictionary.
- 2 At the commencement of this Plan, information on Acid Sulfate Soil Risk Maps can be found at the following address: <http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm>.

52 Rules for water supply works located near groundwater-dependent culturally significant areas

- (1) A water supply work approval must not be granted or amended to take groundwater if, in the Minister's opinion, the water supply work is located within 200 metres of a groundwater-dependent culturally significant area.

Note. Groundwater-dependent culturally significant areas may be identified during the term of this Plan. Aboriginal people may also identify culturally significant areas when applications for new or amended water supply works are advertised. Potential groundwater-dependent

culturally significant areas will be considered in the assessment of any application for a water supply work approval within the area of this Plan.

- (2) The location restriction specified in subclause (1) does not apply to the granting or amending of a water supply work approval if the Minister is satisfied of any of the following:
 - (a) the water supply work is used solely for basic landholder rights,
 - (b) the water supply work is a replacement groundwater work,
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services,
 - (d) the location of the water supply work at a lesser distance would result in no more than minimal harm to any groundwater-dependent culturally significant area.

53 Rules for water supply works used solely for basic landholder rights

- (1) A water supply work approval for a water supply work used solely for basic landholder rights must not be granted or amended to take groundwater if, in the Minister's opinion, the water supply work is located within any of the following:
 - (a) 100 metres of a Government monitoring or observation bore,
 - (b) 40 metres of the top of the high bank of a river,
 - (c) 100 metres of any other high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map,
 - (d) 100 metres of a groundwater-dependent culturally significant area.
- (2) The location restrictions specified in subclause (1) do not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the water supply work is a replacement groundwater work.
- (3) The location restrictions specified in subclause (1) (c) does not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the location of the water supply work at a lesser distance would result in no more than minimal harm to any high priority groundwater-dependent ecosystem shown on the High Priority Groundwater-Dependent Ecosystem Map.
- (4) The location restriction specified in subclause (1) (d) does not apply to the granting or amending of a water supply work approval if the Minister is satisfied that the location

of the water supply work at a lesser distance would result in no more than minimal harm to any groundwater-dependent culturally significant area.

54 Replacement groundwater works

- (1) For the purposes of this Plan, **replacement groundwater work** means a water supply work that:
- (a) will replace an existing water supply work that is authorised by a water supply work approval, and
 - (b) is to be 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 to be located:
 - (i) within 20 metres of the existing water supply work, and
 - (ii) if the existing water supply work is located within 40 metres of the top of the high bank of a river, no closer to that high bank of a river, and
 - (d) will not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the existing water supply work is:
 - (i) no longer manufactured, in which case the internal diameter is to be no greater than 120% of the internal diameter of the existing water supply work it replaces, or
 - (ii) less than 100 millimetres, in which case the internal diameter is to be no more than 100 millimetres.
- Note.** *Internal diameter* and *excavation footprint* are defined in the Dictionary.
- (2) The Minister may alter the depth and location requirements in subclauses (1) (b) (ii) and (1) (c) (i) on a case by case basis if satisfied that doing so will result in:
- (a) no greater impact on a water source, a high priority groundwater-dependent ecosystem, public health and safety, or a groundwater-dependent culturally significant area, and
 - (b) no more than minimal additional effect on the ability of a person to take water using an existing approved water supply work and on any associated access licences.

Part 10 Access licence dealing rules

Notes.

- 1 Access licence dealings in the water sources are subject to the provisions of the Act, the regulations, any access licence dealing principles established under section 71Z of the Act and the access licence dealing rules established under this Part.
- 2 Access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.
- 3 An application for a dealing may be refused, or conditions imposed on an access licence or water supply work approval at the time of a dealing, to give effect to the provisions of this Plan.

55 Conversion of access licence to new category dealings

- (1) A dealing under section 71O of the Act 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 the Hydes Creek Water Source to an unregulated river (high flow) access licence in the Hydes Creek Water Source, subject to the limits in subclause (3) (a), or
 - (c) an unregulated river access licence in the Never Never Creek Water Source to an unregulated river (high flow) access licence in the Never Never Creek Water Source, subject to the limits in subclause (3) (b).
- (2) The share component of an aquifer access licence granted under subclause (1) (a) is to be equal to the cancelled unregulated river access licence share component.
- (3) The total amounts of unregulated river access licence share component that can be converted under subclauses (1) (b) and 1 (c) are as follows:
 - (a) 250.8 unit shares in the Hydes Creek Water Source,
 - (b) 723.2 unit shares in the Never Never Creek Water Source.
- (4) The share component of an unregulated river (high flow) access licence granted under subclause (1) (b) or (1) (c) is to be 2.5 times the cancelled unregulated river access licence share component.

Note. Approval for conversion of an unregulated river access licence to an unregulated river (high flow) access licence will be subject to an assessment of potential impact on high flows (for example, flows greater than the 50th percentile flow), as well as on the water source as a whole.

56 Assignment of rights dealings

- (1) A dealing under section 71Q of the Act within the same water source is prohibited in any of the following circumstances:

- (a) from an aquifer access licence that nominates a water supply work located further than 40 metres from the top of the high bank of a river to an access licence that nominates a water supply work located within 40 metres from the top of the high bank of a river,
 - (b) from an access licence in the Lower Thora–North Arm Bellinger River Management Zone to an access licence in the Upper Thora–North Arm Bellinger River Management Zone.
- (2) A dealing under section 71Q of the Act between water sources within the same water management area is prohibited in any of the following circumstances:
- (a) the dealing is to an access licence in a different extraction management unit,
 - (b) the dealing is from an access licence in any water source other than one of the water sources,
 - (c) the dealing is to an access licence in any of the following water sources:
 - (i) the Bellinger River Coastal Floodplain Alluvial Groundwater Source,
 - (ii) the Dalhousie Creek Water Source,
 - (iii) the Never Never Creek Water Source,
 - (iv) the Rosewood Creek Water Source,
 - (v) the Spicketts Creek Water Source,
 - (vi) the Thora–North Arm Bellinger River Water Source,
 - (d) the dealing is to an access licence in the Non Tidal Management Zone of the Kalang River Water Source from an access licence in any other water source, other than Spicketts Creek Water Source,
 - (e) the dealing is to an access licence in one of the following water sources if it would cause the sum of the share components of all access licences in the respective water source to exceed the specified amount:
 - (i) Bellinger River Water Source– 2,325,
Note. 2,325 represents the sum of share components in the water source at the commencement of this Plan plus 54.
 - (ii) Boggy Creek Water Source– 70,
Note. 70 represents the sum of share components in the water source at the commencement of this Plan plus 50.

(iii) Coastal Bellinger– 141,

Note. 141 represents the sum of share components in the water source at the commencement of this Plan plus 14.

(iv) Coastal Kalang– 165,

Note. 165 represents the sum of share components in the water source at the commencement of this Plan plus 88.

(v) Hydes Creek– 459,

Note. 459 represents the sum of share components in the water source at the commencement of this Plan.

(f) the dealing involves any of the following:

(i) an unregulated river (high flow) access licence,

(ii) an unregulated river (Aboriginal community development) access licence.

57 Amendment of share component dealings (change of water source)

(1) A dealing under section 71R of the Act is prohibited in the following circumstances:

(a) the dealing involves the cancellation of an access licence in a water source that is in one extraction management unit in order to grant an access licence in a water source that is in another extraction management unit,

(b) the dealing involves the cancellation of an access licence in any water source other than one of the water sources in order to grant an access licence in any of the water sources,

(c) the dealing involves the granting of a new access licence in any of the following water sources:

(i) the Bellinger River Coastal Floodplain Alluvial Groundwater Source,

(ii) the Dalhousie Creek Water Source,

(iii) the Never Never Creek Water Source,

(iv) the Rosewood Creek Water Source,

(iv) the Spicketts Creek Water Source,

(vi) the Thora–North Arm Bellinger River Water Source,

- (d) the dealing involves the granting of a new access licence in any of the following water sources, if it would cause the sum of the share components in the respective water source to exceed the specified amount:
 - (i) Bellinger River Water Source– 2,325,
 - (ii) Boggy Creek Water Source– 70,
 - (iii) Coastal Bellinger– 141,
 - (iv) Coastal Kalang– 165,
 - (v) Hydes Creek– 459,
- (e) the dealing involves the granting of a new access licence in the Non Tidal Management Zone of the Kalang River Water Source and the cancellation of an access licence in another water source, other than Spicketts Creek Water Source,
- (f) the dealing involves any of the following:
 - (i) an unregulated river (high flow) access licence,
 - (ii) an unregulated river (Aboriginal community development) access licence.
- (2) Dealings under section 71R of the Act Are subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with section 71R of the Act will not carry over the extraction component from the cancelled granted access licence.

58 Amendment of extraction component dealings

A dealing under section 71S of the Act is prohibited if it involves an access licence with an extraction component that specifies the Lower Thora–North Arm Bellinger River Management Zone being varied to specify the Upper Thora–North Arm Bellinger River Management Zone.

59 Assignment of water allocations dealings

- (1) A dealing under section 71T of the Act within the same water source is prohibited in in any of the following circumstances:

- (a) from an aquifer access licence that nominates a water supply work located further than 40 metres from the top of the high bank of a river to an access licence that nominates a water supply work located within 40 metres from the top of the high bank of a river,
 - (b) from an access licence in the Lower Thora–North Arm Bellinger River Management Zone to an access licence in the Upper Thora–North Arm Bellinger River Management Zone.
- (2) A dealing under section 71T of the Act between water sources within the same water management area is prohibited in any of the following circumstances:
- (a) the dealing is from an access licence in one extraction management unit to an access licence in another extraction management unit,
 - (b) the dealing is from an access licence in any water source other than one of the water sources,
 - (c) the dealing is to an access licence in any of the following water sources:
 - (i) Bellinger River Coastal Floodplain Alluvial Groundwater Source,
 - (ii) Dalhousie Creek Water Source,
 - (iii) Never Never Creek Water Source,
 - (iv) Rosewood Creek Water Source,
 - (v) Spicketts Creek Water Source,
 - (vi) Thora–North Arm Bellinger River Water Source,
 - (d) the dealing is to an access licence with an extraction component specifying the Non Tidal Management Zone of the Kalang River Water Source from an access licence in another water source, other than Spicketts Creek Water Source,
 - (e) the dealing is to an access licence in one of the following water sources, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the respective water source from available water determinations or dealings under section 71T of the Act in that year to exceed the specified amount:
 - (i) Bellinger River Water Source– 2,325 ML,
 - (ii) Boggy Creek Water Source– 70 ML,

- (iii) Coastal Bellinger– 141 ML,
- (iv) Coastal Kalang– 165 ML,
- (v) Hydes Creek– 459 ML,
- (f) the dealing involves any of the following:
 - (i) an unregulated river (high flow) access licence,
 - (ii) an unregulated river (Aboriginal community development) access licence.

60 Interstate access licence transfer and assignment of water allocations dealings

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

61 Nomination of water supply works dealings

A dealing under section 71W of the Act is prohibited in the water sources in any of the following circumstances:

- (a) an aquifer access licence that nominates a water supply work located further than 40 metres from the top of the high bank of a river being amended to nominate a water supply work located within 40 metres from the top of the high bank of a river,
- (b) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the licence.
- (c) 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,
- (d) an access licence being amended to nominate a water supply work outside of NSW.

Note. Paragraphs (b) and (c) do not necessarily prevent an access licence from being used in a different management zone or water source. For this to occur, the access licence would firstly need to be subject to a section 71R (change of water source) or section 71S (amendment of extraction component) dealing. A dealing under section 71W to nominate works in the new water source/management zone could then occur.

Part 11 Mandatory conditions

Note. Mandatory conditions relating to metering equipment and recording of information are imposed by the *Water Management (General) Regulation 2018*. Clauses in this Plan that provide for mandatory conditions to be imposed in relation to metering and logbooks apply only until the roll out of the metering and reporting mandatory conditions that are prescribed in Part 10 and Part 11 of the *Water Management (General) Regulation 2018*.

Division 1 General

62 General

- (1) For the purposes of this Part, a requirement to notify the Minister in writing will only be satisfied by writing to the email address for enquiries on the Department's website.
- (2) In this Part, an *operational meter* means an operational meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as updated or replaced from time to time.

Division 2 Access licences

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

63 General conditions

- (1) Each access licence must have mandatory conditions to give effect to the following:
 - (a) the water taken under an access licence must not exceed the maximum water account debit permitted under Division 1 of Part 8,
 - (b) the relevant access rules for the taking of water specified in Division 2 of Part 8,
 - (c) upon becoming aware of a breach of any condition of the access licence, the licence holder must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) is not in writing, confirm this notification in writing within seven days of becoming aware of the breach,
 - (d) any other condition required to implement the provisions of this Plan.
- (2) An aquifer access licence associated with an approved EP&A Act development must have mandatory conditions to ensure that, as a consequence of taking water under the access licence, there will be:

- (a) no more than minimal harm to the water sources or high priority groundwater-dependent ecosystems, and
- (b) no adverse effect on the ability of a person to take water in the exercise of basic landholder rights, and
- (c) no more than minimal effect on the ability of a person to take water using an existing approved water supply work and any associated access licences, and
- (d) no more than minimal harm to public health and safety, or to a groundwater-dependent culturally significant area.

64 Record keeping conditions

- (1) Each access licence must have mandatory conditions to give effect to the following:
 - (a) the licence holder must record the following information in a logbook each time that water is taken using a water supply work that does not have both an operational meter (as referred to in clause 62 (2)) 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 39 for the licence,
 - (b) the licence holder must retain the information required to be recorded in the logbook for five years from the date to which that information relates.

Note. *Logbook* is defined in the Dictionary.

- (2) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the licence.

- (3) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the groundwater sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Notes.

- 1 **Mandatory metering equipment condition** is defined in clause 228 of the *Water Management (General) Regulation 2018*.
- 2 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

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

65 General conditions

- (1) Water supply work approvals must have mandatory conditions to give effect to:
 - (a) the clauses set out in this Division, and
 - (b) any other condition required to implement 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) 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, it is not necessary to maintain two separate logbooks, and all of the required information can be kept in the one logbook.
- (4) Upon 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 under paragraph (a) was not in writing, confirm this notification in writing within seven days of becoming aware of the breach.

66 Metering conditions

- (1) This clause applies to water supply works used to take water under an access licence.
- (2) The approval holder must install metering equipment that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as updated or replaced from time to time.

- (3) The approval holder must ensure each of 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) compliance with any other requirements as to the type, standard or other criteria for metering equipment as directed by the Minister.

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

- (4) If an approval for a water supply work is subject to a mandatory metering equipment condition in the relation to the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (5) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the groundwater sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Note. Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the water sources from 1 December 2023.

67 Record keeping conditions

- (1) This clause does not apply to a water supply work approval if the work is used for the sole 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 (as referred to in clause 62 (2)) 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 five years from the date to which that information relates.
- (3) If an approval for a water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, this clause ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (4) This clause is taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the groundwater sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

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

68 Water supply work decommissioning condition

- (1) This clause applies to water supply works that take water from the unconsolidated alluvial sediments to which this Plan applies.
- (2) A water supply work that is no longer intended to be used must be decommissioned in accordance with this clause.
- (3) The approval holder must notify the Minister in writing of any intention to decommission the water supply work at least 60 days before commencing

decommissioning. The notice must include a work plan for decommissioning of the water supply work.

- (4) The work plan for decommissioning a water supply work that takes water from the unconsolidated alluvial sediments to which this Plan applies must be in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.

Note. *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary. (5) The approval holder must comply with any notice from the Minister received within 60 days of the notice referred to in subclause (2) stating that the water supply work:

- (a) must not be decommissioned, or
 - (b) must be decommissioned in accordance with the requirements specified in the notice.
- (6) In decommissioning the water supply work, the approval holder must comply with the work plan referred to in subclause (2) or requirements referred to in subclause (4) (b).
- (7) Within 60 days of the water supply work being decommissioned, the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work.

Division 4 Water supply work approvals for groundwater

69 General conditions

This Division applies to a water supply work approval for works that take water from the unconsolidated alluvial sediments to which this Plan applies.

70 Water supply work construction conditions

- (1) The approval holder must ensure that the water supply work is constructed in such a way that ensures the following:
- (a) the water supply work is situated in the location specified in the application for the water supply work,
 - (b) water is able to 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 is sealed off from all other water sources,

- (d) construction of the water supply work complies 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 prevents contamination of the aquifer and between aquifers,
 - (f) construction and use of the water supply work prevents the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of the water supply work, 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 any other written requirements specified by the Minister, which may include a requirement to provide a report in a specified form detailing the quality of any water obtained using the water supply work.
- (3) Subclause (2) does not apply to a water supply work constructed for the purpose of monitoring or remediating contaminated water.
- (4) The approval holder must, within 60 days of completion of the construction of the water supply work or, 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, submit the details of the water supply work to the Minister in a form approved by the Minister.
- (5) The approval holder must ensure:
- (a) the construction of the water supply work is completed within three years of the approval being granted, and
 - (b) the water supply work is not used unless construction is completed within three years of the approval being granted.

- (6) Each water supply work approval for a replacement groundwater work must impose conditions that give effect to clause 54 (1) (b) - (d).

71 Water quality condition

If directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work, within the timeframe (if any) specified in the written notice.

Notes.

- 1 An approval holder is responsible for monitoring water quality from the water supply work to ensure it is suitable for its intended purpose for the duration of the approval.
- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for use. Water from the water source should not be used without first being tested and, if necessary, appropriately treated to ensure it is fit for purpose. Such testing and treatment is the responsibility of the water user.

Part 12 Amendment of this Plan

Notes.

- 1 This Part sets out amendments authorised by this Plan.
- 2 For the purposes of section 87 of the Act, the initial period for:
 - (a) the water sources, excluding the Bellinger River Coastal Floodplain Alluvial Water Source expired on 1 July 2020, and
 - (b) the Bellinger River Coastal Floodplain Alluvial Water Source will expire at the end of the term of this Plan.

72 General

For the purposes of section 45 (1) (b) of the Act, this Part provides for when this Plan may be amended and any such amendments are taken to be authorised by this Plan.

73 Amendments

- (1) This Plan may be amended to do any of the following:
 - (a) apply this Plan to new or additional water sources or water management areas (including part thereof), or modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,
 - (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
 - (c) amend the Plan Map,
 - (d) amend the High Priority Groundwater-Dependent Ecosystem Map,
 - (e) increase the long-term average annual extraction limit for the Bellinger River Coastal Floodplain Alluvial Extraction Management Unit up to 1,050 ML/year,
 - (f) amend the flow reference points in Division 2 of Part 8,
 - (g) amend the flow classes or establish new or additional flow classes in Division 2 of Part 8, including but not limited to new flow classes in non tidal management zones and tidal pool management zones that address any designated estuary flow requirements developed following a review of salinity monitoring, and ecological and hydrological studies of ecological needs in the tidal pool management zones of this Plan,
 - (h) include provisions for the following:
 - (i) the management of floodplain harvesting,

- (ii) the management of waters in the coastal sands that are within and outside the area of this Plan,
 - (iii) urban stormwater harvesting
 - (iv) managed aquifer recharge,
Note. Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in aquifers under controlled conditions. This water can then be extracted at a later time.
 - (v) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (vi) the management of salt interception schemes,
 - (vii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (viii) water return flows, as referred to in Division 5 of Part 2 of Chapter 3 of the Act,
 - (ix) the protection of groundwater-dependent culturally significant areas.
- (i) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (j) amend the Dictionary to add, modify or remove a definition,
 - (k) amend Schedule 1 to add or remove a contamination source.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.
- Note.** For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include provisions for that management zone.
- (3) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.

Dictionary

Note. Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations have the same meaning in this Plan.

Aboriginal person has the same meaning as it has in the Aboriginal Land Rights Act 1983.

acid sulphate 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 EP&A Act development means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5 of that Act.

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

Coastal management SEPP means *State Environmental Planning Policy (Coastal Management) 2018*.

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

flow regimes means, collectively, the magnitude, duration, frequency and patterns of flow that characterise a river or water source.

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

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-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 ecosystems may include:

- (a) any instream ecosystem associated with rivers that have a base flow component to their flow regime,
- (b) vegetation that has a high probability of being groundwater-dependent, and is of very high or high ecological value,
- (c) Ramsar wetlands, or wetlands listed in the Directory of Important Wetlands in Australia: Third edition, Environment Australia, 2001 (ISBN 0 642 54721 1).

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

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

in-river pool means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

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

Note. In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake, whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

Logbook, in relation to an access licence or water supply work approval, means a record in the manner and form approved by the Minister that is notified on the Department's website.

management zone is an area within a water source in which provisions particular to that area will apply, for example, restrictions on dealings.

Minimum Construction Requirements for Water Bores in Australia means the document published by the National Uniform Drillers Licensing Committee entitled *Minimum Construction Requirements for Water Bores in Australia*, as published from time to time.

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

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

replacement groundwater work has the meaning given by clause 54.

structural damage to an aquifer includes any permanent compaction of sediments within the groundwater sources, resulting from depressurisation or dewatering.

top of the high bank of a river means that part of the bank of a river that the Minister determines to be the top of the high bank.

unconsolidated alluvial sediments are sediments that are not bound or hardened by mineral cement, pressure, or thermal alteration of the grains and include gravel, sand, silt and clay.

water account debit has the meaning given by clause 39.

weighted average unit price means the total price of all units sold divided by the number of units sold.

Schedule 1 Access licences permitted to take from very low flows

(clause 42 and 43)

Table A – Access licences other than town water supply

Column 1	Column 2	Column 3
Water Source	Management Zone	Water Access Licence number
Bellinger River Water Source	Non Tidal Management Zone	15751
		15890
		15895
Kalang River Water Source		16340
Hydes Creek Water Source	Non Tidal Management Zone	15758
		15828
		15649

Table B – Local water utility access licences or an access licence of the subcategory “Town water supply”

Column 1	Column 2	Column 3
Water Source	Management Zone	Water Access Licence number
Bellinger River Water Source	To be advised	36673

Schedule 2 Contamination sources

(clause 49)

A contamination source in the water sources is any of the following:

- (a) any site that has been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (b) any site that has been notified to the Environment Protection Authority under section 60 of the *Contaminated Land Management Act 1997*,
- (c) any site that is or has been the subject of an activity listed in Table 1 of the contaminated land planning guidelines published under the *Environmental Planning and Assessment Act 1979* from time to time.

Appendix 1 Overview of the Plan Map (clause 4)

Overview of the Plan Map (WSP002_Version 2) Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020



