



New South Wales

Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023

under the

Water Management Act 2000

I, the Minister for Lands and Water, make the following plan under the *Water Management Act 2000*, section 50.

Minister for Lands and Water

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023

under the

Water Management Act 2000

Part 1 Introduction

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

1 Name of Plan

This Plan is the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023*.

2 Commencement

This Plan commences on 1 July 2023.

3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Northern Rivers Water Management Area—
- (a) the Alstonville Area Water Source,
 - (b) the Bangalow Area Water Source,
 - (c) the Broadwater Area Water Source,
 - (d) the Coopers Creek Water Source,
 - (e) the Coraki Area Water Source,
 - (f) the Double Duke Area Water Source,
 - (g) the Doubtful Creek Water Source,
 - (h) the Eden Creek Water Source,
 - (i) the Evans River Water Source,
 - (j) the Gradys Creek Water Source,
 - (k) the Kyogle Area Water Source,
 - (l) the Lennox Area Water Source,
 - (m) the Leycester Creek Water Source,
 - (n) the Myall Creek Water Source,
 - (o) the Myrtle Creek Water Source,
 - (p) the Richmond Area Coastal Floodplain Alluvial Groundwater Source,
 - (q) the Richmond Regulated Alluvial Water Source,
 - (r) the Richmond Regulated Water Source,
 - (s) the Sandy Creek Water Source,
 - (t) the Shannon Brook Water Source,

- (u) the Terania Creek Water Source,
 - (v) the Toonumbar Area Water Source,
 - (w) the Tuckean Area Water Source,
 - (x) the Upper Richmond River Water Source,
 - (y) the Wyrallah Area Water Source.
- (2) The water sources do not include water contained in fractured or porous rocks.
- (3) The water sources other than the Richmond Area Coastal Floodplain Alluvial Groundwater Source, the Richmond Regulated Alluvial Water Source and the Richmond Regulated Water Source—
- (a) include surface water, and
 - (b) include water occurring on the surface of the ground in estuaries, other than water contained in the Richmond Regulated Water Source, and
 - (c) include all groundwater contained in unconsolidated sediments below the surface of the ground, other than water contained in the Richmond Area Coastal Floodplain Alluvial Groundwater Source and the Richmond Regulated Alluvial Water Source, and
 - (d) do not include the water sources to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
- (4) The Richmond Area Coastal Floodplain Alluvial Groundwater Source and the Richmond Regulated Alluvial Water Source—
- (a) include all groundwater contained in unconsolidated sediments, and
 - (b) do not include surface water.
- (5) The Richmond Regulated Water Source includes all water contained within rivers declared to be regulated rivers under the *Richmond Regulated River Order 2010*, Gazette No 135, 17 December 2010.
- Note—** The *Richmond Regulated River Order 2010* is amended by the Act, Schedule 12, clause 29.

4 Management zones to which Plan applies

- (1) The Alstonville Area Water Source is divided into the following management zones shown on the Plan Map—
- (a) Alstonville Drains Management Zone,
 - (b) Alstonville Management Zone.
- (2) The Coopers Creek Water Source is divided into the following management zones shown on the Plan Map—
- (a) Lower Coopers Creek Management Zone,
 - (b) Upper Coopers Creek Management Zone.
- (3) The Coraki Area Water Source is divided into the following management zones shown on the Plan Map—
- (a) Bungawalbin Creek Non Tidal Management Zone,
 - (b) Bungawalbin Creek Tidal Pool Management Zone,
 - (c) Coraki Non Tidal Management Zone,
 - (d) Richmond River Tidal Pool Management Zone.
- (4) The Kyogle Area Water Source is divided into the following management zones shown on the Plan Map—

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- (a) Lower Kyogle Management Zone,
 - (b) Upper Kyogle Management Zone.
- (5) The Richmond Regulated Water Source is divided into the following management zones shown on the Plan Map—
- (a) Richmond Regulated Zone 1,
 - (b) Richmond Regulated Zone 2.
- (6) The Tuckean Area Water Source is divided into the following management zones shown on the Plan Map—
- (a) Tuckean Drains Management Zone,
 - (b) Tuckean Management Zone.
- (7) The Wyrallah Area Water Source is divided into the following management zones shown on the Plan Map—
- (a) Wilsons River Tidal Pool Management Zone,
 - (b) Wyrallah Non Tidal Management Zone, which does not include the Wilsons River Tidal Pool Management Zone.

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

The following extraction management units are established—

- (a) the Evans River Catchment Extraction Management Unit, consisting of the Evans River Water Source,
- (b) the Richmond Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit, consisting of the Richmond Area Coastal Floodplain Alluvial Groundwater Source,
- (c) the Richmond Regulated Extraction Management Unit, consisting of the Richmond Regulated Water Source,
- (d) the Richmond River Extraction Management Unit, consisting of all other water sources to which this Plan applies.

6 Interpretation

- (1) The Dictionary in Schedule 5 defines words used in this Plan.
- Note—** The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.
- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.
- Note—** The following maps adopted by this Plan are available on the Department's website—
- (a) the Plan Map,
 - (b) the High Priority Groundwater-Dependent Ecosystem Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

Part 2 Vision, objectives, strategies and performance indicators

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

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

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

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

The objectives of this Plan are as follows—

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

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

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

- (h) provide a stable and predictable framework for sharing water among water users,
 - (i) provide for flexibility of access to water,
 - (j) manage access to water consistently with the exercise of native title rights,
 - (k) provide for water associated with Aboriginal cultural values and uses, and community development.
- (2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

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

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Part 3 Requirements for water

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

12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 7,404ML/year distributed as follows—

- (a) 285ML/year in the Alstonville Area Water Source,
- (b) 579ML/year in the Bangalow Area Water Source,
- (c) 61ML/year in the Broadwater Area Water Source,
- (d) 268ML/year in the Coopers Creek Water Source,
- (e) 284ML/year in the Coraki Area Water Source,
- (f) 39ML/year in the Double Duke Area Water Source,
- (g) 238ML/year in the Doubtful Creek Water Source,
- (h) 296ML/year in the Eden Creek Water Source,
- (i) 72ML/year in the Evans River Water Source,
- (j) 283ML/year in the Gradys Creek Water Source,
- (k) 735ML/year in the Kyogle Area Water Source,
- (l) 108ML/year in the Lennox Area Water Source,
- (m) 588ML/year in the Leycester Creek Water Source,
- (n) 476ML/year in the Myall Creek Water Source,
- (o) 410ML/year in the Myrtle Creek Water Source,
- (p) 666ML/year in the Richmond Area Coastal Floodplain Alluvial Groundwater Source,
- (q) 5ML/year in the Richmond Regulated Alluvial Water Source,
- (r) 92ML/year in the Richmond Regulated Water Source,
- (s) 255ML/year in the Sandy Creek Water Source,
- (t) 549ML/year in the Shannon Brook Water Source,
- (u) 359ML/year in the Terania Creek Water Source,
- (v) 83ML/year in the Toonumbar Area Water Source,
- (w) 235ML/year in the Tuckean Area Water Source,
- (x) 225ML/year in the Upper Richmond River Water Source,
- (y) 213ML/year in the Wyrallah Area Water Source.

13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under—

- (a) the native title determination for the Githabul Nation Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2007/001), and
- (b) the native title determination for the Ngullingah Jugun (Our Country) Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2017/002), and

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- (c) the native title determination for the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC (National Native Title Tribunal references NCD2013/001, NCD2013/002 and NCD2021/001), and
- (d) the native title determination for the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) (Native Title Tribunal reference NCD2019/001).

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

14 Harvestable rights

[Not applicable]

Note—On the commencement of this Plan, the amount of water required to satisfy harvestable rights had not been estimated.

Division 2 Requirements for water for extraction under access licences

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 595ML/year distributed as follows—
 - (a) 153ML/year in the Alstonville Area Water Source,
 - (b) 88ML/year in the Bangalow Area Water Source,
 - (c) 51ML/year in the Coopers Creek Water Source,
 - (d) 17ML/year in the Coraki Area Water Source,
 - (e) 1ML/year in the Evans River Water Source,
 - (f) 6ML/year in the Gradys Creek Water Source,
 - (g) 58ML/year in the Kyogle Area Water Source,
 - (h) 68ML/year in the Leycester Creek Water Source,
 - (i) 4ML/year in the Myall Creek Water Source,
 - (j) 14ML/year in the Richmond Regulated Water Source,
 - (k) 14ML/year in the Shannon Brook Water Source,
 - (l) 45ML/year in the Terania Creek Water Source,
 - (m) 55ML/year in the Tuckean Area Water Source,
 - (n) 14ML/year in the Upper Richmond River Water Source,
 - (o) 7ML/year in the Wyrallah Area Water Source,
 - (p) 0ML/year in all other water sources.
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 25,582ML/year distributed as follows—
 - (a) 2,625ML/year in the Alstonville Area Water Source,
 - (b) 535ML/year in the Bangalow Area Water Source,
 - (c) 4,111ML/year in the Kyogle Area Water Source,
 - (d) 12,491ML/year in the Terania Creek Water Source,
 - (e) 420ML/year in the Tuckean Area Water Source,
 - (f) 5,400ML/year in the Wyrallah Area Water Source,
 - (g) 0ML/year in all other water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 65,998.5 unit shares distributed as follows—

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- (a) 4,855.75 unit shares in the Alstonville Area Water Source,
 - (b) 5,342.75 unit shares in the Bangalow Area Water Source,
 - (c) 360 unit shares in the Broadwater Area Water Source,
 - (d) 5,787.5 unit shares in the Coopers Creek Water Source,
 - (e) 16,178 unit shares in the Coraki Area Water Source,
 - (f) 183 unit shares in the Doubtful Creek Water Source,
 - (g) 524 unit shares in the Eden Creek Water Source,
 - (h) 2,135 unit shares in the Gradys Creek Water Source,
 - (i) 9,555.5 unit shares in the Kyogle Area Water Source,
 - (j) 42 unit shares in the Lennox Area Water Source,
 - (k) 1,063 unit shares in the Leycester Creek Water Source,
 - (l) 1,417 unit shares in the Myall Creek Water Source,
 - (m) 157 unit shares in the Myrtle Creek Water Source,
 - (n) 329 unit shares in the Sandy Creek Water Source,
 - (o) 520 unit shares in the Shannon Brook Water Source,
 - (p) 2,263 unit shares in the Terania Creek Water Source,
 - (q) 4,542 unit shares in the Tuckean Area Water Source,
 - (r) 2,631 unit shares in the Upper Richmond River Water Source,
 - (s) 8,113 unit shares in the Wyrallah Area Water Source,
 - (t) 0 unit shares in all other water sources.
- (4) On the commencement of this Plan, the share components of unregulated river (high flow) access licences are estimated to be a total of 0 unit shares.
Note— When this Plan was made, there were no unregulated river (high flow) access licences.
- (5) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 3,640 unit shares distributed as follows—
- (a) 108 unit shares in the Bangalow Area Water Source,
 - (b) 1,619 unit shares in the Coraki Area Water Source,
 - (c) 7 unit shares in the Double Duke Area Water Source,
 - (d) 5 unit shares in the Gradys Creek Water Source,
 - (e) 451 unit shares in the Kyogle Area Water Source,
 - (f) 12 unit shares in the Lennox Area Water Source,
 - (g) 80 unit shares in the Leycester Creek Water Source,
 - (h) 5 unit shares in the Myrtle Creek Water Source,
 - (i) 686 unit shares in the Richmond Area Coastal Floodplain Alluvial Groundwater Source,
 - (j) 10 unit shares in the Richmond Regulated Alluvial Water Source,
 - (k) 15 unit shares in the Sandy Creek Water Source,
 - (l) 85 unit shares in the Shannon Brook Water Source,
 - (m) 24 unit shares in the Terania Creek Water Source,
 - (n) 5 unit shares in the Tuckean Area Water Source,
 - (o) 431 unit shares in the Upper Richmond River Water Source,

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- (p) 97 unit shares in the Wyrallah Area Water Source,
 - (q) 0 unit shares in all other water sources.
- (6) On the commencement of this Plan, the share components of regulated river (high security) access licences are estimated to be a total of 123 unit shares distributed as follows—
- (a) 123 unit shares in the Richmond Regulated Water Source,
 - (b) 0 unit shares in all other water sources.
- (7) On the commencement of this Plan, the share components of regulated river (general security) access licences are estimated to be a total of 9,630 unit shares distributed as follows—
- (a) 9,630 unit shares in the Richmond Regulated Water Source,
 - (b) 0 unit shares in all other water sources.
- (8) On the commencement of this Plan, the share components of supplementary water access licences are estimated to be a total of 0 unit shares.
- Note to section 15(8)**— When this Plan was made, there were no supplementary water access licences.
- Note to section 15**— The total share components of access licences in the water sources may change during the term of this Plan as a result of—
- (a) the grant, surrender or cancellation of access licences in the water sources, or
 - (b) the variation of local water utility licences under the Act, section 66, or
 - (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
 - (d) amendments to access licences under the Act, section 68A.

Part 4 Limits to the availability of water

Division 1 Available water determinations—the Act, s 20(2)(b)

16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
 - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
 - (b) for an access licence specifying the share component as a number of unit shares—1ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination is in the public interest—
 - (a) for domestic and stock access licences—100%,
 - (b) for local water utility access licences—100%,
 - (c) for unregulated river access licences—1ML/unit share,
 - (d) for unregulated river (high flow) access licences—1ML/unit share,
Note— When this Plan was made, there were no unregulated river (high flow) access licences.
 - (e) for aquifer access licences—1ML/unit share,
 - (f) for regulated river (high security) access licences—1ML/unit share.
- (3) An available water determination for regulated river (general security) access licences may be made only if—
 - (a) an available water determination for regulated river (high security) access licences has been made under subsection (2)(f), and
 - (b) there will be sufficient water available for the determination after providing for water losses associated with holding and delivering water to meet existing water allocations in the Richmond Regulated Water Source.
- (4) If, after available water determinations are made at the start of a water year, additional water becomes available in the Richmond Regulated Water Source, an additional available water determination for regulated river (high security) access licences must be made as soon as practicable.
- (5) This section is subject to sections 22 and 26.
Note— The Minister may, at any time, make available water determinations in relation to the availability of water for a category or subcategory of access licence—see the Act, section 59.
- (6) In this section—
existing water allocation means an unused water allocation in a water allocation account arising from—
 - (a) water allocations assigned under the Act, section 71T,
 - (b) water allocations recredited under the Act, section 76,
 - (c) available water determinations made in the water year.

Division 2 Extraction limits—the Act, s 20(1)(e)

Subdivision 1 Preliminary

17 Operation of Division—the Act, s 8

For the Act, section 8(1A)(b) and (2), this Division—

- (a) sets out environmental water rules, and
- (b) commits water as planned environmental water by reference to the long-term average annual commitment of water resulting from compliance with the long-term average annual extraction limit.

18 Definitions

In this Division—

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

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

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

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

annual higher flow extraction limit means the annual higher flow extraction limit established by section 23.

annual standard extraction means the volume of water taken from an extraction management unit—

- (a) under an access licence, excluding extractions under a higher flow extraction licence, or
- (b) in the exercise of basic landholder rights.

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

higher flow extraction licence means the following—

- (a) an unregulated river (high flow) access licence,
- (b) an access licence of the subcategory Aboriginal community development,
- (c) an access licence subject to a condition with the effect of prohibiting the take of water unless flows are above the A Class,
- (d) a major utility access licence, but only in relation to the extraction of water from declared dams within the meaning of the *Dams Safety Act 2015*.

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

standard LTAAEL means a standard long-term average annual extraction limit established by section 19.

Subdivision 2 Standard LTAAELs

19 Establishment of standard LTAAELs

The standard LTAAELs are as follows—

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- (a) for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit—the sum of the following within the extraction management unit—
 - (i) all access licence share components on the commencement of this Plan,
 - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 17 December 2010,
 - (iii) an estimate of the volume of water that may be captured under a harvestable right in accordance with the 2006 Harvestable Rights Order as of 17 December 2010,
- (b) for the Richmond Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—13,000ML/year,
- (c) for the Richmond Regulated Extraction Management Unit—the sum of the following within the water sources—
 - (i) all access licence share components on the commencement of this Plan,
 - (ii) an estimate of annual extractions in the exercise of native title rights and domestic and stock rights as of 17 December 2010.

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

20 Calculation of annual standard extraction

As soon as practicable after the end of a water year, the annual standard extraction of each extraction management unit must be calculated for the water year.

21 Assessment of compliance with standard LTAAELs

- (1) As soon as practicable after the end of a water year (the *relevant water year*), the standard LTAAEL for each extraction management unit for the relevant water year must be compared against—
 - (a) for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit—the 3-year average standard extraction for the extraction management unit, or
 - (b) for the Richmond Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit and the Richmond Regulated Extraction Management Unit—the annual standard extraction for the water year occurring immediately before the relevant water year.
- (2) In determining the standard LTAAEL for the relevant water year, the following share components, if any, within the extraction management unit must be excluded from the standard LTAAEL—
 - (a) the share components of an access licence cancelled to grant a higher flow extraction licence after the commencement of this Plan,
 - (b) the share components of an access licence cancelled after the commencement of this Plan if the licence is cancelled for an environmental purpose.
- (3) There is noncompliance with the standard LTAAEL if—
 - (a) for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit—the 3-year average standard extraction exceeds the standard LTAAEL for the water year by 5% or more, or
 - (b) for the Richmond Regulated Extraction Management Unit—the annual standard extraction for the water year occurring immediately before the relevant water year exceeds the standard LTAAEL for the water year by 5% or more, or

- (c) for the Richmond Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit—the annual standard extraction for the water year occurring immediately before the relevant water year exceeds the standard LTAAEL for the water year.

22 Compliance with standard LTAAELs

- (1) This section applies to an extraction management unit if there is noncompliance with the standard LTAAEL for the extraction management unit.
- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the standard LTAAEL, must be made for at least one of the following categories of access licence—
 - (a) an unregulated river access licence,
 - (b) an aquifer access licence,
 - (c) a regulated river (general security) access licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

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

Subdivision 3 Annual higher flow extraction limits

23 Establishment of annual higher flow extraction limit

The annual higher flow extraction limit for the Evans River Catchment Extraction Management Unit and the Richmond River Extraction Management Unit is the largest sum of the share components of all higher flow extraction licences within each extraction management unit occurring within a water year.

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

24 Calculation of annual higher flow extraction

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

25 Assessment of compliance with annual higher flow extraction limits

- (1) As soon as practicable after the end of a water year, the 3-year average higher flow extraction for each extraction management unit must be compared against the annual higher flow extraction limit for the extraction management unit.
- (2) In determining the annual higher flow extraction limit for the water year, the share components of an access licence must be excluded from the annual higher flow extraction limit if—
 - (a) the access licence was cancelled for an environmental purpose during the water year, and
 - (b) before its cancellation, the access licence was in the extraction management unit.
- (3) There is non-compliance with the annual higher flow extraction limit if the 3-year average higher flow extraction exceeds the limit by 5% or more.

26 Compliance with annual higher flow extraction limits

- (1) This section applies to an extraction management unit if there is noncompliance with the annual higher flow extraction limit for the extraction management unit.
- (2) On 1 July in the year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations must be made for one or more of the following categories of licences—
 - (a) an unregulated river (high flow) access licence,
 - (b) an Aboriginal community development access licence,
 - (c) a higher flow extraction licence.
- (3) In the next water year, the total sum of all available water determinations made for the category of access licence for which a reduced available water determination is made under subsection (2) must be less than the amount specified for the category of access licence in section 16(1).

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

Subdivision 4 Total daily extraction limits

27 Total daily extraction limits for certain water sources and categories of access licences

[Not applicable]

Part 5 Rules for granting and managing access licences—the Act, s 20(2)(b)

28 Specific purpose access licences

- (1) A person may apply for the following specific purpose access licences—
 - (a) an unregulated river (Aboriginal cultural) access licence if the share component of the licence is not more than 10ML/year,
 - (b) an aquifer (Aboriginal cultural) access licence if the share component of the licence is not more than 10ML/year,
 - (c) an aquifer (Aboriginal community development) access licence in the Richmond Area Coastal Floodplain Alluvial Groundwater Source if the share component of the licence is not more than 9,048ML/year.

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

- (2) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (3) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
 - (a) the share component of the licence is no more than 10ML/year, and
 - (b) the licence is only for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
 - (i) drinking and food preparation,
 - (ii) washing,
 - (iii) manufacturing traditional artefacts,
 - (iv) watering domestic gardens,
 - (v) cultural teaching,
 - (vi) hunting, fishing and gathering,
 - (vii) recreational, cultural and ceremonial purposes.

- (4) In this section—
Aboriginal person has the same meaning as in the *Aboriginal Land Rights Act 1983*.

29 Management of access licences

- (1) This section applies to an access licence affected by a change to the boundary of a water source or water management area to which this Plan applies, whether the change is made on the commencement of this Plan or as an amendment to this Plan.
- (2) The Minister may amend the share component or extraction component, or both, of an access licence to which this section applies to change the following—
 - (a) the water management area or water source to which the share component of the licence relates,
 - (b) the management zones from which water may be taken in accordance with the extraction component of the licence.

Part 6 Operation of water allocation accounts and managing access licences

Division 1 Preliminary

30 Operation of Part—the Act, s 8

For the Act, section 8(1A)(a) and (c) and (2), this Part—

- (a) sets out environmental water rules, and
- (b) in Divisions 2–5A—commits water as planned environmental water by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met, and
- (c) in Divisions 3–5A—commits water as planned environmental water by reference to the commitment of the physical presence of water in the water source.

Division 2 Accounting for water allocation accounts—the Act, s 21(c)

31 Water allocation account debiting

- (1) The Minister must debit from the water allocation account of an access licence the volume of water extracted by a water supply work nominated by the access licence.
- (2) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum—
 - (a) for an access licence in the Richmond Area Coastal Floodplain Alluvial Groundwater Source or the Richmond Regulated Water Source—during a water year, or
 - (b) otherwise—during a period of 3 consecutive water years.
- (3) In this section—

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

relevant sum means the sum of the following—

 - (a) the water allocations credited to the water allocation account from available water determinations,
 - (b) the amount of water allocations assigned to the water allocation account under the Act, section 71T or 71V,
 - (c) the water allocations recredited to the water allocation account under the Act, section 76,
 - (d) for an access licence in the Richmond Regulated Water Source—the amount of water that may be taken from uncontrolled flows under section 37B.

32 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an access licence in the Richmond Area Coastal Floodplain Alluvial Groundwater Source or the Richmond Regulated River Water Source—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount equal to the following—

- (i) for access licences with share components expressed as ML/year—100% of the share component,
- (ii) for access licences with share components expressed as a number of unit shares—1ML/unit share.

Division 3 Flow classes

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

- (1) This Plan establishes the flow classes set out in Schedule 1 for the water sources and management zones specified.
- (2) In Schedule 1, a flow class applies to a water source when the flow or salinity of the water source meets the flow class threshold specified for the flow class, as measured at the flow reference point specified.
- (3) In Schedule 1, a reference to salinity is taken to be a reference to the daily average of salinity readings at low tide.

34 Minister may determine flow classes in certain circumstances

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

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

Subdivision 1 Unregulated surface water

34A Application of Subdivision

This Subdivision applies to the water sources other than the Richmond Regulated Alluvial Water Source and the Richmond Regulated Water Source.

35 General

- (1) Surface water must not be taken—
 - (a) if there is no visible flow at the location from which the water is taken, or
 - (b) for an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3—when flows are at or less than the flows specified in a cease-to-take condition if, in the Minister's opinion—
 - (i) the cease-to take condition is more restrictive than the upper limit of the relevant Very Low Flow Class for the water source or management zone of the access licence, or

- (ii) the cease-to-take condition is more restrictive than the access rules specified in section 36, or
 - (c) if flows in the water source are in the Very Low Flow Class.
- (2) Surface water must not be taken from—
 - (a) an in-river pool that is below full capacity, or
 - (b) an off-river pool that is below full capacity.
- (3) Subsection (1)(a) does not apply to—
 - (a) an in-river pool, or
 - (b) an off-river pool, or
 - (c) an in-river dam pool.

36 Specific access rules

- (1) Surface water must not be taken from a water source under the following access licences if flows in the water source are in the Very Low Flow Class or A Class—
 - (a) an access licence of the subcategory Aboriginal community development,
 - (b) an unregulated river (high flow) access licence in the following water sources—
 - (i) the Bangalow Area Water Source,
 - (ii) the Coopers Creek Water Source,
 - (iii) the Gradys Creek Water Source,
 - (iv) the Kyogle Area Water Source,
 - (v) the Terania Creek Water Source,
 - (vi) the Upper Richmond River Water Source.
- (2) Surface water must not be taken from the following water sources under an unregulated river (high flow) access licence if flows are in the Very Low Flow Class, A Class or B Class—
 - (a) the Leycester Creek Water Source,
 - (b) the Shannon Brook Water Source.
- (3) Surface water must not be taken under an access licence with a share component that specifies the Gradys Creek Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 22ML/day and less than or equal to 28ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 15ML/day and less than or equal to 22ML/day.
- (4) Surface water must not be taken under an access licence with a share component that specifies the Kyogle Area Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 21ML/day and less than or equal to 29ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 15ML/day and less than or equal to 21ML/day.
- (5) Surface water must not be taken under an access licence with a share component that specifies the Terania Creek Water Source for more than 8 hours/day if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 8.5ML/day and less than or equal to 15ML/day.

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Part 6 Operation of water allocation accounts and managing access licences

- (6) Surface water must not be taken under an access licence with an extraction component that specifies the Bungawalbin Creek Tidal Pool Management Zone, Richmond River Tidal Pool Management Zone or Wilsons River Tidal Pool Management Zone for more than 10 hours/day if flows are in the A Class.
- (7) Surface water must not be taken under an access licence with a share component that specifies the Bangalow Area Water Source for more than 6 hours/day if flows at the Wilsons River at Eltham gauge (213014) are more than 24ML/day and less than or equal to 31ML/day.
- (8) Surface water must not be taken under an unregulated river access licence with a share component that specifies the Coopers Creek Water Source for 48 hours after flows at the Coopers Creek at Ewing Bridge gauge (203024) first exceed 31ML/day in the 24-hour period immediately after the flows were less than 9ML/day.
- (9) Surface water must not be taken under an access licence with a share component that specifies the Coopers Creek Water Source from 8am to 8pm if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 9ML/day and less than or equal to 16ML/day.

37 Exceptions

- (1) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption under a domestic and stock access licence if no more than 1kl/day is taken,
 - (c) from a runoff harvesting dam,
 - (d) under an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
 - (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
 - (i) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
 - (f) from an in-river pool, or off-river pool, below full capacity if the water is taken under an access licence specified in Schedule 2, Table C in accordance with the conditions for the licence specified in the Table,
 - (g) under an access licence specified in Schedule 2, Table D while the Alstonville Sewage Treatment Plant is discharging water on a daily basis.
- (2) Sections 35(1)(c) and 36 do not apply to the take of surface water from an in-river dam pool.

- (3) Sections 35(1)(c) and 36(9) do not apply to the take of surface water from an off-river pool in the Coopers Creek Water Source.
- (4) Section 35(2) does not apply to the following management zones—
 - (a) Bungawalbin Creek Tidal Pool Management Zone,
 - (b) Richmond River Tidal Pool Management Zone,
 - (c) Wilsons River Tidal Pool Management Zone.

Subdivision 2 Regulated surface water

37A General

- (1) The following priority of extraction applies when supply capability is insufficient to satisfy orders for water in a section of the Richmond Regulated Water Source—
 - (a) water must first be supplied to the following licences that have placed orders for water—
 - (i) first—domestic and stock access licences,
 - (ii) second—local water utility access licences,
 - (iii) third—regulated river (high security) access licences,
 - (b) remaining water must be shared between regulated river (general security) access licences that have placed orders for water.
- (2) For subsection (1)(b), the amount of water shared with each licence holder must equal the share component specified in the licence holder's licence as a proportion of the share components specified in all regulated river (general security) access licences that have placed orders for water.

Example—If the share component specified in a licence holder's regulated river (general security) access licence accounts for 2% of the share components specified in all regulated river (general security) access licences that have placed orders for water, 2% of the remaining water must be shared with the licence holder.

37B Specific access rules for uncontrolled flows

- (1) This section applies to the taking of water from uncontrolled flows under a regulated river (general security) access licence—
 - (a) with a share component that specifies the Richmond Regulated Water Source, and
 - (b) that nominates a metered work.
- (2) Water must not be taken unless—
 - (a) the take is from a river reach specified in the Table to this section, and
 - (b) Water NSW has published a notice on its website confirming that, for a specified period in which the water is taken (an **uncontrolled flow event**)—
 - (i) uncontrolled flows within the river reach are available to be taken by access licence holders, and
 - (ii) the flows are in excess of the flows necessary to satisfy—
 - (A) the operational rules for the Toonumbar Dam in section 40A, and
 - (B) the access rules specified for the river reach in the Table.
- (3) In a water year, no more than an amount of uncontrolled flow equal to the difference between the following may be taken under a regulated river (general security) access licence—
 - (a) the sum of available water determinations for the water year for regulated river (general security) access licences,

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- (b) 1ML/unit share.
- (4) If the total amount of uncontrolled flow taken under an access licence exceeds the limit specified in subsection (3), a volume equivalent to the exceedance must be debited from the water allocation account for the access licence in the water year.

Table—Access rules for uncontrolled flows

River reach	Access rule for commencing take of water	Access rule for ceasing take of water
Iron Pot Creek from downstream of the Toonumbar Dam to the junction with Eden Creek	Flows at Iron Pot Creek at Toonumbar gauge (203023) have been more than 40ML/day for 12 or more hours	Flows at Iron Pot Creek at Toonumbar gauge (203023) are less than or equal to 40ML/day
Eden Creek from the junction with Iron Pot Creek to the end of the Richmond Regulated Water Source	Flows at Eden Creek at Doubtful gauge (203034) have been more than 40ML/day for 12 or more hours	Flows at Eden Creek at Doubtful gauge (203034) are less than or equal to 40ML/day

Division 5 Access rules for take of groundwater—the Act, s 21(a)

37C Application of Division

This Division does not apply to the following—
the Richmond Area Coastal Floodplain Alluvial Groundwater Source,
the Richmond Regulated Alluvial Water Source,
the Richmond Regulated Water Source.

38 General

Groundwater must not be taken in the following circumstances—

- (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater,
- (b) if the location closest to the water supply work being used to take groundwater is a pool that is below full capacity,
- (c) if flows in the water source are in the Very Low Flow Class,
- (d) for an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3—when flows are at or less than the flows specified in a cease-to-take condition if, in the Minister’s opinion—
- (i) the cease-to-take condition is more restrictive than the upper limit of the relevant Very Low Flow class for the water source or management zone of the access licence, or
- (ii) the cease-to-take condition is more restrictive than the access rules.

39 Specific access rules

- (1) Groundwater must not be taken under an access licence with a share component that specifies the Gradys Creek Water Source for more than—

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- (a) 10 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 22ML/day and less than or equal to 28ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Wiangaree gauge (203005) are more than 15ML/day and less than or equal to 22ML/day.
- (2) Groundwater must not be taken under an access licence with a share component that specifies the Kyogle Area Water Source for more than—
 - (a) 10 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 21ML/day and less than or equal to 29ML/day, or
 - (b) 6 hours/day if flows at the Richmond River at Kyogle gauge (203900) are more than 15ML/day and less than or equal to 21ML/day.
- (3) Groundwater must not be taken under an access licence with a share component that specifies the Terania Creek Water Source for more than 8 hours/day if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 8.5ML/day and less than or equal to 15ML/day.
- (4) Groundwater must not be taken under an access licence with an extraction component that specifies the Bungawalbin Creek Tidal Pool Management Zone, Richmond River Tidal Pool Management Zone or Wilsons River Tidal Pool Management Zone for more than 10 hours/day if flows are in the A Class.
- (5) Groundwater must not be taken under an access licence with a share component that specifies the Bangalow Area Water Source for more than 6 hours/day if flows at the Wilsons River at Eltham gauge (213014) are more than 24ML/day and less than or equal to 31ML/day.
- (6) Groundwater must not be taken under an unregulated river access licence with a share component that specifies the Coopers Creek Water Source for 48 hours after flows at the Coopers Creek at Ewing Bridge gauge (203024) first exceed 31ML/day in the 24-hour period immediately after the flows were less than 9ML/day.
- (7) Groundwater must not be taken under an access licence with a share component that specifies the Coopers Creek Water Source from 8am to 8pm if flows at the Coopers Creek at Ewing Bridge gauge (203024) are more than 9ML/day and less than or equal to 16ML/day.

40 Exceptions

- (1) Sections 38 and 39 do not apply to the take of groundwater in the following circumstances—
 - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption under a domestic and stock access licence if no more than 1kl/day is taken,
 - (c) under an access licence specified in Schedule 2, Table B until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
 - (d) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—

- (i) the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (ii) in the Minister's opinion, the licence holder is not reasonably capable of complying with the access rule concerned,
 - (e) under an aquifer access licence that only nominates a water supply work located more than 40m from top of the high bank of a river, unless the aquifer licence arises from a dealing involving the conversion of an unregulated river access licence.
- (2) Section 38(b) does not apply to the following management zones—
- (a) Bungawalbin Creek Tidal Pool Management Zone,
 - (b) Richmond River Tidal Pool Management Zone,
 - (c) Wilsons River Tidal Pool Management Zone.

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

40A Toonumbar Dam

- (1) The dam operator for Toonumbar Dam must operate Toonumbar Dam in accordance with this section.
- (2) Sufficient volumes of water must be released from Toonumbar Dam to maintain a visible flow immediately downstream of the furthest downstream water supply work nominated by an access licence in the Richmond Regulated Water Source.
- (3) Sufficient volumes of water must be held in Toonumbar Dam to satisfy the following through a repeat of the worst period of low inflows to the Richmond Regulated Water Source based on historical flow information held by the Department on 17 December 2010—
 - (a) native title rights,
 - (b) domestic and stock rights,
 - (c) available water determinations for 100% of the access licence share component for—
 - (i) domestic and stock access licences, and
 - (ii) local water utility access licences,
 - (d) available water determinations of 1ML/unit share of the access licence share component for regulated river (high security) access licences,
 - (e) releases under subsection (2).
- (4) At the end of a flood or spilling of water, the level in the Toonumbar Dam must be at least the full supply level, unless that level would be unsafe.
- (5) In this section—

dam operator, for Toonumbar Dam, means the holder of a water supply work approval relating to Toonumbar Dam.

Toonumbar Dam means the dam in the Richmond River Regulated Water Source.

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

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

Division 1 Preliminary

41 Application of Part

- (1) Division 2 applies to a water supply work used to take surface water.
- (2) Division 3 applies to a water supply work used to take groundwater.
- (3) In this Part, a reference to a water supply work located within a specified distance includes a reference to a water supply work proposed to be located within a specified distance.

Division 2 Water supply works taking surface water

42 In-river dams

- (1) An in-river dam on a third order or higher stream must not be constructed within a the following water sources—
 - (a) the Bangalow Area Water Source,
 - (b) the Broadwater Area Water Source,
 - (c) the Coopers Creek Water Source,
 - (d) the Coraki Area Water Source,
 - (e) the Double Duke Area Water Source,
 - (f) the Eden Creek Water Source,
 - (g) the Evans River Water Source,
 - (h) the Gradys Creek Water Source,
 - (i) the Kyogle Area Water Source,
 - (j) the Lennox Area Water Source,
 - (k) the Leycester Creek Water Source,
 - (l) the Myrtle Creek Water Source,
 - (m) the Shannon Brook Water Source,
 - (n) the Terania Creek Water Source,
 - (o) the Toonumbar Area Water Source,
 - (p) the Upper Richmond River Water Source.
- (2) Subsection (1) does not apply to an in-river dam used to capture or store water only for the purposes of town water supply.

43 Wetlands

A water supply work must not be constructed on land within the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—

- (a) within 3km upstream of, or within, a declared Ramsar wetland,
- (b) within 200m upstream of, or within, coastal wetlands.

Division 3 Water supply works taking groundwater

44 Replacement groundwater work

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

- (3) In this section—
- excavation footprint** means the authorised dimensions of an unlined excavation constructed for the purposes of water supply only.
- internal diameter** means the diameter of the inside of the casing of a water bore.

45 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 200m of a water supply work—
 - (i) located on another landholding, and
 - (ii) authorised to take water solely for basic landholder rights from a water source to which this Plan applies,
 - (b) 400m of a water supply work—
 - (i) located on another landholding, and

- (ii) nominated by another access licence to take water from a water source to which this Plan applies,
 - (c) 100m of the boundary of the landholding on which the water supply work is located unless the owner of the landholding adjoining the boundary has provided written consent,
 - (d) 500m of a water supply work nominated by a local water utility access licence or a major utility access licence authorised to take water from a water source to which this Plan applies unless the holder of the licence has provided written consent,
 - (e) 100m of a water supply work that is a Government monitoring or observation bore.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
 - (d) the location of the water supply work from an existing water supply work at a lesser distance than the distance specified in subsection (1) would result in no more than a minimal detrimental effect on the water available for take using the existing water supply work.

46 Contamination sources

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 500m of a contamination source,
 - (b) 250m of the edge of a plume associated with a contamination source,
 - (c) between 250m and 500m from the edge of a plume associated with a contamination source unless no change in groundwater level will occur within 250m of the plume.
- (2) Subsection (1) does not apply if, in the Minister’s opinion—
- (a) the location of the water supply work is adequate to protect the water source, the environment, and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) A water supply work must not be constructed on land within 250m of an on-site sewage disposal system unless the water supply work is—
- (a) constructed with cement grout in the borehole annulus to a minimum depth of 20m from the ground surface, and
 - (b) located at a sufficient distance from the on-site sewage disposal system to prevent migration of septic contamination in the aquifer.
- (4) The Minister may reduce the depth requirement in subsection (3)(a) if—
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or
 - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this section—
- contamination source** means a contamination source specified in Schedule 4.

47 High priority groundwater-dependent ecosystems

- (1) A water supply work must not be constructed on land within the following areas—
 - (a) 40m of the top of the high bank of a river,
 - (b) 200m of a high priority groundwater-dependent ecosystem,
 - (c) 200m of a wetland.
- (2) Subsection (1) does not apply if—
 - (a) the water supply work is used only for basic landholder rights, or
 - (b) the water supply work is a replacement groundwater work, or
 - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (3) Subsection (1)(b) does not apply if, in the Minister’s opinion—
 - (a) there is not a high probability of groundwater dependence for the ecosystem concerned, or
 - (b) the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem concerned.
- (4) Subsection (1)(c) does not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the wetland concerned.

48 Potential acid sulfate soils

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

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

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

49 Groundwater-dependent culturally significant areas

- (1) A water supply work must not be constructed on land within 200m of a groundwater-dependent culturally significant area.

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

50 Water supply works used only for basic landholder rights

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

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

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

51 Conversion of access licence to new category dealings

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

- (a) an unregulated river access licence to an aquifer access licence in the same water source, but only if the share component of each licence is equal, or
- (b) an unregulated river access licence in a water source to an unregulated river (high flow) access licence in the following water sources if the total share components of unregulated river (high flow) access licences resulting from the dealing do not exceed the amount specified for the water source—
 - (i) Bangalow Area Water Source, Coopers Creek Water Source, Leycester Creek Water Source and Terania Creek Water Source—13,535 unit shares across the water sources,
 - (ii) Gradys Creek Water Source—4,190 unit shares,
 - (iii) Kyogle Area Water Source—9,890 unit shares,
 - (iv) Shannon Brook Water Source—725 unit shares,
 - (v) Upper Richmond Water Source—590 unit shares.

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

52 Assignment of rights dealings

- (1) The following assignment of rights under the Act, section 71Q in the same water source are prohibited—
 - (a) an assignment of rights from an aquifer access licence that nominates a water supply work located further than 40m from the top of the high bank of a river to an access licence that nominates a water supply work located within 40m from the top of the high bank of a river,
 - (b) an assignment of rights from an access licence that nominates a water supply work that is not located in the Restricted Trading Zone to an access licence that nominates a water supply work located in the Restricted Trading Zone,
 - (c) an assignment of rights—
 - (i) from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite in Column 2, and
 - (ii) that meets any conditions specified in Column 2.

Column 1	Column 2
Alstonville Area Water Source	
Alstonville Drains Management Zone	Alstonville Management Zone
Alstonville Management Zone	Alstonville Drains Management Zone
Coopers Creek Water Source	
Lower Coopers Creek Management Zone	Upper Coopers Creek Management Zone
Coraki Area Water Source	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Bungawalbin Creek Non Tidal Management Zone	(a) Bungawalbin Creek Tidal Pool Management Zone (b) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Bungawalbin Creek Tidal Pool Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Coraki Non Tidal Management Zone (c) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Coraki Non Tidal Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Bungawalbin Creek Tidal Pool Management Zone (c) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Richmond River Tidal Pool Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Bungawalbin Creek Tidal Pool Management Zone (c) Coraki Non Tidal Management Zone
Richmond Regulated Water Source	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Richmond Regulated Zone 2	Richmond Regulated Zone 1, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond Regulated Zone 1 to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone
Tuckean Area Water Source	
Tuckean Drains Management Zone	Tuckean Management Zone
Tuckean Management Zone	Tuckean Drains Management Zone
Wyrallah Area Water Source	
Wilson's River Tidal Pool Management Zone	Wyrallah Non Tidal Management Zone
Wyrallah Non Tidal Management Zone	Wilson's River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Wilson's River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares

- (2) The following assignments of rights under the Act, section 71Q between water sources in the same water management area are prohibited—
- an assignment to an access licence in a different extraction management unit,
 - an assignment from an access licence in a water source to which this Plan does not apply.
- (3) The assignment of rights under the Act, section 71Q between water sources in the Richmond River Extraction Management Unit is prohibited unless the assignment—
- is from an access licence specified in Column 1 of the table to this subsection to an access licence specified in Column 2, and
 - meets any conditions specified in Column 2.

Column 1	Column 2
(a) An access licence in the Eden Creek Water Source	An access licence in the Doubtful Creek Water Source, if the assignment of rights would not cause the total amount of share components of all access licences in the Doubtful Creek Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source
(b) An access licence in the Gradys Creek Water Source	
(c) An access licence in the Kyogle Area Water Source	
(d) An access licence in the Toonumbar Area Water Source	
(e) An access licence in the Upper Richmond River Water Source	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 [NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
(a) An access licence in the Gradys Creek Water Source	An access licence in the Kyogle Area Water Source
(b) An access licence in the Upper Richmond River Water Source	
An access licence in the Coraki Area Water Source	An access licence in the Wilsons River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Wilsons River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
An access licence in the Upper Richmond River Water Source	An access licence in the Gradys Creek Water Source
An access licence in the Wyrallah Area Water Source	An access licence in the Richmond River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Access licence 30AL305185	An access licence in the Lower Kyogle Management Zone
Access licence 30AL303584	An access licence in the Alstonville Management Zone
Any access licence	An access licence in the Alstonville Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Alstonville Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source

53 Amendment of share component dealings—change of water source

- (1) The following dealings under the Act, section 71R are prohibited—
- the cancellation of an access licence to grant an access licence in a water source in a different extraction management unit,
 - the cancellation of an access licence in a water source to which this Plan does not apply to grant an access licence in a water source to which this Plan applies,
 - the cancellation of an unregulated river (high flow) access licence to grant an access licence of another category,
 - the cancellation of an access licence, other than an unregulated river (high flow) access licence, to grant unregulated river (high flow) access licence,

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

- (e) the cancellation of an access licence to grant an access licence in a different water source, other than the cancellation of an access licence specified in Column 1 of the table to this subsection to grant an access licence specified opposite in Column 2, subject to the conditions specified in Column 2.

Column 1	Column 2
(a) An access licence in the Eden Creek Water Source	An access licence in the Doubtful Creek Water Source, if the assignment of rights would not cause the total amount of share components of all access licences in the Doubtful Creek Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source
(b) An access licence in the Gradys Creek Water Source	
(c) An access licence in the Kyogle Area Water Source	
(d) An access licence in the Toonumbar Area Water Source	
(e) An access licence in the Upper Richmond River Water Source	
(a) An access licence in the Gradys Creek Water Source	An access licence in the Kyogle Area Water Source
(b) An access licence in the Upper Richmond River Water Source	
An access licence in the Coraki Area Water Source	An access licence in the Wilsons River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Wilsons River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
An access licence in the Upper Richmond River Water Source	An access licence in the Gradys Creek Water Source
An access licence in the Wyrallah Area Water Source	An access licence in the Richmond River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Access licence 30AL305185	An access licence in the Lower Kyogle Management Zone
Access licence 30AL303584	An access licence in the Alstonville Management Zone

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Any access licence	An access licence in the Alstonville Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Alstonville Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source

- (2) The extraction component of a new access licence granted in accordance with the Act, section 71R does not carry over the extraction component from the cancelled access licence.

54 Amendment of extraction component dealings

[Not applicable]

55 Assignment of water allocations dealings

- (1) The following assignments of water allocations under the Act, section 71T in the same water source are prohibited—
- (a) an assignment from an aquifer access licence that nominates a water supply work located further than 40m from the top of the high bank of a river to an access licence that nominates a water supply work located within 40m from the top of the high bank of a river,
 - (b) an assignment involving an unregulated river (high flow) access licence to an access licence of another category,
 - (c) an assignment to an unregulated river (high flow) access licence from an access licence of another category,
 - (d) an assignment—
 - (i) from an access licence in a management zone specified in Column 1 of the table to this subsection to an access licence in a management zone specified opposite in Column 2, and
 - (ii) that meets any conditions specified in Column 2.

Column 1	Column 2
Alstonville Area Water Source	
Alstonville Drains Management Zone	Alstonville Management Zone
Alstonville Management Zone	Alstonville Drains Management Zone
Coopers Creek Water Source	
Lower Coopers Creek Management Zone	Upper Coopers Creek Management Zone
Coraki Area Water Source	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Bungawalbin Creek Non Tidal Management Zone	(a) Bungawalbin Creek Tidal Pool Management Zone (b) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Bungawalbin Creek Tidal Pool Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Coraki Non Tidal Management Zone (c) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Coraki Non Tidal Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Bungawalbin Creek Tidal Pool Management Zone (c) Richmond River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Richmond River Tidal Pool Management Zone	(a) Bungawalbin Creek Non Tidal Management Zone (b) Bungawalbin Creek Tidal Pool Management Zone (c) Coraki Non Tidal Management Zone
Richmond Regulated Water Source	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
Richmond Regulated Zone 2	Richmond Regulated Zone 1, if the assignment of rights would cause the total amount of share components of all access licences in the Richmond Regulated Zone 1 to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone
Tuckean Area Water Source	
Tuckean Drains Management Zone	Tuckean Management Zone
Tuckean Management Zone	Tuckean Drains Management Zone
Wyrallah Area Water Source	
Wilson's River Tidal Pool Management Zone	Wyrallah Non Tidal Management Zone
Wyrallah Non Tidal Management Zone	Wilson's River Tidal Pool Management Zone, if the assignment of rights would cause the total amount of share components of all access licences in the Wilson's River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares

- (2) The following assignments of water allocations under the Act, section 71T between water sources are prohibited—
- (a) an assignment from an access licence in an extraction management unit to an access licence in another extraction management unit,
 - (b) an assignment between access licences in the Richmond River Extraction Management Unit unless the assignment—
 - (i) is from an access licence specified in Column 1 of the table to this subsection to an access licence specified in Column 2, and
 - (ii) meets any conditions specified in Column 2,
 - (c) an assignment from an access licence in a water source to which this Plan does not apply,
 - (d) an assignment to or from an access licence in the Richmond Regulated Water Source,
 - (e) an assignment from an unregulated river (high flow) access licence to an access licence of another category,
 - (f) an assignment to an unregulated river (high flow) access licence from an access licence of another category.

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 8 Access licence dealing rules—the Act, s 20(1)(d)

Column 1	Column 2
(a) An access licence in the Eden Creek Water Source	An access licence in the Doubtful Creek Water Source, if the assignment of rights would not cause the total amount of share components of all access licences in the Doubtful Creek Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source
(b) An access licence in the Gradys Creek Water Source	
(c) An access licence in the Kyogle Area Water Source	
(d) An access licence in the Toonumbar Area Water Source	
(e) An access licence in the Upper Richmond River Water Source	
(a) An access licence in the Gradys Creek Water Source	An access licence in the Kyogle Area Water Source
(b) An access licence in the Upper Richmond River Water Source	
An access licence in the Coraki Area Water Source	An access licence in the Wilsons River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Wilsons River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
An access licence in the Upper Richmond River Water Source	An access licence in the Gradys Creek Water Source
An access licence in the Wyrallah Area Water Source	An access licence in the Richmond River Tidal Pool Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Richmond River Tidal Pool Management Zone to exceed the total amount, as at 1 July 2023, of share components of all access licences in the management zone, plus 2,500 unit shares
Access licence 30AL305185	An access licence in the Lower Kyogle Management Zone
Access licence 30AL303584	An access licence in the Alstonville Management Zone
Any access licence	An access licence in the Alstonville Management Zone, if the assignment of rights would not cause the total amount of share components of all access licences in the Alstonville Water Source to exceed the total amount, as at 1 July 2023, of share components of all access licences in the water source

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

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

57 Prohibited nominations of water supply works dealings

The following dealings under the Act, section 71W are prohibited—

- (a) an access licence under which groundwater may be taken being amended to nominate a water supply work authorised by its approval to take surface water,
- (b) an access licence under which surface water may be taken being amended to nominate a water supply work authorised by its approval to take groundwater,
- (c) an aquifer access licence that nominates a water supply work located further than 40m from the top of the high bank of a river being amended to nominate a water supply work located within 40m from the top of the high bank of a river,
- (d) an access licence being amended to nominate a water supply work located in a different management zone than the zone specified in the extraction component of the licence,
- (e) 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,
- (f) an access licence being amended to nominate a water supply work outside of the State,
- (g) an access licence that nominates a water supply work that is not located in the Restricted Trading Zone being amended to nominate a water supply work located in the Restricted Trading Zone.

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

Division 1 General

58 Definitions

In this Part—

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

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

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

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

relevant mandatory metering equipment condition means the mandatory metering equipment condition for a work that takes or may be used to take water from a water source to which the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010* applied, as in force on 1 July 2019.

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

Division 2 Access licences

59 General conditions

- (1) Each access licence must be subject to the following mandatory conditions—
 - (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 31,
 - (b) the access rules for the taking of water specified in Part 6, Divisions 4 and 5 that are relevant to the access licence,
 - (c) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with section 60(1).
- (2) Subsection (1)(b), to the extent the subsection requires an access licence to be subject to a condition to give effect to the access rule specified in section 35(2)(b), does not apply to an existing access licence if the licence is subject to a discretionary condition authorising the take of water from an off-river pool that is below full capacity.
- (3) An access licence, other than the following access licences, in the Richmond Regulated Water Source must be subject to a mandatory condition prohibiting a take of water unless it is ordered in accordance with procedures established by the Minister—
 - (a) a regulated river (general security) access licence to the extent that the licence permits the take of water from uncontrolled flows,
 - (b) a supplementary water access licence.
- (4) In this section—

existing access licence means an access licence that was in force on the commencement of this Plan.

60 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must—
 - (a) confirm a cease-to-take condition does not apply, and
 - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook whenever the water supply work does not have an operational meter or an operational data logger.
- (2) Each access licence must be subject to the following mandatory conditions—
 - (a) the licence holder must record the following information in a Logbook each time water is taken using a water supply work that does not have an operational meter or an operational data logger—
 - (i) the date, start-time 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 section 31 for the licence,
 - (b) the licence holder must keep the information required to be recorded in the Logbook for 5 years from the date to which that information relates.
- (3) Subsection (2)(a) is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.
Note— See the *Water Management (General) Regulation 2018*, clause 230(1).

60A Notification of meter readings for regulated river (general security) access licence

If the holder of a regulated river (general security) access licence takes water from uncontrolled flows under section 37B, the holder must, within 7 days of the end of the take, provide Water NSW with—

- (a) a meter reading taken immediately before commencing the take, and
- (b) a meter reading taken immediately after the end of the take.

Division 3 Water supply work approvals

61 General conditions

- (1) Each water supply work approval must be subject to the following mandatory conditions—
 - (a) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,
 - (b) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with sections 62 and 63.
- (2) Subsection (1)(b), to the extent the subsection requires a water supply work approval to be subject to a condition to give effect to the access rule specified in section 35(2)(b), does not apply to an existing water supply work approval if the approval is subject to a discretionary condition authorising the use of a water supply work for the purpose of taking water from an off-river pool that is below full capacity.
- (3) In this section—

existing water supply work approval means a water supply work approval that was in force on the commencement of this Plan.

62 Record-keeping conditions

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water, the approval holder must—
 - (a) confirm a cease-to-take condition does not apply, and
 - (b) record the confirmation, including the way in which the confirmation was established, in a Logbook whenever the water supply work does not have an operational meter or an operational data logger.
- (3) The approval holder must—
 - (a) record the following information in a Logbook whenever the water supply work does not have an operational meter or an operational data logger—
 - (i) the date, start-time 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 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 times, pump power usage or pump fuel usage, pump start-times, pump stop-times and pump capacity per unit of time, and
 - (b) keep the information recorded in the Logbook for 5 years from the date to which that information relates.
- (4) If the holder of a water supply work approval is the same person as the holder of the access licence under which water is proposed to be taken, the holder may comply with the requirements of this Plan in 1 Logbook.
- (5) Subsections (3)(a) and (4) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

Note— See the *Water Management (General) Regulation 2018*, clause 230(1).

63 Metering conditions

- (1) This section applies to water supply works used to take water under an access licence.
- (2) The approval holder must, if directed by the Minister to install metering equipment under the Act, section 326, install metering equipment that complies with AS 4747.
- (3) If directed to install metering equipment, the approval holder must ensure the following—

- (a) the metering equipment accurately measures and records the flow of all water taken through each water supply work,
 - (b) the metering equipment is operated and maintained in a proper and efficient way at all times,
 - (c) other requirements relating to the type, standard or other criteria for metering equipment are complied with, as directed by the Minister.
- (4) This section is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

Note— See the *Water Management (General) Regulation 2018*, clause 230(1).

63A Conditions for Toonumbar Dam

- (1) This section applies to the approval holder for water supply works used to take water from Toonumbar Dam.
- (2) The approval holder must determine the maximum operating channel capacity of each river reach of the Richmond Regulated Water Source, as specified in section 37B, Table, taking the following into account—
 - (a) potential inundation of, or interference with, private land or access to private land downstream,
 - (b) the effects of inundation on the floodplain and associated wetlands,
 - (c) the transmission losses expected to occur,
 - (d) capacities of water management structures controlled by the Minister,
 - (e) directions of the Minister about how to calculate maximum operating channel capacity.
- (3) The approval holder must not make water releases from the water supply works if the releases exceed the maximum operating channel capacity determined under subsection (2).
- (4) The Minister may direct the approval holder to group orders for water for periodic release if the Minister—
 - (a) has consulted with irrigation industry representatives about—
 - (i) the circumstances in which orders may be grouped, and
 - (ii) how the grouped releases should be managed, and
 - (b) is satisfied the total volume of water in access licence allocation accounts has reduced to a level where the continuous delivery of water orders would involve unacceptably high delivery losses.
- (5) The approval holder must not group orders for water for periodic release unless directed under subsection (4).
- (6) During times of flood and spilling of water, the approval holder must operate the water supply works in a way that—
 - (a) maintains the safety of Toonumbar Dam’s infrastructure, and
 - (b) seeks to minimise downstream flood damage.

Division 4 Water supply work approvals for groundwater

64 Application of Division

- (1) This Division, other than section 67, sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.

- (2) Section 67 sets out a condition required to be imposed on a water supply work approval for a water bore taking groundwater.

65 Water supply work construction conditions

- (1) The holder of a water supply work approval (the **approval holder**) must ensure the water supply work to which the approval relates is constructed as follows—
- (a) the water supply work must be constructed in the location authorised in the approval,
 - (b) water must be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work,
 - (c) the water supply work must be sealed off from all other water sources,
 - (d) construction of the water supply work must comply with the construction standards for the type of bore, as prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
 - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
 - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed to monitor or remediate contaminated water, the approval holder must—
- (a) within 48 hours of becoming aware of the contaminated water, give the Minister written notice, and
 - (b) take all reasonable steps to minimise contamination and environmental harm, and
 - (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
 - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
 - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—
- (a) within 60 days of completion of the construction of the water supply work, or
 - (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.
- (4) The approval holder must ensure—
- (a) the construction of the water supply work is completed within 3 years of the approval being granted (the **relevant period**), and
 - (b) the water supply work is not used unless construction is completed within the relevant period.
- (5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.
- (6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 44(1)(b)–(d).

Note— For the definition of **replacement groundwater work**—see section 44.

66 Water quality condition

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

67 Water bore decommissioning condition

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

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

68 Amendments

- (1) This Plan may be amended as follows—
 - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
 - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
 - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
 - (d) if the amendments will not substantially change a long-term average annual extraction limit or the time at which water may be extracted from a water source—
 - (i) to replace Part 4, Division 2 to establish extraction limits that have been determined based on a proportion of flow, and
 - (ii) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
 - (e) if the amendments will not substantially change a long-term average annual extraction limit—to add provisions relating to the following—
 - (i) total daily extraction limits,
 - (ii) individual daily extraction components,
 - (f) to add or modify provisions relating to the following—
 - (i) the management of waters in coastal sands,
 - (ii) managed aquifer recharge,
 - (iii) the interception of water before it reaches a stream or aquifer by plantations or other means,
 - (iv) the management of aquifer interference activities, including the granting of aquifer interference approvals,
 - (v) the protection of groundwater-dependent culturally significant areas,
 - (vi) stormwater harvesting,
 - (g) to protect water-dependent Aboriginal cultural assets, including as follows—
 - (i) by identifying water-dependent Aboriginal cultural assets,
 - (ii) by establishing new flow classes or access rules,
 - (iii) by restricting the construction and use of water supply works,
 - (iv) by establishing new access licence dealing rules,
 - (h) if a new gauge, with a telemetry capacity to transmit data relating to the level or flow of water, has been installed and is being used in a water source—to add or modify flow classes, flow reference points, surface water access rules and groundwater access rules for the water source,
 - (i) to add, modify or remove flow classes, flow reference points, surface water access rules and groundwater access rules if—
 - (i) the amendments are made within 5 years of the commencement of this Plan, and
 - (ii) the amendments are consistent with the objectives of this Plan, based on data available when the amendments are made,
 - (j) to provide for amounts of water to be set aside in the Toonumbar Dam, as defined in section 40A, as an environmental contingency allowance and to

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Part 10 Amendment of this Plan—the Act, s 17(d)

- provide for account management and release requirements related to the environmental contingency allowance,
- (k) if, in a water year, the total amount of water extracted from the Richmond Regulated Water Source exceeds 8,800ML to allow—
 - (i) water allocations remaining in the water allocation account to be carried over to the following water year, or
 - (ii) dealings under the Act, section 71O to convert regulated river (general security) access licences to regulated river (high security) access licences,
 - (l) if, within 5 years of the commencement of this Plan, an analysis of the uptake of harvestable rights determines the take of harvestable rights has increased above the take permitted under the 2006 Harvestable Rights Order—to modify Parts 6–8 to protect critical environmental needs and basic landholder rights,
 - (m) to add, modify or remove a definition,
 - (n) to modify Schedule 2 or 3 to add or remove an access licence,
 - (o) to add or remove a contamination source by amending Schedule 4,
 - (p) to make amendments consequential on an amendment to the Act or regulations.
- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Schedule 1 Flow classes

Schedule 1 Flow classes

section 33

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
Bangalow Area Water Source		Very Low Flow Class	Less than or equal to 24ML/day	Wilson's River at Eltham gauge (203014)
		A Class	More than 24ML/day and less than or equal to 385ML/day	
		B Class	More than 385ML/day	
Coraki Area Water Source	Bungawalbin Creek Tidal Pool Management Zone	Very Low Flow Class	Salinity of 2 or more ppt for 5 or more consecutive days	Richmond River at Coraki gauge (203403)
		A Class	Salinity of— (a) 1 or more ppt and less than 2 ppt for 5 or more consecutive days, or (b) more than 2ppt for fewer than 5 consecutive days, or (c) 0.3 or more ppt and less than 1 ppt for fewer than 5 consecutive days	
	Richmond River Tidal Pool Management Zone	B Class	Salinity of— (a) 1 or more ppt and less than 2 ppt for fewer than 5 consecutive days, or (b) 0.3 or more ppt and less than 1 ppt for 5 or more consecutive days, or (c) less than 0.3 ppt	
		Very Low Flow Class	Less than or equal to 9ML/day	
		A Class	More than 9ML/day	
		B Class	More than 308ML/day	
Coopers Creek Water Source		Very Low Flow Class	Less than or equal to 15ML/day	Richmond River at Wiangaree gauge (203005)
		A Class	More than 15ML/day and less than or equal to 308ML/day	
		B Class	More than 308ML/day	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Schedule 1 Flow classes

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
Kyogle Area Water Source	Lower Kyogle Management Zone	Very Low Flow Class	Less than or equal to 12ML/day	Richmond River at Casino gauge (203004)
		A Class	More than 12ML/day and less than or equal to 584ML/day	
		B Class	More than 584ML/day	
	Upper Kyogle Management Zone	Very Low Flow Class	Less than or equal to 15ML/day	Richmond River at Kyogle gauge (203900)
		A Class	More than 15ML/day and less than or equal to 251ML/day	
		B Class	More than 251ML/day	
Leycester Creek Water Source		Very Low Flow Class	Less than or equal to 1ML/day	Leycester River at Rock Valley gauge (203010)
		A Class	More than 1ML/day and less than or equal to 38ML/day	
		B Class	More than 38ML/day and less than or equal to 80ML/day	
		C Class	More than 80ML/day	
Myrtle Creek Water Source		Very Low Flow Class	0ML/day	Myrtle Creek at Rappville gauge (203030)
		A Class	More than 0ML/day	
Myrtle Creek Water Source		Very Low Flow Class	0ML/day	Myrtle Creek at Rappville gauge (203030)
		A Class	More than 0ML/day and less than or equal to 4ML/day	
		B Class	More than 4ML/day and less than or equal to 28ML/day	
		C Class	More than 28ML/day	
Shannon Brook Water Source		Very Low Flow Class	Less than or equal to 0ML/day	Shannon Brook at Yorklea gauge (203041)
		A Class	More than 0ML/day and less than or equal to 16ML/day	
		B Class	More than 16ML/day and less than or equal to 52ML/day	
		C Class	More than 52ML/day	

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Schedule 1 Flow classes

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	
Terania Creek Water Source		Very Low Flow Class	Less than or equal to 8.5ML/day	Coopers Creek at Ewing Bridge gauge (203024)	
		A Class	More than 8.5ML/day and less than or equal to 229ML/day		
		B Class	More than 229ML/day		
Upper Richmond River Water Source		Very Low Flow Class	Less than or equal to 1ML/day at the Richmond River at Lavelles Road gauge (203056)	Richmond River at Lavelles Road gauge (203056)	
		A Class	More than 1ML/day at the Richmond River at Lavelles Road gauge (203056) and less than or equal to 308ML/day at the Richmond River at Wiangaree gauge (203005)		
		B Class	More than 1ML/day at the Richmond River at Lavelles Road gauge (203056) and more than 308ML/day at the Richmond River at Wiangaree gauge (203005)		
Wyrallah Area Water Source	Wilson's River Tidal Pool Management Zone	Very Low Flow Class	Salinity of 2 or more ppt for 5 or more consecutive days	Richmond River at Coraki gauge (203403)	
		A Class	Salinity of—		
			(a)		1 or more ppt and less than 2 ppt for 5 or more consecutive days, or
			(b)		more than 2ppt for fewer than 5 consecutive days, or
		(c)	0.3 or more ppt and less than 1 ppt for fewer than 5 consecutive days		
		B Class	Salinity of—		
(a)	1 or more ppt and less than 2 ppt for fewer than 5 consecutive days, or				
(b)	0.3 or more ppt and less than 1 ppt for 5 or more consecutive days, or				
(c)	less than 0.3 ppt				

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 [NSW]

Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

sections 37(1)(a), (d), (f) and (g) and 40(1)(a) and (c)

Table A—ss 37(1)(a) and 40(1)(a)

Water source	Access licence numbers
Alstonville Area Water Source	30AL304172
Bangalow Area Water Source	30AL304446, 30AL304711, 30AL304327, 30AL304695, 30AL304697, 30AL304329, 30AL307367, 30AL304475, 30AL304410, 30AL304713, 30AL304691
Coopers Creek Water Source	30AL300279, 30AL300287, 30AL300512, 30AL300308, 30AL300382, 30AL323251, 30AL300389
Coraki Area Water Source	30AL305189, 30AL305144, 30AL305135, 30AL305131, 30AL305127, 30AL321582, 30AL305133, 30AL305157, 30AL305137, 30AL305146, 30AL305125, 30AL305114, 30AL305159, 30AL305121, 30AL305129, 30AL305123, 30AL305139, 30AL305177
Gradys Creek Water Source	30AL305418, 30AL305422, 30AL305343, 30AL305404, 30AL305426
Kyogle Area Water Source	30AL306213, 30AL305724, 30AL305718, 30AL305742, 30AL305730, 30AL305716, 30AL306127, 30AL306107, 30AL306211
Lennox Area Water Source	30AL305752
Leycester Creek Water Source	30AL305872, 30AL305870, 30AL305876, 30AL305874, 30AL305793, 30AL305795
Shannon Brook Water Source	30AL303090
Terania Creek Water Source	30AL305914, 30AL306078, 30AL306072, 30AL306089, 30AL306076, 30AL306074, 30AL306080, 30AL322118, 30AL322119, 30AL306091
Tuckean Area Water Source	30AL303371, 30AL303369, 30AL307395, 30AL303142, 30AL303176, 30AL303277
Upper Richmond River Water Source	30AL305420, 30AL303866, 30AL303925, 30AL303872, 30AL303923, 30AL303913, 30AL303919, 30AL303854, 30AL307182, 30AL303921, 30AL303917, 30AL303927, 30AL305420, 30AL303915
Wyrallah Area Water Source	30AL303588, 30AL303489, 30AL303536, 30AL303576, 30AL303590, 30AL303580

Table B—ss 37(1)(d) and 40(1)(c)

Water source	Access licence numbers
Alstonville Area Water Source	30AL304002, 30AL304003
Bangalow Area Water Source	30AL304431, 30AL304432

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 [NSW]

Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Water source	Access licence numbers
Kyogle Area Water Source	30AL305653, 30AL307397, 30AL307020, 30AL307052
Terania Creek Water Source	30AL305927, 30AL305920, 30AL305921, 30AL305922
Tuckean Area Water Source	30AL303116, 30AL303121, 30AL303122, 30AL303184
Wyrallah Area Water Source	30AL307088

Table C—s 37(1)(f)

Water source	Access licence numbers	Condition for take of water
Coraki Area Water Source	30AL307239, 30AL305094	Water must not be taken if the water level of the pool in Walshs Creek is more than 7.5m below the benchmark established on the cement footing of the shed on Lot 2, DP 791684, Parish of Tomki, County of Rous.
	30AL305108	Water must not be taken if the water level of Morgans Lagoon is more than 2.53m below the benchmark on the road culvert adjacent to the downstream end of the lagoon.
	30AL305106	Water must not be taken if the water level of the unnamed lagoon is more than 1m below the high water mark of the lagoon.
Kyogle Area Water Source	30AL306171, 30AL306191, 30AL306177	Water must not be taken if the water level of the lagoon on Plan WR 232 is more than 0.3m below the level at which a visible flow would discharge into Lagoon Creek immediately downstream of the lagoon.
Myrtle Creek Water Source	30AL307147	Water must not be taken if the water level of the unnamed lagoon is more than 1m below the high water mark of the lagoon.

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Schedule 2 Access licences used to take surface water that are exempt from cease to pump rules

Table D—ss 37(1)(g)

Water source	Access licence numbers
Alstonville Area Water Source	30AL303954, 30AL303955, 30AL303986, 30AL303985, 30AL303990, 30AL304031, 30AL304033, 30AL304039, 30AL304051, 30AL304057, 30AL304058, 30AL304060, 30AL304068, 30AL304085, 30AL304090, 30AL304089, 30AL304145, 30AL304181, 30AL304193, 30AL304195, 30AL304196, 30AL304198, 30AL304220, 30AL304234, 30AL304250, 30AL304260, 30AL304262, 30AL304265, 30AL304285, 30AL304287, 30AL304289, 30AL304291, 30AL304297, 30AL304301

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Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023
[NSW]
Schedule 3 Access licences subject to cease-to-take condition

Schedule 3 Access licences subject to cease-to-take condition

sections 35(1)(b) and 38(d)

Water source	Access licence numbers	Cease-to-take condition
Coraki Area Water Source	30AL305155	Water must not be taken if the flow in Barlings Creek at Schielers Road is less than 4ML/day.

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Schedule 4 Contamination sources

section 46(5)

Contamination sources are as follows—

- (a) a site declared to be significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*,
- (b) A site notified to the Environment Protection Authority under the *Contaminated Land Management Act 1997*, section 60.

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Schedule 5 Dictionary

section 6

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

3-year average higher flow extraction—see section 18.

3-year average standard extraction—see section 18.

annual higher flow extraction—see section 18.

annual standard extraction—see section 18.

AS 4747—see section 58.

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

cease-to-take condition means a term or condition of an access licence or a water supply work approval that prohibits the take of water in a particular circumstance.

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

Coastal Wetlands and Littoral Rainforests Area Map has the same meaning as in *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Note— The Coastal Wetlands and Littoral Rainforests Area Map is available on the NSW Planning Portal at www.planningportal.nsw.gov.au.

declared Ramsar wetland has the same meaning as in the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

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

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

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

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

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

groundwater means water occurring beneath the ground surface in the saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

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

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

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

High Priority Groundwater-Dependent Ecosystem Map means the Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 High Priority Groundwater-Dependent Ecosystem Map.

Note— The High Priority Groundwater-Dependent Ecosystem Map is available on the Department's website.

higher flow extraction licence—see section 18.

in-river dam pool means the water impounded by an in-river dam, but does not include water in an in-river pool.

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

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

kl/day means kilolitres per day.

Logbook—see section 58.

Minimum Construction Requirements for Water Bores in Australia—see section 58.

ML/unit share means megalitres per unit share.

ML/year means megalitres per year.

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

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

operational meter—see section 58.

Plan Map means the Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023 Plan Map.

Note— The Plan Map is available on the Department's website.

planning approval means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4, or
- (b) a State significant infrastructure approval under that Act, Part 5.1, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

Note— The *Environmental Planning and Assessment Act 1979*, Schedule 6A has been transferred to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*.

ppt means part per thousand.

reduced available water determinations—see section 18.

replacement groundwater work—see section 44.

Restricted Trading Zone means the area identified as “Restricted Trading Zone” on the Plan Map.

standard LTAAEL—see section 18.

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

the Act means the *Water Management Act 2000*.

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

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

visible flow means the continuous perceptible downstream movement of water.

water account debit—see section 58.

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

wetland means either of the following—

- (a) coastal wetlands,
- (b) declared Ramsar wetland.