



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 106
Friday, 24 July 2009

Published under authority by Government Advertising

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 13 July 2009

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Proclamations commencing Acts

[Biofuel \(Ethanol Content\) Amendment Act 2009 No 11](#) (2009-334) — published LW 17 July 2009

[Government Information \(Information Commissioner\) Act 2009 No 53](#) (2009-329) —
published LW 17 July 2009

Regulations and other statutory instruments

[Biofuel \(Ethanol Content\) Amendment Regulation 2009](#) (2009-335) — published LW 17 July 2009

[Poisons and Therapeutic Goods Amendment \(First Aid in Mines\) Regulation 2009](#) (2009-330) —
published LW 17 July 2009

[Public Finance and Audit Amendment \(Prescribed Entities\) Regulation 2009](#) (2009-331) — published LW 17
July 2009

[Water Management \(General\) Amendment \(Controlled Activity Approval Exemption\) Regulation 2009](#)
(2009-332) — published LW 17 July 2009

Environmental Planning Instruments

[Bega Valley Local Environmental Plan 2002 \(Amendment No 5\)](#) (2009-317) — published LW 17 July 2009

[State Environmental Planning Policy \(Major Projects\) Amendment \(Redfern-Waterloo Authority and Channel 7\) 2009](#) (2009-333) — published LW 17 July 2009

Proclamations



New South Wales

Proclamation

under the

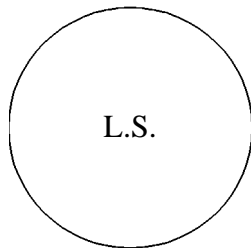
Public Finance and Audit Act 1983

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 40 of the *Public Finance and Audit Act 1983*, do, by this my Proclamation, amend Schedule 2 to that Act by omitting “World Youth Day Co-ordination Authority”.

Signed and sealed at Sydney, this 15th day of July 2009.

By Her Excellency’s Command,



ERIC ROOZENDAAL, M.L.C.,
Treasurer

GOD SAVE THE QUEEN!

Explanatory note

The World Youth Day Co-ordination Authority was dissolved on 31 December 2008 pursuant to section 61 (1) of the *World Youth Day Act 2006*.

The object of this Proclamation is to amend Schedule 2 to the *Public Finance and Audit Act 1983* to omit the World Youth Day Co-ordination Authority from the list of statutory bodies in that Schedule that are required to keep accounts and records, and prepare financial statements, in accordance with that Act.

Orders



New South Wales

Anglican Church of Australia (Diocesan Administrative Services Board) Order 2009

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938*, make the following Order.

Dated, this 15th day of July 2009.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

Section 4 (2) of the *Anglican Church of Australia (Bodies Corporate) Act 1938* provides that the Synod of a diocese of the Anglican Church of Australia may, by ordinance, declare that it is expedient that the persons who for the time being are the members of an unincorporated body named in the ordinance should be constituted a body corporate under the name set out in the ordinance.

In that section, *unincorporated body* means a body constituted by or under the authority of an ordinance of the Synod of a diocese for the purpose of managing, governing or controlling any institution or organisation of the Anglican Church of Australia, or of holding, managing and dealing with any church trust property.

If an ordinance referred to in section 4 (2) is passed, the Governor may, by order published in the Gazette, declare that the persons who for the time being are the members of the unincorporated body are a body corporate under the name set out in the ordinance.

The object of this Order is to declare that the members of Diocesan Administrative Services are a body corporate known as the "Diocesan Administrative Services Board". The relevant ordinances are the *Diocesan Administrative Services Ordinance 2009* and *Diocesan Administrative Services Board Incorporation Ordinance 2009*, which were passed by the Bishop-in-Council of the Diocese of Bathurst and assented to by the Bishop of Bathurst.

This Order is made under section 4 of the *Anglican Church of Australia (Bodies Corporate) Act 1938*.

Clause 1 Anglican Church of Australia (Diocesan Administrative Services Board)
Order 2009

Anglican Church of Australia (Diocesan Administrative Services Board) Order 2009

under the

Anglican Church of Australia (Bodies Corporate) Act 1938

1 Name of Order

This Order is the *Anglican Church of Australia (Diocesan Administrative Services Board) Order 2009*.

2 Commencement

This Order commences on the day on which it is published in the Gazette.

3 Diocesan Administrative Services Board

It is declared that the persons who for the time being are the members of the body known as Diocesan Administrative Services constituted under the *Diocesan Administrative Services Ordinance 2009* are a body corporate under the name "Diocesan Administrative Services Board".

OFFICIAL NOTICES

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

Phone: (02) 6770 3100 Fax (02) 6771 5348

ROADS ACT 1993

ORDER

Transfer of Crown Roads to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown public roads specified in each schedule 1 are transferred to the Roads Authority specified in the corresponding schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each schedule 1, cease to be Crown public roads.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Parish – Armidale;
County – Sandon;
Land District – Armidale;
L.G.A. – Armidale Dumaresq

The Crown road, 20.115 metres wide and variable, including splays, known as Dunkin Street, between Canambe Street and Lot 7, DP 513830

SCHEDULE 2

Roads Authority: Armidale Dumaresq Council. File No.: 09/02207 W453722.

Councils Reference: A09/4493 : John Tooke.

ROADS ACT 1993

Notification of Closing of Roads

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein cease to be public roads and the rights of passage and access that previously existed in relation to these roads are extinguished. Upon closing, titles to the lands, comprising the former public roads, vests in the body specified in the Schedules hereunder.

TONY KELLY, M.L.C.,
Minister for Lands.

Description

Land District – Tenterfeld;
LGA – Tenterfeld

Road closed: Lot 1, DP 1138421 at Tenterfield, Parish Barney Downs, County Clive. File No.: 07/2290.

Schedule

On closing, the land within Lot 1, DP 1138421 remains vested in the State of New South Wales as Crown Land.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4824 3700 Fax: (02) 4822 4287****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

Description

*Parish – Mulwaree; County – Argyle;
Land District – Goulburn; L.G.A. – Goulburn Mulwaree*

Lots 1 and 2, DP 1140084 (not being land under the Real Property Act).

File No.: GB05 H 234:JK.

Note: On closing, the title for the land in Lots 1 and 2, DP 1140084 remains vested in the State of New South Wales as Crown Land.

DESCRIPTION

*Parish – Sherwood;
County – Georgiana;
Land District – Crookwell;
LGA – Upper Lachlan Shire*

Lot: 9, DP: 1134304 (not being land under the Real Property Act).

File Reference: 09/02360.KW.

NOTE: On closing, the title for the land in Lot 9 DP 1134304 remains vested in Upper Lachlan Shire Council as operational land.

In accordance with Section 44 of the Roads Act 1993, the Crown consents to the land in Lot 9 DP 1134304 being vested in the Upper Lachlan Shire Council as operational land, to be given by the Council as compensation for other land acquired by the Council for the purpose of the Roads Act.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder described is closed and the land comprised therein ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished. Upon closing, title to the land comprising the former public road, vests in the body specified hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
 Minister for Lands

Description

Land District – Casino; L.G.A. – Kyogle

Road Closed: Lot 1, DP 1132266 at Edenville, Parish Stratheden, County Rous.

File No.: GF06 H 514.

Schedule

On closing, the land within Lot 1, DP 1132266 remains vested in the State of New South Wales as Crown Land.

Description

Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lots 4 and 5, DP 1131026 at Stockyard Creek, Parish Chapman, County Clarence.

File No.: 08/2097.

Schedule

On closing, the land within Lots 4 and 5, DP 1131026 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Wyalong.	Reserve No.: 1020228.
Local Government Area: Bland Shire Council.	Public Purpose: Heritage purposes.
Locality: Wyalong.	
Lot 310, DP No. 821589, Parish Mugga, County Bland.	
Area: About 2846 square metres.	
File No.: GH93 R 36/4.	

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE
 OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Bland Shire Council Crown Reserves Reserve Trust.	Reserve No.: 1020228. Public Purpose: Heritage purposes.
	Notified: This day.
	File No.: GH93 R 36/4.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closure, title to the land comprising the former public road vests in the body specified in the Schedules hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Description

Land District of Deniliquin; L.G.A. – Murray

Lot 1 in DP 1138774, Parish of Moira, County of Cadell.

File No.: HY90 H 331.

Note: On closing, title for the land comprised in Lot 1, DP 1138774 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 2

Description

Land District of Deniliquin; L.G.A. – Murray

Lot 1, DP 1138776, Parish of Mathoura, County of Cadell.

File No.: HY87 H 220.

Note: On closing, title for the land comprised in Lot 1, DP 1138776 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 3

Description

Land District of Balranald South; L.G.A. – Wakool

Lots 1 and 2, DP 1127724, Parishes of Poon Boon and Yellymong, County of Wakool.

File No.: HY98 H 11.

Note: On closing, title for the land comprised in Lots 1 and 2, DP 1127724 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 4

Description

Land District of Balranald South; L.G.A. – Wakool

Lots 1, 2, 3 and 4 in DP 1136243, Parish of Milleu, County of Wakool.

File No.: HY98 H 169.

Note: On closing, title for the land comprised in Lots 1, 2, 3 and 4, DP 1136243 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 5

Description

Land District of Hillston; L.G.A. – Carrathool

Lot 1, DP 1137879, Parish of Denny, County of Sturt.

File No.: HY05 H 87.

Note: On closing, title for the land comprised in Lot 1, DP 1137879 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 6

Description

Land District of Hay; L.G.A. – Hay

Lot 1, DP 1125571, Parish of Hay, County of Waradgery.

File No.: HY81 H 448.

Note: On closing, title for the land comprised in Lot 1, DP 1125571 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 7

Description

Land District of Hillston; L.G.A. – Carrathool

Lot 2, DP 1136236, Parishes of Synnot and Griffiths, County of Nicholson.

File No.: HY98 H 236.

Note: On closing, title for the land comprised in Lot 2, DP 1136236 remains vested in the State of New South Wales as Crown Land.

SCHEDULE 8

Description

Land District of Deniliquin; L.G.A. – Conargo

Lots 1 and 2 in DP 1135232, Parishes of Wanganella, North Zara and Gonawarra, County of Townsend.

File No.: HY05 H 60.

Note: On closing, title for the land comprised in Lots 1 and 2, DP 1135232 remains vested in the State of New South Wales as Crown Land.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****ALTERATION OF CORPORATE NAME OF
RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Adamstown Activity Centre Association Trust.

SCHEDULE 2

Reserve No.: 88407.

Public Purpose: Kindergarten.

Notified: 26 November 1971.

File No.: MD79 R 11.

SCHEDULE 3

Adamstown Child Care Centre (R88407) Reserve Trust.

Description of Lands

*Land District – Newcastle; Council Area – Port Stephens;
Parish – Tomaree; County – Gloucester*

R91621 for caravan and camping park, being Halifax Holiday Park.

Location: Halifax Park.

File No.: MD79 R 12.

Part R86928 for public recreation, being Fingal Bay Holiday Park.

Location: Fingal Bay.

File No.: MD97 R 14.

Part R77932 for public recreation and part Council freehold lands, being Shoal Bay Holiday Park.

Location: Shoal Bay.

File No.: MD93 R 17.

**PLAN OF MANAGEMENT FOR CROWN
RESERVE UNDER DIVISION 6 OF PART 5 OF THE
CROWN LANDS ACT 1989 AND CROWN LANDS
REGULATION 2006**

DRAFT plans of management have been prepared for the Crown reserved lands described hereunder that are under the trusteeship of Port Stephens Council.

Inspection of the draft plans can be made at Port Stephens Council, Administration Building, Adelaide Street, Raymond Terrace; Tomaree Library, Town Centre Circuit, Salamander Bay; Raymond Terrace Library, Cnr William and Port Stephens Streets, Raymond Terrace; Commercial Enterprises Office, 1/29 Stockton Street, Nelson Bay; Halifax Holiday Park, Beach Road, Nelson Bay; Shoal Bay Holiday Park, Shoal Bay Road, Shoal Bay; Fingal Bay Holiday Park, Marine Drive, Fingal Bay; Port Stephens Visitor Information Centre, Victoria Parade, Nelson Bay and at the Department of Lands, Cnr Newcastle Road and Banks Street, East Maitland, during normal business hours and the website www.lands.nsw.gov.au.

The Draft Plans will be on exhibition from 20 July 2009 to 11 September 2009. Comments on the draft plan are invited from the public until 5:00 p.m., 11 September 2009 and may be submitted in writing to The Manager, Commercial Enterprises, Port Stephens Council, PO Box 147, Nelson Bay NSW 2315.

TONY KELLY, M.L.C.,
Minister for Lands

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****ROADS ACT 1993****ORDER**

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Locality – Wee Waa; Parish – Wee Waa; County – White;
Land District – Narrabri; L.G.A. – Narrabri Shire Council*

The Crown public road north west of Lot 102 in DP 712248, Lot 162 in DP 757125, Lot 242 in DP 757125, Lot 161 in DP 757125, Lot 6 in DP 113356, Lot 158 in DP 757125, Lot 246 in DP 653932 and west of Lot 45 in DP 802158.

SCHEDULE 2

Roads Authority: Narrabri Shire Council.

File No.: ME93 H 111.

SCHEDULE 1

*Locality – Jacks Creek (Narrabri); Parish – Blake;
County – White; Land District – Narrabri;
L.G.A. – Narrabri Shire Council*

The Crown public road north of Lot 15 in DP 757083 and north and west of Lot 16 in DP 757083.

SCHEDULE 2

Roads Authority: Narrabri Shire Council.

File No.: ME05 H 405.

SCHEDULE 1

*Locality – Narrabri; Parish – Bullawa;
County – Nandewar; Land District – Narrabri;
L.G.A. – Narrabri Shire Council*

The Crown public road north of Lot 44 in DP 754930 and Lot 34 in DP 754930.

SCHEDULE 2

Roads Authority: Narrabri Shire Council.

File No.: ME05 H 404.

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Blayney. Local Government Area: Blayney Shire Council. Locality: Belubula. Reserve No.: 29905. Public Purpose: Mining. Notified: 23 September 1899. File No.: OE97 H 280.	The whole being Lot 160, DP No. 750359, Parish Belubula, County Bathurst and Lot 161, DP No. 750359, Parish Belubula, County Bathurst, of an area of 132.13 hectares.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed for the terms of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedules.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Susan Donna BENNETT (new member), Brian KUHNER (re-appointment), Bertie James FULLER (re-appointment), Arthur Thomas BENNETT (re-appointment).	Capertee Recreation Reserve Trust.	Reserve No.: 60012. Public Purpose: Public recreation. Notified: 30 September 1927. File No.: OE80 R 95/4.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lynda LOVEGROVE (new member), Fiona JOY (new member), Seamus CASEY (re-appointment), Ian CAMPBELL (re-appointment), Rosemary BARBER (re-appointment),	Hartley Reserves Trust.	Reserve No.: 68666. Public Purpose: Public recreation. Notified: 22 September 1939.
		Reserve No.: 89136. Public Purpose: Public recreation and public hall. Notified: 25 January 1974.
		Reserve No.: 65140.

Bradley BARBER
(re-appointment),
Michael Robert COMBS
(re-appointment).

Public Purpose: Resting
place and public recreation.
Notified: 15 March 1935.
File No.: OE80 R 226/4.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Leon Joseph LINCOLN (new member), John Norman BURNS (re-appointment), Sharon Anne WILCOX (re-appointment), Narelle Margaret LEWIS (re-appointment).	Mullion Creek Public Hall and Recreation Reserve Trust.	Reserve No.: 51071. Public Purpose: Public recreation. Notified: 20 October 1915.
		Reserve No.: 57687. Public Purpose: Public hall. Notified: 19 December 1924. File No.: OE80 R 82/4.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Robert Bruce PORTER (new member), Elizabeth Deborah IRVINE (new member), Kevin William PORTER (new member).	Yetholme Recreation Reserve Trust.	Reserve No.: 45152. Public Purpose: Public recreation. Notified: 13 April 1910. File No.: OE80 R 344/4.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

SCHEDULE 5

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
June BARKER (new member), Jacqueline Marjorie ABBOTT (re-appointment), Jennifer Margaret KINGHAM (new member), James William KINGHAM (new member).	Tichborne Recreation Reserve Trust.	Reserve No.: 23940. Public Purpose: Public recreation. Notified: 18 April 1896. File No.: OE81 R 68/3.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

NOTIFICATION OF CLOSING OF ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are

extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Land District – Bathurst; L.G.A. – Bathurst Regional

Road Closed: Lot 1, DP 1138412 at Wambool, Parish Yetholme, County Roxburgh.

File No.: CL/00074.

Schedule

On closing, the land within Lot 1, DP 1138412 remains vested in the State of New South Wales as Crown Land.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

REVOCATION OF RESERVATION OF CROWN LAND

Area: 231.8 hectares.
 File No.: 08/9281.

Parish Megalong,
 County Cook.
 Lot 33, DP No. 727011,
 Parish Alfred,
 County Westmoreland.
 Lot 1, DP No. 1003555,
 Parish Megalong,
 County Cook.
 Lot 2, DP No. 1003555,
 Parish Megalong,
 County Cook.
 Lot 1, DP No. 45733, Parish
 Megalong, County Cook.
 Lot 2, DP No. 45733, Parish
 Megalong, County Cook.
 Lot 3, DP No. 45733, Parish
 Megalong, County Cook.
 Lot 7302, DP No. 1135882#,
 Parish Alfred,
 County Westmoreland.
 Lot 7020, DP No. 1000950,
 Parish Megalong,
 County Cook.
 Lot 2, DP No. 48750, Parish
 Megalong, County Cook.
 New Area: 263 hectares.

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Penrith. Local Government Area: Blue Mountains City Council. Locality: Katoomba. Reserve No.: 13548. Public Purpose: Water. Notified: 7 March 1891. File No.: 08/9281.	The whole being Lot 7004, DP No. 1127827, Parish Megalong, County Cook, of an area of 105.4 hectares.
Note: Lot to be re-reserved and added to Reserve 1001056.	

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Lithgow. Local Government Area: Lithgow City Council. Locality: Six Foot Track. Lot 7301, DP No. 1131229, Parish Megalong, County Cook. Lot 7302, DP No. 1131229, Parish Megalong, County Cook. Lot 7303, DP No. 1131229, Parish Megalong, County Cook. Lot 7304, DP No. 1131229, Parish Megalong, County Cook. Lot 7305, DP No. 1131229, Parish Megalong, County Cook. Lot 7004, DP No. 1127827, Parish Megalong, County Cook.	Reserve No.: 1001056. Public Purpose: Public recreation, environmental protection and heritage purposes. Notified: 27 February 1998. Lot 1, DP No. 817866, Parish Ganbenang, County Westmoreland. Lot 2, DP No. 817866, Parish Ganbenang, County Westmoreland. Lot 3, DP No. 817866, Parish Ganbenang, County Westmoreland. Lot 6, DP No. 821873, Parish Ganbenang, County Westmoreland. Lot 1, DP No. 48750, Parish Megalong, County Cook. Lot 3, DP No. 48750,

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan. Local Government Area: Warringah Council. Locality: Belrose. Lot 2, DP No. 1139826, Parish Manly Cove, County Cumberland. Area: About 5.857 hectares. File No.: 08/9488/2.	Reserve No.: 1017028. Public Purpose: Urban services access.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Locality – Namoi River; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road Closed: Lots 1-3 in Deposited Plan 1136523, Parish Lowry, County Darling.

File No.: 06/9225.

Note: On closing, title to the land comprised in Lots 1-3 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Carroll; Land District – Tamworth;
L.G.A. – Gunnedah Shire*

Road Closed: Lot 1 in Deposited Plan 1136645, Parish Moorowara, County Parry.

File No.: TH05 H 91.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Hanging Rock; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road Closed: Lot 1 in Deposited Plan 1136644, Parish Nundle, County Parry.

File No.: TH05 H 216.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Piallaway; Land District – Gunnedah;
L.G.A. – Gunnedah Shire*

Road Closed: Lots 1-2 in Deposited Plan 1138389, Parishes Denver and Babbinboon, County Buckland.

File No.: TH05 H 230.

Note: On closing, title to the land comprised in Lots 1-2 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Upper Manilla; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road Closed: Lot 1 in Deposited Plan 1138385, Parish Veness, County Darling.

File No.: TH05 H 331.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Crawney; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lots 1-2 in Deposited Plan 1139324, Parish Crawney, County Parry.

File No.: TH06 H 69.

Note: On closing, title to the land comprised in Lots 1 and 2 will remain vested in the State of New South Wales as Crown Land.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Tamworth. Local Government Area: Tamworth Regional Council. Locality: Woolomin. Dedication No.: 33603. Public Purpose: Temporary common. Notified: 7 December 1901. File No.: TH79 H 394.	The whole being Lot 7006, DP No. 1026357, Parish Woolomin, County Parry; Lot 7010, DP No. 1024740, Parish Woolomin, County Parry and Lot 7300, DP No. 1139624#, Parish Woolomin, County Parry, of an area of 54.63 hectares.

Note: Land to be reserved as future public requirements.

Disclaimer: Please note that the above Lot number marked # is for Departmental use only.

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Tamworth.	Reserve No.: 755350.
Local Government Area: Tamworth Regional Council.	Public Purpose: Future public requirements. Notified: 29 June 2007.
Localities: Parish Woolomin and County Parry. Lot 7006, DP No. 1026357, Parish Woolomin, County Parry. Lot 7010, DP No. 1024740, Parish Woolomin, County Parry. Lot 7300, DP No. 1139624#, Parish Woolomin, County Parry. Area: 44.68 hectares. File No.: TH79 H 394/3.	New Area: 44.68 hectares.

Disclaimer: Please note that the above Lot number marked # is for Departmental use only.

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

IN pursuance of provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Parish – Tamworth; County – Inglis;
Land District – Tamworth; L.G.A. – Tamworth Regional*

Crown public road described as separating Lot 37, DP 862051 from Lot 39, DP 1022942.

SCHEDULE 2

Roads Authority: Tamworth Regional Council.

File No.: 07/0238.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Locality – Hanging Rock;
Land District – Tamworth;
L.G.A. – Tamworth Regional*

Road Closed: Lot 1 in Deposited Plan 1139507, Parish Royinn, County Parry.

File Reference: TH05H184

Note: On closing title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

ERRATUM

THE notice appearing in *New South Wales Government Gazette* No. 103 on 10 July 2009, Folio 4065, is amended by a correction to the description of the roads being closed as per the following:

Roads Closed: Lots 1 and 2 in Deposited Plan 1138995, Parishes Halloran and Burdekin, Counties Darling and Inglis.

File No.: TH99 H 103.

TONY KELLY, M.L.C.,
Minister for Lands

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed for the term of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Judith Anne CLENTON (reappointment), Rex Dennis CLENTON (reappointment), Raymond Arthur O'NEILL (reappointment), Marie O'NEILL (reappointment), Melissa McLAUGHLIN (new appointment), Margaret HASWELL (new appointment), Marjorie Grace RAPESARDA (new appointment).	Kendall War Memorial Reserve Trust.	Reserve No.: 76015. Public Purpose: War Memorial. Notified: 26 June 1953. File No.: TE80 R 156.

Term of Office

For a term commencing 19 July 2009 and expiring 18 July 2014.

WAGGA WAGGA OFFICE

Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650

Phone: (02) 6937 2700 Fax: (02) 6921 1851

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Parish – Yabtree; County – Wynyard;
Land District – Wagga Wagga; City – Wagga Wagga*

Road Closed: Lot 1 in DP 1121713 at Borambola.

File No.: WA06 H 325.

Note: On closing, the land within Lot 1 in DP 1121713 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Lea; County – Selwyn;
Land District – Tumbarumba; Shire – Tumbarumba*

Road Closed: Lot 1 in DP 1129426 at Bringensbrong.

File No.: WA06 H 206.

Note: On closing, the land within Lot 1 in DP 1129426 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Jerra Jerra; County – Goulburn;
Land District – Wagga Wagga; Shire – Greater Hume*

Road Closed: Lot 1 in DP 1136499 at Cookardinia.

File No.: WA06 H 272.

Note: On closing, the land within Lot 1 in DP 1136499 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Yeo Yeo; County – Bland;
Land District – Wagga Wagga; Shire – Cootamundra*

Road Closed: Lot 1 in DP 1135193 at Cootamundra.

File No.: WA05 H 545.

Note: On closing, the land within Lot 1 in DP 1135193 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Bungambil; County – Bourke;
Land District – Temora; Shire – Coolamon*

Road Closed: Lot 1 in DP 1140090 at Beckom.

File No.: WA06 H 20.

Note: On closing, the land within Lot 1 in DP 1140090 remains vested in the State of New South Wales as Crown Land.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed for the terms of office specified, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedules.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

Column 1	Column 2	Column 3
The person for the time being holding the office of President, Albury Harness Racing Club Limited (ex-officio member), Walton McPherson BLEZARD (re-appointment), Bruce Henry HALES (re-appointment), David Charles BARTRAM (new member), Andrew Charles SCAMMELL (re-appointment), Helen Margaret GLACHAN (re-appointment), Henk VAN DE VEN (new member), William VOST (new member).	Albury Showground Trust.	Dedication No.: 1002198. Public Purpose: Showground. Notified: 26 November 1948.
		Dedication No.: 620063. Public Purpose: Showground. Notified: 26 November 1948. File No.: WA80 R 109/5.

Term of Office

For a term commencing 19 July 2009 and expiring 18 July 2014.

SCHEDULE 2

Column 1	Column 2	Column 3
Robert Nicholls TRUELOVE (re-appointment), David Maxwell CARTER (re-appointment), John Scott HAMILTON (re-appointment), Gerard Paul RYAN (new member), Malcolm John HILLAM (re-appointment).	Illabo Showground Trust.	Dedication No.: 620025. Public Purpose: Showground. Notified: 5 November 1926. File No.: WA80 R 121/3.

Term of Office

For a term commencing 19 July 2009 and expiring 18 July 2014.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Anthony Gerard QUINN (new member), Andrew John CORBETT (re-appointment), Peter John IRVINE (re-appointment), William Frederick KEMBER (re-appointment), Barrie Francis BRILL (re-appointment), Clare Victor STEVENS (re-appointment).	Ganmain Showground Trust.	Reserve No.: 46488. Public Purpose: Showground. Notified: 12 April 1911. File No.: WA80 R 115/3.

Term of Office

For a term commencing the date of this notice and expiring 23 July 2014.

SCHEDULE 4

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Samuel SAXON (new member), Naomi Ann CARLSON (re-appointment), Stanley Peter COATES (re-appointment), Elizabeth Mary McCALLUM (re-appointment).	Tarcutta Racecourse Recreation Reserve Trust.	Reserve No.: 41935. Public Purpose: Public recreation and racecourse. Notified: 21 August 1907. File No.: WA80 R 74/2.

Term of Office

For a term commencing the date of this notice and expiring 24 July 2014.

APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Crown Lands Reserve Trust.	Dedication No.: 1015348. Public Purpose: Environmental protection, access and public recreation. Notified: 26 June 2009. File No.: WA06 H 111.

WESTERN REGION OFFICE

45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830

Phone: (02) 6883 5400 Fax: (02) 6884 2067

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

TONY KELLY, M.L.C.,
Minister for Lands

Description

Administrative District – Willyama; Shire – Broken Hill

Road Closed: Lot 1, DP 1140846 at Broken Hill, Parish Picton, County Yancowinna.

File No.: 08/8656.

Schedule

On closing, the land within Lot 1, DP 1140846 remains vested in the State of New South Wales as Crown Land.

Department of Primary Industries

COAL MINE HEALTH AND SAFETY ACT 2002

Re-appointment of Member to the Coal Competence Board
I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to section 132(1)(e) of the Coal Mine Health and Safety Act 2002 re-appoint Rodney Dale MORRISON (who is an officer of the Department of Primary Industries) as a member of the Coal Competence Board for a term of 18 months commencing on 1 July 2009.

Dated this 8th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

COAL MINE HEALTH AND SAFETY ACT 2002

Re-appointment of Member to the Coal Competence Board
I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to section 132(1)(e) of the Coal Mine Health and Safety Act 2002 re-appoint Robert William REGAN (who is an officer of the Department of Primary Industries) as a member of the Coal Competence Board for a term of 3 years commencing on 1 July 2009.

Dated this 8th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

COAL MINE HEALTH AND SAFETY ACT 2002

Re-appointment of Chairperson of the Coal Competence Board

I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to section 132 (1) of the Coal Mine Health and Safety Act 2002 re-appoint Mr John Maitland as Chairperson of the Coal Competence Board for the period of 18 months, commencing on 1 July 2009.

Dated this 8th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

COAL MINE HEALTH AND SAFETY ACT 2002

Re-appointment of Members to the Coal Competence Board

I, IAN MACDONALD MLC, Minister for Mineral Resources, pursuant to section 132(1) of the Coal Mine Health and Safety Act 2002 re-appoint the persons named in Column 1 of the Table below as members (in the capacity specified for each in Column 2) of the Coal Competence Board for the period specified for each in Column 3.

Table

<i>Column 1 – Member</i>	<i>Column 2 – Capacity</i>	<i>Column 3 – Period</i>
Mr Steven Thomas BRACKEN	Employer representative	18 months commencing 1 July 2009
Mr David Samuel MELLOWS	Employer representative	3 years commencing 1 July 2009
Mr Ian Malcolm MURRAY	Employee representative	18 months commencing 1 July 2009
Mr Keith SHAW	Employee representative	3 years commencing 1 July 2009

Dated this 8th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

EXHIBITED ANIMALS PROTECTION ACT 1986

Appointment of Member

Exhibited Animals Advisory Committee

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to sections 6(3) and 6(4)(f) of the Exhibited Animals Protection Act 1986, hereby appoint Rick Webb as a member of the Exhibited Animals Advisory Committee, for a three (3) year term of office.

Dated this 1st day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T09-0133)

No. 3743, PLATSEARCH NL (ACN 003 254 395), area of 64 units, for Group 1, dated 15 July, 2009. (Broken Hill Mining Division).

(T09-0134)

No. 3744, PLATSEARCH NL (ACN 003 254 395), area of 91 units, for Group 1, dated 15 July, 2009. (Broken Hill Mining Division).

(T09-0135)

No. 3745, PLATSEARCH NL (ACN 003 254 395), area of 87 units, for Group 1, dated 15 July, 2009. (Broken Hill Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

ASSESSMENT LEASE APPLICATION

(C03-0002)

Wagga Wagga No. 30, now Assessment Lease No. 18, OAKLANDS COAL PTY. LIMITED (ACN 001 030 520), Parish of Coreen West, County of Denison; Parish of Wangamong, County of Denison; Parish of Clear Hill, County of Urana; and Parish of Gunambill, County of Urana, area of about 111.1 square kilometres, for coal, dated 25 June, 2009, for a term until 25 June, 2012. As a result of the grant of this title, Authorisation No. 207, Authorisation No. 250, Authorisation No. 345, Authorisation No. 388 and Exploration Licence No. 5988 have ceased to have effect.

EXPLORATION LICENCE APPLICATIONS

(07-3701)

No. 3410, now Exploration Licence No. 7365, CURLEWIS COAL & COKE PTY LIMITED (ACN 113 968 737), County of Pottinger, Map Sheet (8935), area of 1131 hectares, for Group 9, dated 21 July, 2009, for a term until 21 July, 2012.

(T09-0053)

No. 3665, now Exploration Licence No. 7358, AWATI RESOURCES PTY LTD (ACN 106 020 419), County of Tongowoko, Map Sheet (7239, 7339), area of 50 units, for Group 1, dated 2 July, 2009, for a term until 2 July, 2011.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(07-5411)

Exploration Licence No. 3326, STRAITS (HILLGROVE) GOLD PTY LTD (ACN 102 660 506), area of 8 units. Application for renewal received 15 July, 1992.

(08-880)

Exploration Licence No. 6288, MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), KORES AUSTRALIA MOOLARBEN COAL PTY LIMITED (ACN 129132501) AND SOJITZ MOOLARBEN RESOURCES PTY LTD (ACN 126287027), area of 103 square kilometres. Application for renewal received 21 July, 2009.

(07-240)

Exploration Licence No. 6857, WILLYAMA PROSPECTING PTY LIMITED (ACN 125 564 865), area of 8 units. Application for renewal received 17 July, 2009.

(06-7091)

Exploration Licence No. 6876, LESLIE HERBERT SAVAGE, area of 2 units. Application for renewal received 20 July, 2009.

(08-7108)

Consolidated Coal Lease No. 767 (Act 1973), ENDEAVOUR COAL PTY LTD (ACN 099 830 476), area of 207.9 square kilometres. Application for renewal received 17 July, 2009.

(07-7339)

Consolidated Coal Lease No. 768 (Act 1973), ILLAWARRA COAL HOLDINGS PTY LTD (ACN 093 857 286), area of 185.6 square kilometres. Application for renewal received 17 July, 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(08-1545)

Authorisation No. 72, NOVACOAL AUSTRALIA PTY LIMITED (ACN 000 013 990), County of Durham, Map Sheet (9033), area of 454 hectares, for a further term until 24 March, 2013. Renewal effective on and from 25 June, 2009.

(T03-0898)

Exploration Licence No. 6310, AUGUR RESOURCES LTD (ACN 106 879 690), Counties of Phillip, Roxburgh and Wellington, Map Sheet (8832), area of 16 units, for a further term until 26 September, 2010. Renewal effective on and from 8 July, 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(05-0287)

Exploration Licence No. 6573, DEEP YELLOW LIMITED (ACN 006391948), County of Farnell, Map Sheet (7135), area of 120 units. Cancellation took effect on 14 July, 2009.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

RURAL ASSISTANCE ACT 1989

NSW Rural Assistance Authority
Appointment of Acting Chief Executive

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to Clause 3 of Schedule 2 to the Rural Assistance Act 1989, appoint Mr Stephen GRIFFITH as Acting Chief Executive of the New South Wales Rural Assistance Authority from 16 July 2009 until 28 July 2009, inclusive.

Dated this 15th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

RURAL ASSISTANCE ACT 1989

NSW Rural Assistance Authority
Appointment of Acting Chief Executive

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to Clause 3 of Schedule 2 to the Rural Assistance Act 1989, appoint Mr Stephen GRIFFITH as Acting Chief Executive of the New South Wales Rural Assistance Authority from 10 August 2009 until 14 August 2009, inclusive.

Dated this 15th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

NOXIOUS WEEDS ACT 1993

Weed Control Order No. 24

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, pursuant to sections 7 and 8 of the Noxious Weeds Act 1993, hereby amend the Order titled "Weed Control Order No. 20 – Order declaring certain plants to be noxious weeds" published in *New South Wales Government Gazette* No. 110 of 31 August 2006, at pages 6828-7058, as follows:

1. Insert into Schedule 3, in alphabetical order and under the corresponding columns, the following:

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
Coolatai grass	<i>Hyparrhenia hirta</i>		Cabonne Shire Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Dubbo City Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Forbes Shire Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Mid-Western Regional Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Narromine Shire Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Orange City Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Parkes Shire Council	The plant must be fully and continuously suppressed and destroyed	3
Coolatai grass	<i>Hyparrhenia hirta</i>		Wellington Council	The plant must be fully and continuously suppressed and destroyed	3
Perennial ground cherry	<i>Physalis virginiana</i>		Greater Hume Shire Council	The plant must be fully and continuously suppressed and destroyed	3
Prairie ground cherry	<i>Physalis viscosa</i>		Greater Hume Shire Council	The plant must be fully and continuously suppressed and destroyed	3

2. Insert into Schedule 4, in alphabetical order and under the corresponding columns, the following:

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Bankstown City Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Hawkesbury River County Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Holroyd City Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Liverpool City Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Pittwater Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
African olive	<i>Olea europaea</i> subspecies <i>cuspidata</i>	<i>Olea europaea</i> subspecies <i>africana</i>	Sutherland Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
Bridal creeper	<i>Asparagus asparagoides</i>	<i>Myrsiphyllum asparagoides</i> , <i>Asparagus medeoloides</i>	Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
Privet (European)	<i>Ligustrum vulgare</i>		New England Tablelands County Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4

3. Remove from Schedule 4, in alphabetical order and under the corresponding columns, the following:

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
Nodding thistle	<i>Carduus nutans</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Paterson's curse, Vipers bugloss Italian bugloss	<i>Echium species</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Perennial ground cherry	<i>Physalis virginiana</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Prairie ground cherry	<i>Physalis viscosa</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Spiny burrgrass	<i>Cenchrus incertus</i>		Gunnedah Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
Spiny burrgrass	<i>Cenchrus longispinus</i>		Gunnedah Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority and the plant may not be sold, propagated or knowingly distributed	4
St. Barnaby's thistle	<i>Centaurea solstitialis</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Wild radish	<i>Raphanus raphanistrum</i>		Greater Hume Shire Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4

4. Make certain taxonomic and other changes in the following:

In Schedules 3 and 4 specify the scientific and alternate scientific names for 'mother-of-millions' as follows:

Common name	Scientific name	Alternate scientific name
Mother-of-millions	<i>Bryophyllum daigremontianum</i> <i>Bryophyllum delagoense</i> <i>Bryophyllum x houghtonii</i> <i>Bryophyllum pinnatum</i> <i>Bryophyllum proliferum</i>	<i>Kalanchoe daigremontiana</i> <i>Kalanchoe delagoense</i> <i>Bryophyllum tubi orum</i> <i>Kalanchoe tubi ora</i> <i>Kalanchoe x houghtonii</i> <i>Bryophyllum daigremontianum x</i> <i>Bryophyllum delagoense</i> <i>Bryophyllum daigremontianum x</i> <i>Bryophyllum tubi orum</i> <i>Kalanchoe daigremontiana x Kalanchoe tubi ora</i> <i>Kalanchoe pinnata</i> <i>Bryophyllum calycinum</i> <i>Kalanchoe prolifera</i>

In Schedule 4, specify the common names for *Xanthium* species as follows:

Common name	Scientific name
Bathurst/Noogoora/Hunter/South American/Californian/cockle burrs	<i>Xanthium</i> species

In Schedule 4, specify the control measures as follows:

Common name	Scientific name	Alternate scientific name	Area to Which the Weed Control Order Applies	Control measures	Control Class
Cape tulip	<i>Moraea</i> species	<i>Homeria</i> species	Newcastle City Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		The Council of the City of Botany Bay	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		North Sydney Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		Warringah Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		Waverley Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		Willoughby City Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4
Castor oil plant	<i>Ricinus communis</i>		Woollahra Municipal Council	The growth and spread of the plant must be controlled according to the measures specified in a management plan published by the local control authority	4

Dated this 14th day of July 2009.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

FISHERIES MANAGEMENT ACT 1994**Section 228****Instrument of Delegation from Director-General**

I, RICHARD FREDERICK SHELDRAKE, Director-General of the NSW Department of Primary Industries, do by this instrument:

1. pursuant to section 228 of the *Fisheries Management Act 1994* (“the Act”), revoke:
 - (a) the instruments of delegation signed by the Director-General and described in Schedule 1 to this instrument of delegation;
 - (b) all other delegations previously made by the Director-General under the Act or the regulations made under the Act; and
 - (c) any delegations revived as a result of this revocation;
2. pursuant to section 228(1) of the Act, delegate the functions conferred or imposed on me:
 - (a) under the Act as specified in Column 1 of Schedule 2 to this instrument of delegation;
 - (b) under the *Fisheries Management (General) Regulation 2002* as specified in Column 1 of Schedule 3 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 3;
 - (c) under the:
 - (i) *Fisheries Management (Supporting Plan) Regulation 2006*;
 - (ii) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*;
 - (iii) *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*;
 - (iv) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*;
 - (v) *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*;
 - (vi) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*;
 - (vii) *Fisheries Management (Lobster Share Management Plan) Regulation 2000*; and
 - (viii) *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,as specified in Column 1 of Schedule 4 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 4;
 - (d) under the *Fisheries Management (Aquaculture) Regulation 2007* as specified in Column 1 of Schedule 5 to this instrument of delegation,

to the authorised persons who from time to time hold, occupy or perform the duties of, the positions described opposite in Column 2 of Schedules 2, 3, 4 and 5 respectively;

3. pursuant to section 228(2) of the Act, subdelegate the functions delegated to me by the Minister for Primary Industries pursuant to section 227 of the Act:
 - (a) under the Act as specified in Column 1 of Schedule 6 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 6;
 - (b) under the *Fisheries Management (General) Regulation 2002* as specified in Column 1 of Schedule 7 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 7;
 - (c) under the:
 - (i) *Fisheries Management (Supporting Plan) Regulation 2006*;
 - (ii) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*;
 - (iii) *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*;
 - (iv) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*;
 - (v) *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*;
 - (vi) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*;
 - (vii) *Fisheries Management (Lobster Share Management Plan) Regulation 2000*; and
 - (viii) *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,as specified in Column 1 of Schedule 8 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 8; and
 - (d) under the *Fisheries Management (Aquaculture) Regulation 2007* as specified in Column 1 of Schedule 9 to this instrument of delegation subject to any conditions specified opposite in Column 3 of Schedule 9,

to the authorised persons who from time to time hold, occupy or perform the duties of, the positions described opposite in Column 2 of Schedules 6, 7, 8 and 9 respectively.

In this instrument of delegation:

“*authorised person*” has the same meaning as in section 228(3) of the Act,
“*function*” includes power, authority or duty.

In Schedules 4 and 8 to this instrument of delegation:

“*Abalone Share Management Plan*” means the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,

“Estuary General Share Management Plan” means the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,

“Estuary Prawn Trawl Share Management Plan” means the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*,

“Lobster Share Management Plan” means the *Fisheries Management (Lobster Share Management Plan) Regulation 2000*,

“Ocean Hauling Share Management Plan” means the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,

“Ocean Trap and Line Share Management Plan” means the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,

“Ocean Trawl Share Management Plan” means the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*,

“Supporting Plan” means the *Fisheries Management (Supporting Plan) Regulation 2006*.

Dated this 17th day of July 2009

R F SHELDRAKE
Director-General
NSW Department of Primary Industries

SCHEDULE 1

REVOKED INSTRUMENTS OF DELEGATION	
Date of instrument of delegation	NSW Government Gazette reference (if applicable)
15 April 2004	Not applicable
22 September 2006	NSW GG No. 120 of 29 September 2006 at page 8527 to 8528
22 September 2006	NSW GG No. 120 of 29 September 2006 at pages 8528
2 November 2006	NSW GG No. 168 of 1 December 2006 at pages 10159 to 10160
21 December 2006	NSW GG No. 192 of 29 December 2006 at page 11980
19 February 2007	NSW GG No. 36 of 2 March 2007 at page 1627
20 June 2007	Not applicable
20 June 2007	NSW GG No. 83 of 29 June 2007 at page 4244
25 June 2007	NSW GG No. 83 of 29 June 2007 at page 4243
25 June 2007	NSW GG No. 83 of 29 June 2007 at page 4244
24 July 2007	NSW GG No. 98 of 3 August 2007 at pages 5455 to 5456
24 July 2007	NSW GG No. 98 of 3 August 2007 at pages 5457 to 5458
22 October 2007	Not applicable
17 March 2008	NSW GG No. 35 of 17 March 2008 at page 2399

SCHEDULE 2

DG SCH2	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Function delegated (Section)	Positions Director-General function delegated to
Part 2 General fisheries management	
<i>Division 4A Recreational fishing fee</i>	
34H (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations
<i>Division 4C Fishing businesses</i>	
34Q	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
34R	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
34S	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
Part 3 Commercial share management fisheries	
<i>Division 5 Management plans</i>	
63 (2) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations
63 (4)	Executive Director, Fisheries, Compliance & Regional Relations
<i>Division 6 Fishing and other shareholding rights</i>	
68 (8B)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing

DG SCH2	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Function delegated (Section)	Positions Director-General function delegated to
69 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations
69 (8)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing
<i>Division 10 Share Management Fisheries Register</i>	
89	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
90 (1) & (2)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
91 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations
91 (4), (5) & (6)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
94	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
95	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
97	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
98 (2), (3), (4) & (5)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services
99	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services

DG SCH2	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Function delegated (Section)	Positions Director-General function delegated to
<i>Part 4 Licensing and other commercial fisheries management</i>	
<i>Division 2 Commercial fishing boats</i>	
110 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing
110 (7)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations
110 (8)	Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing
<i>Part 7A Threatened species conservation</i>	
<i>Division 4 Offences</i>	
220ZF (1) (f) & (4)	Director, Fisheries Conservation & Aquaculture
<i>Division 5 Recovery plans and threat abatement plans</i>	
220ZI	Director, Fisheries Conservation & Aquaculture
220ZJ	Director, Fisheries Conservation & Aquaculture
220ZM	Director, Fisheries Conservation & Aquaculture
220ZO (1) & (2)	Director, Fisheries Conservation & Aquaculture
220ZO (3)	Executive Director, Fisheries, Compliance & Regional Relations
220ZQ	Director, Fisheries Conservation & Aquaculture
220ZR	Director, Fisheries Conservation & Aquaculture
220ZU (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations
220ZU (3) & (4)	Director, Fisheries Conservation & Aquaculture

DG SCH2	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Function delegated (Section)	Positions Director-General function delegated to
<i>Division 5A Threatened Species Priorities Action Statements</i>	
220ZVB	Executive Director, Fisheries, Compliance & Regional Relations
220ZVC	Director, Fisheries Conservation & Aquaculture
220ZVD	Executive Director, Fisheries, Compliance & Regional Relations
220ZVE	Executive Director, Fisheries, Compliance & Regional Relations
<i>Division 6 Licensing and Ministerial orders</i>	
<i>Subdivision 1 Grant of licences</i>	
220ZW (1)	Director, Fisheries Conservation & Aquaculture
220ZX (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture
220ZX (5)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems
220ZY (3), (4) & (5)	Director, Fisheries Conservation & Aquaculture
220ZZ	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems
221	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems
221B	Director, Fisheries Conservation & Aquaculture
221D	Director, Fisheries Conservation & Aquaculture
221E	Director, Fisheries Conservation & Aquaculture
221F	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems
221G	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture?
221H (1)	Director, Fisheries Conservation & Aquaculture
221H (2)	Executive Director, Fisheries, Compliance & Regional Relations
221I (5)	Director, Fisheries Conservation & Aquaculture
<i>Subdivision 1A Ministerial orders</i>	
221IH (1)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems
221IH (2)	Executive Director, Fisheries, Compliance & Regional Relations

DG SCH2	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Function delegated (Section)	Positions Director-General function delegated to
<i>Subdivision 2 Species impact statements</i>	
221L	Director, Fisheries Conservation & Aquaculture
<i>Division 7 Stop work orders</i>	
221O (1) & (4)	Executive Director, Fisheries, Compliance & Regional Relations
221P	Executive Director, Fisheries, Compliance & Regional Relations
221R	Executive Director, Fisheries, Compliance & Regional Relations
221S	Executive Director, Fisheries, Compliance & Regional Relations
221T	Executive Director, Fisheries, Compliance & Regional Relations
<i>Division 11 Biodiversity certification of environmental planning instruments</i>	
221ZR	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture
Part 9 Enforcement	
<i>Division 3 Powers of entry, search etc of fisheries officers</i>	
250 (5) & (6)	Director, Compliance Operations
<i>Division 5 Criminal proceedings</i>	
280	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations

SCHEDULE 3

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
Part 3 Fishing gear		
<i>Division 2 Registration</i>		
23	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
24 (2) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
<i>Division 7 Miscellaneous</i>		
79 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 4 Priorities in the use of fishing gear		
<i>Division 6 Miscellaneous</i>		
105	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Compliance Operations	
Part 5 Miscellaneous provisions relating to fisheries management		
<i>Division 3 Use of explosives, electrical devices and other dangerous substances</i>		
112 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Senior Conservation Manager, North; Senior Conservation Manager, South; Senior Conservation Manager, Central; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager, Aquatic Habitat Rehabilitation	
113	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Senior Conservation Manager, North; Senior Conservation Manager, South; Senior Conservation Manager, Central; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager, Aquatic Habitat Rehabilitation	

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
114 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
115	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
<i>Division 7 Miscellaneous</i>		
130 (1)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Compliance Operations	
Part 5A Fishing business transfer rules		
<i>Division 2 Transfer of dual operator fishing businesses</i>		
133E (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
<i>Division 3 Transfer of restricted fishery endorsements</i>		
133H (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
<i>Division 4 Transfer of shares</i>		
133N (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
<i>Division 5 Dealings in endorsements and shares</i>		
133O (1), (2), (3)(a) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
133O (3)(b)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 6 Commercial share management fisheries		
<i>Division 1 General</i>		
140 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
140 (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
142 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 7 Licensing and other commercial fisheries management		
<i>Division 2 Boat licences</i>		
153 (1)(b)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing	
157 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
157A (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
158	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
Part 8 Restricted fisheries		
<i>Division 1 Sea urchin and turbin shell restricted fishery</i>		
174 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
180 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Senior Fisheries Manager, Commercial	
180 (3)	Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
181 (1), (3), (4), (5) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
181 (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
<i>Division 8 Inland restricted fishery</i>		
234	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
237 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
241 (1), (2) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
<i>Division 12 Nominated fishers</i>		
277A (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	It is only the function, in clause 277A(2)(a), of approving the form and manner that is delegated to the positions described opposite in Column 2 of this Schedule.
277A (2)(a)	Manager, Fisheries Business Services	It is only the function, in clause 277A(2)(a), in respect of giving nominations that is delegated to the position described opposite in Column 2 of this Schedule.
277A (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
277C (1)(b), (4), (5) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	Except for the function, in clause 277C(4)(a), of approving the form and manner of the request for revocation - see below.
277C (2) & (4)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
280A (1)	Manager, Fisheries Business Services	
280A (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
280A (4)	Executive Director, Fisheries, Compliance & Regional Relations	
280B	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
280C	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	Except for the function, in clause 280C(a), of approving the form - see below.
280C (a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 9 Fish receivers and fish records		
<i>Division 1 Fish receivers</i>		
289 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Operations; Director, Compliance Operations	
Part 11 Protection of aquatic habitats		
337	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
339 (2)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Senior Conservation Manager, North; Senior Conservation Manager, South; Senior Conservation Manager, Central	

DG SCH3		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
Part 12 Administration		
<i>Division 4 Provisions relating to members and procedure of advisory councils</i>		
363 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture	
<i>Division 6 Procedure for election of industry members of Management Advisory Committees</i>		
375 (a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
375 (b)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Recreational Fisheries	
380	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Recreational Fisheries	
381	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
384	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
<i>Division 7 Provisions relating to members and procedure of Management Advisory Committees</i>		
408 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	

SCHEDULE 4

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
5 (5) Supporting Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
7 (1)(b), Supporting Plan (4), (5) & (6) (Except for the function, in clause 7(4)(a), of approving the form and manner of the request for revocation – see below).	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
7 (2) & Supporting Plan (4)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
11H (3) Supporting Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
3, Table Estuary General Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
13 (2)(a) Estuary General Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
14B (2) Estuary General Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
3, Table Estuary Prawn Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
17A (1)(e) Estuary Prawn Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
18 (2)(a) Estuary Prawn Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
3, Table Ocean Hauling Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
18 (2)(a) Ocean Hauling Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
3, Table Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
7A (1)(c) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
7A (4)(c) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
7B (1)(g) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
7B (3) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
9 (2)(a) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
10 Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
3, Table Ocean Trap and Line Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
10 (2)(a) Ocean Trap and Line Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
8 (1), (2) & (4)(a)&(c) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
8 (4)(b) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
15 (5) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
18 (1) & (2) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing	
19 (2)(a) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
19 (3), (4) & (5) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing	

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
22 (1) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries;* Manager, Fisheries Business Services*; Senior Fisheries Manager, Commercial*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
8 (1), (2) & (4)(a)&(c) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
8 (4)(b) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
15 (5) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
18 (1) & (2) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing	
19 (2)(a) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
19 (3), (4) & (5) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial; Co-ordinator, Fisheries Licensing Services; Team Leader, Licensing	
24 (1) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
32 (1) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial Fisheries Management Officer, Commercial Services; District Fisheries Officer	
33 Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
34 (2) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
34 (3) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	

DG SCH4		
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions Director-General function delegated to	Conditions / Restrictions on delegation
35 Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
37 (2), (3) & (4) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Senior Fisheries Manager, Commercial	
40 (2A) Lobster Share Management Plan	Senior Fisheries Manager, Commercial	
47 (1) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Senior Fisheries Manager, Commercial*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
52 (2) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	

SCHEDULE 5

DG SCH5	
DELEGATION OF DIRECTOR-GENERAL'S FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007	
1	2
Function delegated (Clause)	Positions Director-General's function delegated to
<i>Part 4 Aquaculture leases</i>	
<i>Division 2 Applications for, and grant and renewal of, aquaculture leases</i>	
31 (1)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture
32 (1), (2) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Policy Officer, Aquaculture; Senior Administration Officer, Aquaculture

SCHEDULE 6

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
Part 2 General fisheries management		
<i>Division 1 Fishing closures</i>		
8, 9 & 11	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety	
<i>Division 2 Prohibited size fish, bag limits and protected fish</i>		
17 (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Recreational Fisheries; Senior Manager, Recreational Fisheries	
<i>Division 4 Total allowable catches</i>		
34 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
<i>Division 4A Recreational fishing fee</i>		
34G (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
34I (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Recreational Fisheries	
<i>Division 5 General</i>		
37 (1)(a)	Chief Scientist; Director, Fisheries & Aquatic Ecosystems*; Director, Fisheries Conservation & Aquaculture*; Research Leader, Wild Fisheries*; Research Leader, Aquatic Ecosystems*	*May only use this delegation in accordance with the policy guidelines of the Chief Scientist.
37 (1)(b)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Conservation & Aquaculture.

DG SCH6 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
37 (1)(c)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Manager, Aquaculture**	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations. **May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Conservation & Aquaculture.
37 (1)(d)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Operations*; Director, Fisheries Conservation & Aquaculture*; Chief Scientist*; Director, Fisheries & Aquatic Ecosystems*; Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Manager, Aquaculture*; Manager, Fisheries Ecosystems*; Manager, Recreational Fisheries*; Research Leader, Wild Fisheries*; Research Leader, Aquatic Ecosystems*	*May only use this delegation in accordance with the policy guidelines of the relevant Director / Chief Scientist.
37 (1)(e)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture; Director, Animal & Plant Biosecurity; Chief Scientist; Director, Fisheries & Aquatic Ecosystems; Manager, Fisheries Ecosystems, Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Manager, Recreational Fisheries*; Manager, Aquaculture*; Manager, Aquatic Biosecurity & Risk Management*; Research Leader, Wild Fisheries*; Research Leader, Aquatic Ecosystems*	This delegation may only be used in the following circumstances: 1. where the permit relates to activities undertaken in accordance with a policy, Fisheries Management Strategy or Share Management Plan approved by the Minister, or 2. where the permit gives effect to the provisions of a fishing closure made under section 8 of the Act, or 3. where the permit relates to a review or appeal against a refusal to issue an authority under the Act. *May only use this delegation in accordance with the policy guidelines of the relevant Director / Chief Scientist and in the above circumstances.

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
37 (4)(c)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture; Director, Animal & Plant Biosecurity; Chief Scientist; Director, Fisheries & Aquatic Ecosystems; Manager, Fisheries Ecosystems*; Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Manager, Recreational Fisheries*; Manager, Aquaculture*; Manager, Aquatic Biosecurity & Risk Management*; Research Leader, Wild Fisheries*; Research Leader, Aquatic Ecosystems*	A permit may only be cancelled or suspended by a position that holds the relevant delegation to issue such a permit. *May only use this delegation in accordance with the policy guidelines of the relevant Director / Chief Scientist.
37 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture; Director, Animal & Plant Biosecurity; Chief Scientist; Director, Fisheries & Aquatic Ecosystems; Manager, Fisheries Ecosystems*; Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*; Manager, Recreational Fisheries*; Manager, Aquaculture*; Manager, Aquatic Biosecurity & Risk Management*; Research Leader, Wild Fisheries*; Research Leader, Aquatic Ecosystems*	The conditions of a permit may only be varied by a position that holds the relevant delegation to issue such a permit. *May only use this delegation in accordance with the policy guidelines of the relevant Director / Chief Scientist.
37A (1), (5)(c) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
39 (3)	Executive Director, Fisheries, Compliance & Regional Relations	
Part 3 Commercial share management fisheries		
<i>Division 3 Issue of shares</i>		
46	Executive Director, Fisheries, Compliance & Regional Relations	
47	Executive Director, Fisheries, Compliance & Regional Relations	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
48 (1), (2), (4) & (5)	Executive Director, Fisheries, Compliance & Regional Relations	
48 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
51	Executive Director, Fisheries, Compliance & Regional Relations	
52	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
52A	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
<i>Division 5 Management plans</i>		
56 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations	
57A (1) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
58	Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Planning & Operations	
<i>Division 6 Fishing and other shareholding rights</i>		
68 (1) (including 68 (6A))	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*May only specify conditions in the endorsement, pursuant to section 68(6A), in accordance with the policy guidelines of the Director, Fisheries Operations.
68 (2), (5), (6B), (7) & (8C)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
68 (8A)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
70 (1), (2), (4)(c) & (4A)	Executive Director, Fisheries, Compliance & Regional Relations	
70 (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
72 (5) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
74 (2) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	
75 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	
<i>Division 8 Allocation of total allowable commercial catch among shareholders</i>		
78 (2) & (7)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services	
78 (8)	Executive Director, Fisheries, Compliance & Regional Relations	
81 (2), (3), (4) & (5)	Executive Director, Fisheries, Compliance & Regional Relations	
81 (6) & (7)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services	
Part 4 Licensing and other commercial fisheries management		
<i>Division 1 Commercial fishing licences</i>		
104 (1)	Manager, Fisheries Business Services	
104 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
104 (3) (including 104 (4)(a))	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*1. May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations. *2. May only specify conditions in the licence, pursuant to section 104(4)(a), in accordance with the policy guidelines of the Director, Fisheries Operations.
104 (4)(e) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 2 Commercial fishing boats</i>		
108 (1)	Manager, Fisheries Business Services	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
108 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
108 (3) (including 108(4)(a))	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
108 (4)(d) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 3 Exploratory, developmental and other restricted fisheries</i>		
112 (1) (including 112 (2))	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*	*May only specify conditions in the endorsement, pursuant to section 112(2), in accordance with the policy guidelines of the Director, Fisheries Operations.
112 (3) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 4 Fish receivers</i>		
118 (1)	Fish Receiver Registrar	
118 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations	
118 (3) (including 118 (5)(a))	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	
118 (5)(d) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Compliance Operations	
<i>Division 5 Fish records</i>		
121 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
122 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
122A (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Planning & Operations	
Part 4A Charter fishing management		
127C (1)	Manager Fisheries Business Services	
127C (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
127C (3) (including 127C (4)(a))	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*1. May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations. *2. May only specify conditions in the licence, pursuant to section 127C(4)(a), in accordance with the policy guidelines of the Director, Fisheries Operations.
127C (4)(d) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
127E (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
127EA (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 6 Aquaculture management		
<i>Division 2 Aquaculture permits</i>		
145 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
145 (2) (a)	Director, Fisheries Conservation & Aquaculture	
145 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
146 (1), (2) & (3)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture*; Senior Administration Officer, Aquaculture*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Conservation & Aquaculture.

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
148	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
152 (1)(b) & (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
153 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer; Aquaculture Compliance Policy Officer	
154	Manager, Aquaculture; Senior Administration Officer, Aquaculture	
155	Manager, Aquaculture; Senior Administration Officer, Aquaculture	
159	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
160 (1), (2) & (3)	Director, Fisheries Conservation & Aquaculture	
161	Director, Fisheries Conservation & Aquaculture	
162 (2)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	
162 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture	
162 (5)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
<i>Division 3 Leases of public water land for aquaculture</i>		
163	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
167 (1), (2) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
168 (3)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
169 (1), (2) & (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
170 (1) & (2)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
170 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Administration Officer, Aquaculture	
170 (5)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
171 (2)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture	
171 (3)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture	
171 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Manager, Aquaculture Compliance; Senior Administration Officer, Aquaculture; Senior Policy Officer, Aquaculture	
171 (5)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
172 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
173 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
174 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
174 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
175	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
176 (1) & (5)	Director, Fisheries Conservation & Aquaculture	
177 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
177 (2) & (3)	Director, Fisheries Conservation & Aquaculture	
178	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
179 (4)	Director, Fisheries Conservation & Aquaculture	
<i>Division 4 Diseased fish and marine vegetation</i>		
182 (4) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Director, Compliance Operations	
183 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Director, Compliance Operations	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 5 Miscellaneous provisions</i>		
188 (1), (2), (3)(a) & (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; District Fisheries Officer; Senior Fisheries Officer	
189	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Conservation & Aquaculture	
Part 7 Protection of aquatic habitats		
<i>Division 1 Habitat protection plans</i>		
193 (3)	Executive Director, Fisheries, Compliance & Regional Relations	
<i>Division 3 Dredging and reclamation</i>		
199	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager	
200 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager	
201 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager	
203 (1) & (3)	Director, Fisheries Conservation & Aquaculture	
<i>Division 4 Protection of mangroves and certain other marine vegetation</i>		
205 (2)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Manager, Aquatic Habitat Rehabilitation; Senior Conservation Manager	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 6 Noxious fish and noxious marine vegetation</i>		
210 (1)	Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Manager, Aquatic Biosecurity & Risk Management; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Manager, Fisheries Ecosystems	
211 (1)	Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Manager, Aquatic Biosecurity & Risk Management; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Manager, Fisheries Ecosystems	
213 (3)	Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Manager, Aquatic Biosecurity & Risk Management; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Manager, Fisheries Ecosystems; Manager, Aquaculture Compliance	
213 (6)	Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Fisheries Conservation & Aquaculture; Director, Animal & Plant Biosecurity	
<i>Division 7 Release or importation of fish</i>		
216 (1)	Director, Fisheries Conservation & Aquaculture; Director, Fisheries Operations; Manager, Recreational Fishing; Manager, Aquaculture	
217 (1)	Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Animal & Plant Biosecurity; Manager, Aquatic Biosecurity & Risk Management; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 8 Miscellaneous provisions</i>		
218 (1), (2), (4) & (5)	Director, Fisheries Conservation & Aquaculture	
219 (3)	Director, Fisheries Conservation & Aquaculture	
220 (1)(c) & (2)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems; Senior Conservation Manager; Manager, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture	
Part 7A Threatened species conservation		
<i>Division 3 Critical habitat of endangered species, populations and ecological communities and critically endangered species and ecological communities</i>		
220Q	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
220R (1) & (3)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
220T (6)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
220U (3)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
220U (4)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	It is only the function in section 220U(4) in respect of a notice under section 220U(3), that is delegated.
220W	Director, Fisheries Conservation & Aquaculture	
220X (1)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
220X (3)	Executive Director, Fisheries, Compliance & Regional Relations	
<i>Division 6 Licensing and Ministerial orders</i>		
<i>Subdivision 1A Ministerial orders</i>		
221IC	Executive Director, Fisheries, Compliance & Regional Relations	
221ID	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 10 Biodiversity certification of native vegetation reform package</i>		
221ZJ (1) & (2)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
221ZJ (3)	Executive Director, Fisheries, Compliance & Regional Relations	
<i>Division 11 Biodiversity certification of environmental planning instruments</i>		
221ZK (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
221ZQ (1) & (2)	Director, Fisheries Conservation & Aquaculture; Manager, Fisheries Ecosystems	
221ZQ (3)	Executive Director, Fisheries, Compliance & Regional Relations	
Part 8 Administration		
<i>Division 1 The Minister and Director-General</i>		
225	Executive Director, Science & Research; Chief Scientist; Director, Fisheries & Aquatic Ecosystems	
<i>Division 3 Special fisheries trust funds</i>		
238A	Executive Director, Fisheries, Compliance & Regional Relations	
Part 9 Enforcement		
<i>Division 2 Appointment of fisheries officers</i>		
243	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance	
<i>Division 4 Seizure</i>		
270	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	
273 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	

DG SCH6		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994		
1	2	3
Function delegated (Section)	Positions function delegated to	Conditions / Restrictions on delegation
275 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	
<i>Division 4A Compliance audits</i>		
275D	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance	
275E (3)(b) & (e)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance	
275I	Executive Director, Fisheries, Compliance & Regional Relations; Director, Compliance Operations; Manager, Fisheries Compliance	
<i>Schedule 2 Provisions relating to members and procedure of TAC Committee</i>		
8 (4)	Executive Director, Fisheries, Compliance & Regional Relations	

SCHEDULE 7

DG SCH7 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (GENERAL) REGULATION 2002</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
Part 5 Miscellaneous provisions relating to fisheries management		
<i>Division 5 Recreational fishing fee</i>		
123 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Recreational Fisheries	
124 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
125	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Recreational Fisheries	
Part 5A Fishing business transfer rules		
<i>Division 2 Transfer of dual operator fishing businesses</i>		
133E (1)(b) & (2)	Manager, Fisheries Business Services	
133E (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 3 Transfer of restricted fishery endorsements</i>		
133F (2) (b)	Manager, Fisheries Business Services	
133G (2) (d)	Manager, Fisheries Business Services	
133H (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 4 Transfer of shares</i>		
133M (b)	Manager, Fisheries Business Services	
133N (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
Part 6 Commercial share management fisheries		
<i>Division 1 General</i>		
139	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	

DG SCH7 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (GENERAL) REGULATION 2002</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
Part 7 Licensing and other commercial fisheries management		
<i>Division 1 Commercial fishing licences</i>		
143 (1) (d)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
145 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
147 (1)	Manager, Fisheries Business Services	
147 (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*; Team Leader, Commercial Services*; Team Leader, Licensing*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
147 (5) & (6)	Manager, Fisheries Business Services	
148	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
150C (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations	
150D (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations	
<i>Division 2 Boat licences</i>		
152	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
152A (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
152A (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
153 (1)(j)	Manager, Fisheries Business Services	

DG SCH7		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
154 (1)	Manager, Fisheries Business Services	
154 (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services*; Team Leader, Commercial Services*; Team Leader, Licensing*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
154 (5) & (6)	Manager, Fisheries Business Services	
156	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	
157 (1), (2) & (8)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services	
157 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
157A	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	
Part 8 Restricted fisheries		
<i>Division 1 Sea urchin and turbin shell restricted fishery</i>		
174 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
174 (3)	Manager, Fisheries Business Services	
178	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 3 Southern fish trawl restricted fishery</i>		
195 (1) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
198	Executive Director, Fisheries, Compliance &	*May only use this delegation in

DG SCH7		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
	Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 8 Inland restricted fishery</i>		
236 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
237 (1)	Manager, Fisheries Business Services	
237 (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services*; Co-ordinator, Fisheries Licensing Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
238 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
240	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
<i>Division 13 Miscellaneous</i>		
279	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
Part 8B Fishing business cards		
280F(1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
Part 9 Fish receivers and fish records		
<i>Division 1 Fish receivers</i>		
286	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	
287 (1)	Fish Receiver Registrar	
287 (2)	Executive Director, Fisheries, Compliance &	

DG SCH7		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
	Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Compliance Operations; Manager, Fisheries Compliance; Manager, Special Operations	
288	Executive Director, Fisheries, Compliance & Regional Relations; Executive Director, Agriculture, Biosecurity & Mine Safety; Director, Compliance Operations	
Part 10 Charter fishing management		
<i>Division 2 Licences</i>		
301 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services	
303 (3)	Executive Director, Fisheries, Compliance & Regional Relations	
305 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
305 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
305A (1)	Manager, Fisheries Business Services	
305A (2) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
306	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
307	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
308 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
308 (2)	Executive Director, Fisheries, Compliance &	*May only use this delegation in

DG SCH7		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
	Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Fisheries Business Services*	accordance with the policy guidelines of the Director, Fisheries Operations.
308 (3), (4), (5) & (6)	Manager, Fisheries Business Services	
309	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
309A (1), (2), (3), (9) & (10)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
309A (6)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
310 (1) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
312 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
<i>Division 3 Reviews relating to issue of licences</i>		
313 (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
Part 12 Administration		
<i>Division 4 Provisions relating to members and procedure of advisory councils</i>		
357	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations*; Director, Fisheries Conservation & Aquaculture*; Director, Policy, Legislation & Coordination*	*May only use this delegation in accordance with the policy guidelines of the Executive Director, Fisheries, Compliance & Regional Relations.
358 (e)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Director, Fisheries Conservation & Aquaculture; Director, Policy, Legislation & Coordination	
362	Executive Director, Fisheries, Compliance & Regional Relations	
<i>Division 5 Composition of Management Advisory Committees and qualifications for election</i>		
370 (1)(b)	Executive Director, Fisheries, Compliance &	

DG SCH7		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
	Regional Relations; Director, Fisheries Operations	
<i>Division 7 Provisions relating to members and procedure of Management Advisory Committees</i>		
402	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
405 (1)(e)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
407 (1)	Executive Director, Fisheries, Compliance & Regional Relations	
407 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries; Manager, Recreational Fisheries	
Part 13 Enforcement		
<i>Division 4 Miscellaneous</i>		
415 (1)	Executive Director, Fisheries, Compliance & Regional Relations	

SCHEDULE 8

DG SCH8		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions function delegated to	Conditions / Restrictions on delegation
8 (c) Supporting Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
10 (1)(e) Supporting Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries	
10 (3) Supporting Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations	
13 (2)(b) Estuary General Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
18 (2)(b) Estuary Prawn Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
18 (2)(b) Ocean Hauling Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
9 (2)(b) Ocean Trawl Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	

DG SCH8 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions function delegated to	Conditions / Restrictions on delegation
10 (2)(b) Ocean Trap and Line Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
7 (1)(a) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
11 Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
12 Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
15 (4) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services; Senior Fisheries Manager, Commercial	
35 (5) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services	
36 (1A)(e) Abalone Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries	
36 (3) Abalone Share	Executive Director, Fisheries,	

DG SCH8 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS		
1	2	3
Function delegated (Clause & Plan)	Positions function delegated to	Conditions / Restrictions on delegation
Management Plan	Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
7 (1)(a) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations*; Manager, Commercial Fisheries*; Manager, Fisheries Business Services*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Operations.
11 Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Fisheries Business Services; Co-ordinator, Fisheries Licensing Services	
12 Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	
15 (4) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries; Senior Fisheries Manager, Commercial	
52 (5) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations; Manager, Commercial Fisheries; Manager, Fisheries Business Services	
53 (1A)(e) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Commercial Fisheries	
53 (3) Lobster Share Management Plan	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Operations; Manager, Fisheries Planning & Operations	

SCHEDULE 9

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
Part 2 Aquaculture permits		
<i>Division 2 Applications for, and issue of, permits</i>		
6	Director, Fisheries Conservation & Aquaculture	
<i>Division 3 Contributions by permit holders to pay for costs of administration</i>		
7 (4), (5), (7) & (8)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
9	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture*; Senior Administration Officer, Aquaculture*; Administration Officer, Aquaculture*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Conservation & Aquaculture.
10	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
<i>Division 4 Contributions by permit holders to pay for research</i>		
11 (5), (6), (9) & (10)	Executive Director, Science & Research; Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
11 (11)	Executive Director, Science & Research; Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture*; Senior Administration Officer, Aquaculture*	*May only use this delegation in accordance with the policy guidelines of the Director, Fisheries Conservation & Aquaculture.
Part 3 Security arrangements for aquaculture permit holders		
<i>Division 2 Security to be provided by class A and class B permit holders</i>		
19 (5)	Executive Director, Fisheries, Compliance & Regional Relations	
19 (6), (7) & (8)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
20 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
20 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
21	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
<i>Division 3 Financial arrangements by way of contributions taken to be entered into by certain class A permit holders</i>		
23 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
23 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
24 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
25 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
25 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
25 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
Part 4 Aquaculture leases		
<i>Division 2 Applications for, and grant and renewal of, aquaculture leases</i>		
31 (1)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
32 (3)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	

DG SCH9 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
33 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
33 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
33 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	All functions in clause 33(4), other than the requirement to publish a notice (see below) are delegated to the positions described opposite in Column 2 of this Schedule.
33 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	It is only the requirement, in clause 33(4), to publish a notice that is delegated to the positions described opposite in Column 2 of this Schedule.
34	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
35	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
36	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
37	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
38	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
39	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 3 Rent for aquaculture leases</i>		
41 (4) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
42 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
42 (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
42 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
<i>Division 4 Subletting, transferring and transmission of aquaculture leases</i>		
45 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
45 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
46	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
<i>Division 5 Surrender, consolidation and subdivision of aquaculture leases</i>		
47 (1)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	It is only the function, in clause 47(1), of approving the form that is delegated to the positions described opposite in Column 2 of this Schedule.
47 (1) & (3)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	It is only the function, in clause 47(1), in respect of the lodging of applications that is delegated to the positions described opposite in Column 2 of this Schedule.

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
47 (4)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
47 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
47 (6) & (8)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
48 (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
48 (2)(b) & (5)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
48 (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
48 (6) & (7)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
49 (2)(a)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
49 (2)(b) & (6)	Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
49 (3) & (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
49 (7) & (8)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
<i>Division 6 Aquaculture lease plans and documents</i>		
50 (1) & (3)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture; Administration Officer	
50 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture; Administration Officer	
51 (1), (2), (3) & (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
51 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
52	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
53	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
<i>Division 7 Marking of leased areas, boat channels and access ways</i>		
54 (1)(b)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	

DG SCH9		
SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
54 (3)	Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	
54 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture	
55 (1) & (3)	Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Policy Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	
56 (2) & (3)	Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	
57 (1)	Manager, Aquaculture; Senior Administration Officer, Aquaculture; Senior Fisheries Officer, Conservation & Aquaculture; Senior Fisheries Officer; District Fisheries Officer	
58 (1) & (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	
Part 6 Miscellaneous		
63 (2)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture; Administration Officer, Aquaculture	
63 (4)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Administration Officer, Aquaculture	
66 (5)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	
66 (6), (7), (8), & (9)	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture; Senior Administration Officer, Aquaculture	

DG SCH9 SUBDELEGATION BY DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007</i>		
1	2	3
Function delegated (Clause)	Positions function delegated to	Conditions / Restrictions on delegation
67	Executive Director, Fisheries, Compliance & Regional Relations; Director, Fisheries Conservation & Aquaculture; Manager, Aquaculture	

FISHERIES MANAGEMENT ACT 1994**Sections 227 and 228(2)****Instrument of Delegation from Minister to Director-General**

I, IAN MACDONALD, M.L.C., Minister for Primary Industries, do by this instrument:

1. pursuant to section 227 of the *Fisheries Management Act 1994* (“the Act”), revoke:
 - (a) the instruments of delegation signed by me and described in Schedule 1 to this instrument of delegation;
 - (b) all other delegations previously made by me under the Act, the regulations made under the Act or Division 5 of Part 5 of the *Environmental Planning and Assessment Act 1979*; and
 - (c) any delegations revived as a result of this revocation;
2. pursuant to section 227(1) of the Act, delegate to the Director-General of the NSW Department of Primary Industries the functions conferred or imposed on me:
 - (a) under the Act as specified in Column 2 of Schedule 2 to this instrument of delegation;
 - (b) under the *Fisheries Management (General) Regulation 2002* as specified in Column 2 of Schedule 3 to this instrument of delegation;
 - (c) under the:
 - (i) *Fisheries Management (Supporting Plan) Regulation 2006*;
 - (ii) *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*;
 - (iii) *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*;
 - (iv) *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*;
 - (v) *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*;
 - (vi) *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*;
 - (vii) *Fisheries Management (Lobster Share Management Plan) Regulation 2000*; and
 - (viii) *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,as specified in Columns 1 and 2 of Schedule 4 to this instrument of delegation;
 - (d) under the *Fisheries Management (Aquaculture) Regulation 2007* as specified in Column 2 of Schedule 5 to this instrument of delegation.

3. pursuant to section 227(2) of the Act, delegate to the Director-General of the NSW Department of Primary Industries the functions conferred or imposed on me under Division 5 of Part 5 of the *Environmental Planning and Assessment Act 1979* as specified in Column 1 of Schedule 6 to this instrument of delegation subject to any conditions specified opposite in Column 2 of Schedule 6;
4. pursuant to section 228(2) of the Act, authorise the Director-General of the NSW Department of Primary Industries to subdelegate to any authorised person any function delegated to the Director-General under this instrument of delegation.

In this instrument of delegation:

“*authorised person*” has the same meaning as in section 228(3) of the Act,
“*function*” includes power, authority or duty.

Dated this 15th day of July 2009

**IAN MACDONALD, M.L.C.,
Minister for Primary Industries**

SCHEDULE 1

REVOKED INSTRUMENTS OF DELEGATION	
Date of instrument of delegation	NSW Government Gazette reference (if applicable)
6 December 2003	Not applicable
2 January 2004	Not applicable
30 March 2004	Not applicable
16 November 2004	Not applicable
6 June 2006	NSW GG No. 77 of 16 June 2006 at page 4416
2 November 2006	NSW GG No. 168 of 1 December 2006 at page 10159
15 February 2007	NSW GG No. 36 of 2 March 2007 at page 1627

SCHEDULE 2

MIN SCH2 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT ACT 1994	
1	2
Part / Division of Fisheries Management Act 1994	Function delegated (Section)
Part 2 General fisheries management	
<i>Division 1 Fishing closures</i>	
	8
	9
	11
<i>Division 2 Prohibited size fish, bag limits and protected fish</i>	
	17 (6)
<i>Division 4 Total allowable catches</i>	
	34 (1)
<i>Division 4A Recreational fishing fee</i>	
	34G (3)
	34I (1)
<i>Division 5 General</i>	
	37 (1)(a)
	37 (1)(b)
	37 (1)(c)
	37 (1)(d)
	37 (1)(e)
	37 (4)(c)
	37 (5)
	37A (1), (5)(c) & (6)
	39 (3)
Part 3 Commercial share management fisheries	
<i>Division 2 Declaration of share management fisheries</i>	
	44 (4)
<i>Division 3 Issue of shares</i>	
	46
	47
	48 (1), (2), (4) & (5)
	48 (3)
	51
	52
	52A
<i>Division 4 Limited access to fishery after issue of shares</i>	
	53 (1)
<i>Division 5 Management plans</i>	
	56 (1) & (2)
	57A (1) & (6)
	58
<i>Division 6 Fishing and other shareholding rights</i>	
	68 (1)

MIN SCH2 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT ACT 1994</i>	
1	2
Part / Division of <i>Fisheries Management Act 1994</i>	Function delegated (Section)
	68 (2), (5), (6B), (7) & (8C)
	68 (8A)
	70 (1), (2), (4)(c) & (4A)
	70 (6)
	72 (5) & (6)
	74 (2) & (3)
	75 (5)
<i>Division 8 Allocation of total allowable commercial catch among shareholders</i>	
	78 (2) & (7)
	78 (8)
	81 (2), (3), (4) & (5)
	81 (6) & (7)
<i>Part 4 Licensing and other commercial fisheries management</i>	
<i>Division 1 Commercial fishing licences</i>	
	104 (1)
	104 (2)
	104 (3)
	104 (4)(e) & (6)
<i>Division 2 Commercial fishing boats</i>	
	108 (1)
	108 (2)
	108 (3)
	108 (4)(d) & (6)
<i>Division 3 Exploratory, developmental and other restricted fisheries</i>	
	112 (1)
	112 (3) & (5)
<i>Division 4 Fish receivers</i>	
	118 (1)
	118 (2)
	118 (3)
	118 (5)(d) & (6)
<i>Division 5 Fish records</i>	
	121 (3)
	122 (3)
	122A (2)
<i>Part 4A Charter fishing management</i>	
	127C (1)
	127C (2)
	127C (3)
	127C (4)(d) & (6)
	127D
	127E (3)

MIN SCH2 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT ACT 1994</i>	
1	2
Part / Division of <i>Fisheries Management Act 1994</i>	Function delegated (Section)
	127EA (3)
<i>Part 6 Aquaculture management</i>	
<i>Division 2 Aquaculture permits</i>	
	145 (1)
	145 (2)(a)
	145 (4)
	146 (1), (2) & (3)
	148
	152 (1)(b) & (4)
	153 (1)
	154
	155
	156 (1)
	157 (1), (2) & (3)
	159
	160 (1), (2) & (3)
	161
	162 (2)
	162 (4)
	162 (5)
	162 (6)
<i>Division 3 Leases of public water land for aquaculture</i>	
	163
	167 (1), (2) & (5)
	168 (3)
	169 (1), (2) & (6)
	170 (1) & (2)
	170 (4)
	170 (5)
	171 (2)
	171 (3)
	171 (4)
	171 (5)
	172 (1)
	173 (1)
	174 (1)
	174 (4)
	175
	176 (1) & (5)
	177 (1)
	177 (2) & (3)
	178
	179 (4)
<i>Division 4 Diseased fish and marine vegetation</i>	

MIN SCH2 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT ACT 1994</i>	
1	2
Part / Division of <i>Fisheries Management Act 1994</i>	Function delegated (Section)
	182 (4) & (5)
	183 (1)
<i>Division 5 Miscellaneous provisions</i>	
	188 (1), (2), (3)(a) & (4)
	189
<i>Part 7 Protection of aquatic habitats</i>	
<i>Division 1 Habitat protection plans</i>	
	193 (3)
<i>Division 3 Dredging and reclamation</i>	
	199
	200 (1)
	201 (1)
	203 (1) & (3)
<i>Division 4 Protection of mangroves and certain other marine vegetation</i>	
	205 (2)
<i>Division 6 Noxious fish and noxious marine vegetation</i>	
	210 (1)
	211 (1)
	213 (3)
	213 (6)
<i>Division 7 Release or importation of fish</i>	
	216 (1)
	217 (1)
<i>Division 8 Miscellaneous provisions</i>	
	218 (1), (2), (4) & (5)
	219 (3)
	220 (1)(c) & (2)
<i>Part 7A Threatened species conservation</i>	
<i>Division 3 Critical habitat of endangered species, populations and ecological communities and critically endangered species and ecological communities</i>	
	220Q
	220R (1) & (3)
	220T (6)
	220U (3) & (4)
	220W
	220X (1)
	220X (3)
<i>Division 6 Licensing and Ministerial orders</i>	
<i>Subdivision 1A Ministerial orders</i>	
	221IC
	221ID
<i>Division 10 Biodiversity certification of native vegetation reform package</i>	

MIN SCH2 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE <i>FISHERIES MANAGEMENT ACT 1994</i>	
1	2
Part / Division of <i>Fisheries Management Act 1994</i>	Function delegated (Section)
	221ZJ (1) & (2)
	221ZJ (3)
<i>Division 11 Biodiversity certification of environmental planning instruments</i>	
	221ZK (5)
	221ZQ (1) & (2)
	221ZQ (3)
Part 8 Administration	
<i>Division 1 The Minister and Director-General</i>	
	225
	226
<i>Division 3 Special fisheries trust funds</i>	
	233 (2)
	238A
	239A
	239B
Part 9 Enforcement	
<i>Division 2 Appointment of fisheries officers</i>	
	243
<i>Division 4 Seizure</i>	
	270
	273 (1) & (2)
	275 (2)
<i>Division 4A Compliance audits</i>	
	275D
	275E (3)(b) & (e)
	275I
Schedule 2 Provisions relating to members and procedures of TAC Committee	
	2 (3)
	4
	8 (4)
Schedule 3 Provisions relating to members of the Share Management Fisheries Appeal Panel	
	2 (3)
	4

SCHEDULE 3

MIN SCH3 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002	
1	2
Part / Division of <i>Fisheries Management (General) Regulation 2002</i>	Function delegated (Clause)
<i>Part 5 Miscellaneous provisions relating to fisheries management</i>	
<i>Division 5 Recreational fishing fee</i>	
	123 (2)
	124 (5)
	125
<i>Division 7 Miscellaneous</i>	
	133
<i>Part 5A Fishing business transfer rules</i>	
<i>Division 2 Transfer of dual operator fishing businesses</i>	
	133DA
	133E (1)(b) & (2)
	133E (3) & (4)
<i>Division 3 Transfer of restricted fishery endorsements</i>	
	133F (2)(b)
	133G (2)(d)
	133H (1)
<i>Division 4 Transfer of shares</i>	
	133M (b)
	133N (1)
<i>Part 6 Commercial share management fisheries</i>	
<i>Division 1 General</i>	
	139
<i>Part 7 Licensing and other commercial fisheries management</i>	
<i>Division 1 Commercial fishing licences</i>	
	143 (1)(d)
	145 (1)
	147 (1)
	147 (3)
	147 (4)
	147 (5) & (6)
	148
	150C (3) & (4)
	150D (3) & (4)
<i>Division 2 Boat licences</i>	
	152
	152A (1)
	152A (2)(a)
	153 (1)(j)
	154 (1)
	154 (3)
	154 (4)

MIN SCH3 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002	
1	2
Part / Division of <i>Fisheries Management (General) Regulation 2002</i>	Function delegated (Clause)
	154 (5) & (6)
	156
	157 (1), (2) & (8)
	157 (5)
	157A
<i>Part 8 Restricted fisheries</i>	
<i>Division 1 Sea urchin and turban shell restricted fishery</i>	
	174 (1) & (2)
	174 (3)
	178
<i>Division 3 Southern fish trawl restricted fishery</i>	
	195 (1) & (4)
	198
<i>Division 8 Inland restricted fishery</i>	
	236 (1) & (2)
	237 (1)
	237 (3) & (4)
	238 (5)
	240
<i>Division 13 Miscellaneous</i>	
	279
<i>Part 8B Fishing business cards</i>	
	280F (1)
<i>Part 9 Fish receivers and fish records</i>	
<i>Division 1 Fish receivers</i>	
	286
	287 (1)
	287 (2)
	288
<i>Part 10 Charter fishing management</i>	
<i>Division 2 Licences</i>	
	301 (1)
	303 (3)
	305 (2)
	305 (3)
	305A (1)
	305A (2) & (3)
	306
	307
	308 (1)
	308 (2)
	308 (3), (4), (5) & (6)
	309
	309A (6)

MIN SCH3 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (GENERAL) REGULATION 2002	
1	2
Part / Division of <i>Fisheries Management (General) Regulation 2002</i>	Function delegated (Clause)
	310 (1) & (3)
	312 (3)
<i>Division 3 Reviews relating to issue of licences</i>	
	313 (2)(a)
<i>Part 11 Protection of aquatic habitats</i>	
	339 (3)
<i>Part 12 Administration</i>	
<i>Division 3 Establishment, composition and functions of ministerial advisory councils</i>	
	349
	350
<i>Division 4 Provisions relating to members and procedure of advisory councils</i>	
	357
	358 (e)
	359
	362
<i>Division 5 Composition of Management Advisory Committees and qualifications for election</i>	
	370 (1)(b)
	372 (1)(b)
<i>Division 7 Provisions relating to members and procedure of Management Advisory Committees</i>	
	402
	405 (1)(e)
	407 (1)
	407 (2)
<i>Part 13 Enforcement</i>	
<i>Division 4 Miscellaneous</i>	
	415 (1)

SCHEDULE 4

In this Schedule:

“Abalone Share Management Plan” means the *Fisheries Management (Abalone Share Management Plan) Regulation 2000*,

“Estuary General Share Management Plan” means the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*,

“Estuary Prawn Trawl Share Management Plan” means the *Fisheries Management (Estuary Prawn Trawl Share Management Plan) Regulation 2006*,

“Lobster Share Management Plan” means the *Fisheries Management (Lobster Share Management Plan) Regulation 2000*,

“Ocean Hauling Share Management Plan” means the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*,

“Ocean Trap and Line Share Management Plan” means the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*,

“Ocean Trawl Share Management Plan” means the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*,

“Supporting Plan” means the *Fisheries Management (Supporting Plan) Regulation 2006*.

MIN SCH4 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS	
1	2
Plan	Function delegated (Clause)
Supporting Plan	8 (c)
Supporting Plan	10 (1)(e)
Supporting Plan	10 (3)
Estuary General Share Management Plan	13 (2)(b)
Estuary Prawn Trawl Share Management Plan	18 (2)(b)
Ocean Hauling Share Management Plan	18 (2)(b)
Ocean Trawl Share Management Plan	9 (2)(b)
Ocean Trap and Line Share Management Plan	10 (2)(b)
Abalone Share Management Plan	7 (1)(a)
Abalone Share Management Plan	11

MIN SCH4 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE SUPPORTING PLAN AND SHARE MANAGEMENT PLANS	
1	2
Plan	Function delegated (Clause)
Abalone Share Management Plan	12
Abalone Share Management Plan	15 (4)
Abalone Share Management Plan	34B (7)
Abalone Share Management Plan	35 (5)
Abalone Share Management Plan	36 (1A)(e)
Abalone Share Management Plan	36 (3)
Lobster Share Management Plan	7 (1)(a)
Lobster Share Management Plan	11
Lobster Share Management Plan	12
Lobster Share Management Plan	15 (4)
Lobster Share Management Plan	52 (5)
Lobster Share Management Plan	53 (1A)(e)
Lobster Share Management Plan	53 (3)
Lobster Share Management Plan	54 (6)

SCHEDULE 5

MIN SCH5 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007	
1	2
Part / Division of <i>Fisheries Management (Aquaculture) Regulation 2007</i>	Function delegated (Clause)
<i>Part 2 Aquaculture permits</i>	
<i>Division 2 Applications for, and issue of, permits</i>	
	6
<i>Division 3 Contributions by permit holders to pay for costs of administration</i>	
	7 (1)
	7 (4), (5), (7) & (8)
	9
	10
<i>Division 4 Contributions by permit holders to pay for research</i>	
	11 (1)
	11 (5), (6), (9) & (10)
	11 (11)
	12
	13
	14
	15
<i>Part 3 Security arrangements for aquaculture permit holders</i>	
<i>Division 2 Security to be provided by class A and class B permit holders</i>	
	19 (5)
	19 (6), (7) & (8)
	20 (1)
	20 (2)
	21
<i>Division 3 Financial arrangements by way of contributions taken to be entered into by certain Class A permit holders</i>	
	23 (1)
	23 (4)
	23 (5)
	24 (2)
	25 (1)
	25 (2)
	25 (3)
	26
	27
	28
	29
<i>Part 4 Aquaculture leases</i>	
<i>Division 2 Applications for, and grant and renewal of, aquaculture leases</i>	
	31 (1)
	32 (3)
	33 (1) & (2)
	33 (3)

MIN SCH5	
DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007	
1	2
Part / Division of Fisheries Management (Aquaculture) Regulation 2007	Function delegated (Clause)
	33 (4)
	34
	35
	36
	37
	38
	39
<i>Division 3 Rent for aquaculture leases</i>	
	41 (1)
	41 (4) & (5)
	42 (1)
	42 (3)
	42 (4)
<i>Division 4 Subletting, transferring and transmission of aquaculture leases</i>	
	45 (1)
	45 (4)
	46
<i>Division 5 Surrender, consolidation and subdivision of aquaculture leases</i>	
	47 (1) & (3)
	47 (4)
	47 (5)
	47 (6) & (8)
	48 (2)(a)
	48 (2)(b) & (5)
	48 (3) & (4)
	48 (6) & (7)
	49 (2)(a)
	49 (2)(b) & (6)
	49 (3) & (5)
	49 (7) & (8)
<i>Division 6 Aquaculture lease plans and documents</i>	
	50 (1) & (3)
	50 (2)
	51 (1), (2), (3) & (4)
	51 (5)
	52
	53
<i>Division 7 Marking of leased areas, boat channels and access ways</i>	
	54 (1)(b)
	54 (3)
	54 (4)
	55 (1) & (3)
	56 (2) & (3)
	57 (1)

MIN SCH5 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER THE FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007	
1	2
Part / Division of <i>Fisheries Management (Aquaculture) Regulation 2007</i>	Function delegated (Clause)
	57 (3)
	58 (1) & (2)
<i>Part 6 Miscellaneous</i>	
	63 (2)
	63 (4)
	66 (5)
	66 (6), (7), (8) & (9)
	67

SCHEDULE 6

MIN SCH6 DELEGATION BY MINISTER TO DIRECTOR-GENERAL OF MINISTERIAL FUNCTIONS UNDER DIVISION 5 OF PART 5 OF THE <i>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</i>	
1	2
Function delegated (Section)	Conditions / Restrictions on delegation
115K (4)	
115K (6)	
115L (1)	
115L (3)	
115L (4)	
115O (4)	The only function under section 115O(4) that is delegated is in respect of the requirement to make the determination public as soon as practicable after it is made.

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this notice, specify the routes and areas on or in which 4.6 metre high vehicles may be used subject to any regulations or conditions set out in the Schedule.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority 4.6 Metre High Vehicle Route Notice No. 2/2009.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This notice remains in force until 31 December 2012 unless it is amended or repealed earlier

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No.	Road Name	Start Point	Finish Point
4.6.	261.	Moss Vale Road.	HW1 Princes Highway, Bomaderry.	HW25 Illawarra Highway at Calwalla.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority Road Train Notice No. 02/2009.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force until 30 September 2010 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No.	Road Name	Starting Point	Finishing Point
RT.	14.	Sturt Highway.	MR321.	Newell Hwy (HW17), Gillenbah.
RT.	17.	Newell Highway.	Sturt Hwy (HW14), Gillenbah (western junction).	RR7608, Narrandera.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation 2005

I, Michael Bushby, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority B-Double Notice No. 12/2009

2. Commencement

This Notice takes effect on 29 July 2009.

3. Effect

This Notice remains in force until 19 September 2009 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	10	Pacific Highway, Pearces Corner	Cumberland Hwy/ Sydney Newcastle Freeway intersections	George Street, Hornsby	The routes listed will operate from 29 July – 13 August between 9.00pm-5.00am and 24 August – 19 September between 8.00pm-4.00am
25	10	George Street, Hornsby	Pacific Highway	Bridge Road	
25	10	Bridge Road, Hornsby	George Street	Jersey Street North	
25	10	Jersey Street North, Asquith	Bridge Road	Pacific Highway	
25	10	Pacific Highway, Asquith	Jersey Street North	Sydney Newcastle Freeway	

Department of Water and Energy

WATER MANAGEMENT ACT 2000

Order Under Section 50

Making of a Ministers Plan

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

PURSUANT to section 50 of the Water Management Act 2000, I, PHILLIP COSTA, M.P., Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, make the Water Sharing Plan for the Coffs Harbour Unregulated and Alluvial Water Sources 2009.

This Order takes effect from the 1 August 2009.

Dated this 14th day of July 2009.

PHILLIP COSTA, M.P.,
Minister for Water

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

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Water, make the following Minister's plan.

PHILLIP COSTA, MP
Minister for Water

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

Contents

Part 1	Introduction.....	4
Part 2	Vision, objectives, strategies and performance indicators	7
Part 3	Basis for water sharing.....	9
Part 4	Environmental water provisions.....	13
Part 5	Basic landholder rights.....	15
Part 6	Bulk access regime.....	17
Part 7	Requirements for water under access licences	18
Part 8	Rules for granting access licences.....	21
Part 9	Rules for granting or amending water supply works approvals.....	22
	Division 1 General	22
	Division 2 Water supply works used to take water from the alluvial sediments in these water sources	23
Part 10	Limits to the availability of water	27
	Division 1 Long-term average annual extraction limit	27
	Division 2 Available water determinations	29
Part 11	Rules for managing access licences	31
	Division 1 General	31
	Division 2 Water allocation account management	31
	Division 3 Sharing surface water flows on a daily basis	32
	Division 4 Management of surface and groundwater connectivity	34
Part 12	Access licence dealing rules.....	35
Part 13	Mandatory conditions.....	39
	Division 1 Mandatory conditions on access	39
	Division 2 Mandatory conditions on water supply work approvals	42
Part 14	Amendment of this Plan.....	47
	Schedule 1 Dictionary	49
	Schedule 2 Licences with access to very low flows	51
	Schedule 3 Contamination sources in the Coffs Harbour Area Unregulated and Alluvial Water Sources	52
	Schedule 4 High priority groundwater dependent ecosystems	53
	Appendix 1 Coffs Harbour Area Unregulated Water Sources, and the Station Creek Catchment, the Corindi River Catchment, the Arrawarra Creek Catchment, the Woolgoolga Creek Catchment, the Double Crossing Creek Catchment, the Moonee Creek Catchment, the Korora Basin, the Coffs Creek Catchment, the Boambee Creek Catchment and the Bonville Creek Catchment Extraction Management Units	54

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

Appendix 2 Location of registered plans..... 55

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

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

Part 1 Introduction

1 Name of this Plan

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

2 Nature and Status of this Plan

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

3 Date of commencement

This Plan commences on 1 August 2009.

4 Water sources to which this Plan applies

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

- (a) the Arrawarra Creek Water Source,

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

- (b) the Boambee Creek Water Source,

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

- (c) the Bonville Creek Water Source,

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

- (d) the Coffs Creek Water Source,

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

- (e) the Corindi River Water Source,

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

- (f) the Dirty Creek Water Source,

- (g) the Double Crossing Creek Water Source,

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

- (h) the Korora Basin Water Source,
-

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

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

- (i) the Moonee Creek Water Source,

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

- (j) the Pine-Bundagaree Creek Water Source,

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

- (k) the Red Bank River Water Source,

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

- (l) the Station Creek Water Source,

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

- (m) the Woolgoolga Creek Water Source,

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

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

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

- (2) These water sources are shown on the registered plan called The Coffs Harbour Area Unregulated and Alluvial Water Sources (WSP004) held by the Department (hereafter the *registered plan for these water sources*).

Note. Copies of registered plans for these water sources may be inspected at offices of the Department listed in Appendix 2.

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

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

- (4) These water sources do not include:

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

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

- (b) any water contained in the coastal sands in these water sources,

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

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

Note. The mangrove limit is defined in the dictionary.

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

5 Management Zones

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

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

6 Amendment of this Part

The Minister may amend this Part to:

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

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

7 Interpretation

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

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

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

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

9 Vision

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

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain or enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
- (b) protect, preserve, maintain or enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,
- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (f) provide sufficient flexibility in water account management to encourage responsible use of available water,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater, and
- (i) adaptively manage these water sources.

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

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

11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,
- (b) identify water requirements for basic landholder rights,
- (c) identify water requirements for access licences,
- (d) establish rules for granting of access licences and approvals,

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

- (e) establish rules that place limits on the availability of water for extraction,
- (f) establish rules for making available water determinations,
- (g) establish rules for the operation of water accounts,
- (h) establish rules which specify the circumstances under which water may be extracted,
- (i) establish access licence dealing rules,
- (j) establish performance indicators, and
- (k) identify triggers for and limits to changes to the rules.

12 Performance indicators

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

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

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

Part 3 Basis for water sharing

13 Basis for water sharing

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

14 Climatic variability

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

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

15 Extraction management unit for these water sources

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

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

- (10) The Boambee Creek Catchment Extraction Management Unit consists of the Boambee Creek Water Source.
- (11) The Corindi River Catchment Extraction Management Unit consists of the following water sources:
- (a) Dirty Creek Water Source,
 - (b) Red Bank River Water Source, and
 - (c) Corindi River Water Source.
- (12) The Bonville Creek Catchment Extraction Management Unit consists of the following water sources:
- (a) Bonville Creek Water Source, and
 - (b) Pine-Bundagaree Creek Water Source.

16 Flow reference points

- (1) For the purposes of this Plan all flows referred to in clause 17 (1) are estimated flows at the flow reference point(s) for each water source or management zone, and are shown on the registered plan for these water sources, or are as otherwise stated in the Plan.
- (2) The Minister may establish flow reference points in the Dirty Creek Water Source upon granting of an access licence under Part 8 of this Plan.

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

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

17 Flow classes for these surface water sources

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

Note. The following flow classes apply to all access licences taking water from surface water specified for each water source or management zone from the commencement date of this Plan, excluding those access licences listed under clause 72 and access licences that nominate a runoff harvesting dam. They will also apply to all existing aquifer access licence holders taking water from alluvial aquifers within 40 metres of the high bank of the river from year six of this Plan, except where provided for under clause 63 (2) of this Plan. For those aquifer access licences outside the 40 metres, flow classes in clause 17 (1) will not apply.

- (a) for the Arrawarra Creek Water Source, no flow classes are established by this Plan,
- (b) for the Cordwells Creek Management Zone in the Boambee Creek Water Source, at the Cordwells Creek Walkway under the Pacific Highway, southern end of Lindsays Road :
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

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

- (c) for the Boambee Creek Management Zone in the Boambee Creek Water Source, at the Lindsays Road Crossing, 900 metres from the Pacific Highway:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (d) for the Bonville Creek Water Source, at the Crossmaglen Road crossing, 400 metres north of Gleniffer Road junction:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

Note. These flow classes may be amended if an unregulated river (high flow) access licence is granted in this water source, in accordance with clause 17 (4) of this Plan.
- (e) for the Coffs Creek Water Source, at Shephards Lane Crossing, McCanns Bridge 300 metres from North Coramba Road junction:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (f) for the Corindi River Water Source, at the Corindi River Road Bridge, at Coral Street, 200 metres from the Pacific Highway:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,

Note. These flow classes may be amended if an unregulated river (high flow) access licence is granted in this water source, in accordance with clause 17 (4) of this Plan.
- (g) for the Dirty Creek Water Source, at the flow reference point to be defined under clause 16 (2) of this Plan:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (h) for the Double Crossing Creek Water Source, no flow classes are established by this Plan,
- (i) for the Korora Basin Water Source, at James Small Drive over Pine Brush Creek Crossing, 100 metres from the Pacific Highway:
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow,
- (j) for the Moonee Creek Water Source, no flow classes are established by this Plan,
- (k) for the Pine-Bundagaree Creek Water Source, no flow classes are established by this Plan,
- (l) for the Red Bank River Water Source, no flow classes are established by this Plan,

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

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

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

Part 4 Environmental water provisions

18 Environmental water provisions

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

19 Planned environmental water

- (1) Planned environmental water is identified and established in these water sources as follows:
 - (a) water volume in excess of the respective long-term average annual extraction limit established in clause 43 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction, and
 - (b) for all water sources, the water remaining in the water source after taking water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3).
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 46 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) The planned environmental water established in subclause (1) (b) is maintained as follows:
 - (a) in management zones or water sources with a Very Low Flow Class, the holders of access licences, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 72 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 63 of this Plan, and access licences that nominate a runoff harvesting dam, are not permitted to take water when flows are within the Very Low Flow Class, and
 - (b) in all water sources, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 72 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 63 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated approved water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition:
 - (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool.

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

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

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

- (4) Following the establishment of a flow class or flow classes within the Moonee Creek and Boambee Creek Water Sources under clause 17 (2), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.
- (5) Following the establishment of a flow class or flow classes within these water sources under clause 17 (3), the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.

20 Adaptive environmental water

- (1) The holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the access licence, pursuant to section 8B of the Act.
- (2) An access licence may be granted in these water sources, pursuant to sections 8C or 8D of the Act.
- (3) If an adaptive environmental water condition on an access licence in these water sources requires the water to be left in the water source for environmental purposes, the Minister may establish Total Daily Extraction Limits under clause 56 (3) of this Plan in the relevant water source or management zone.

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

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

Part 5 Basic landholder rights

21 Basic landholder rights

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

22 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 3.56 megalitres per day (hereafter *ML/day*) and are distributed as follows:
 - (a) 0.10 ML/day in the Arrawarra Creek Water Source,
 - (b) 0.56 ML/day in the Boambee Creek Water Source,
 - (c) 0.77 ML/day in the Bonville Creek Water Source,
 - (d) 0.45 ML/day in the Coffs Creek Water Source,
 - (e) 0.31 ML/day in the Corindi River Water Source,
 - (f) 0.10 ML/day in the Dirty Creek Water Source,
 - (g) 0.11 ML/day in the Double Crossing Creek Water Source,
 - (h) 0.20 ML/day in the Korora Basin Water Source,
 - (i) 0.28 ML/day in the Moonee Creek Water Source,
 - (j) 0.27 ML/day in the Pine-Bundagaree Creek Water Source,
 - (k) 0.10 ML/day in the Red Bank River Water Source,
 - (l) 0.10 ML/day in the Station Creek Water Source, and
 - (m) 0.21 ML/day in the Woolgoolga Creek Water Source.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

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

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

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

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

23 Native title rights

- (1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

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

24 Harvestable rights

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

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

Part 6 Bulk access regime

25 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 10, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 10, Division 2 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 10 and 11 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 10 of this Plan.

Part 7 Requirements for water under access licences

26 Requirements for water under access licences

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

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

27 Share component of domestic and stock access licences

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

- (a) 0 ML/year in the Arrawarra Creek Water Source,
- (b) 19 ML/year in the Boambee Creek Water Source,
- (c) 8 ML/year in the Bonville Creek Water Source,
- (d) 4 ML/year in the Coffs Creek Water Source,
- (e) 0 ML/year in the Corindi River Water Source,
- (f) 0 ML/year in the Dirty Creek Water Source,
- (g) 2 ML/year in the Double Crossing Creek Water Source,
- (h) 13 ML/year in the Korora Basin Water Source,
- (i) 3 ML/year in the Moonee Creek Water Source,
- (j) 3 ML/year in the Pine-Bundagaree Creek Water Source,
- (k) 0 ML/year in the Red Bank River Water Source,
- (l) 0 ML/year in the Station Creek Water Source, and
- (m) 7 ML/year in the Woolgoolga Creek Water Source.

28 Share component of local water utility access licences

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

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

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

29 Share component of unregulated river access licences

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

- (a) 0 unit shares in the Arrawarra Creek Water Source,
- (b) 524 unit shares in the Boambee Creek Water Source,
- (c) 457 unit shares in the Bonville Creek Water Source,
- (d) 405 unit shares in the Coffs Creek Water Source,
- (e) 37 unit shares in the Corindi River Water Source,
- (f) 0 unit shares in the Dirty Creek Water Source,
- (g) 71.5 unit shares in the Double Crossing Creek Water Source,
- (h) 363 unit shares in the Korora Basin Water Source,
- (i) 130 unit shares in the Moonee Creek Water Source,
- (j) 158 unit shares in the Pine-Bundagaree Creek Water Source,
- (k) 57 unit shares in the Red Bank River Water Source,
- (l) 0 unit shares in the Station Creek Water Source, and
- (m) 270 unit shares in the Woolgoolga Creek Water Source.

30 Share component of unregulated river high flow access licences

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

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

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

31 Share component of aquifer access licences

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

- (a) 0 unit shares in the Arrawarra Creek Water Source,

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

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

32 Changes to total share components

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

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

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

Part 8 Rules for granting access licences

33 Rules for granting access licences

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

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

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

Note. Any new access licence granted in these water sources may be subject to specific mandatory conditions as set out in Part 13 of this Plan.

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

Part 9 Rules for granting or amending water supply works approvals

Division 1 General

34 Granting or amending water supply works approvals

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

35 Runoff harvesting dams

- (1) A water supply work approval for a runoff harvesting dam in these water sources shall not be granted if the dam capacity exceeds the volume equivalent to the share component for the access licence proposing to nominate the work.
- (2) If the share component of an access licence which nominates a water supply work which is a runoff harvesting dam is reduced either by the Minister, or on application of the access licence holder, or by a dealing under Part 12 of this Plan, the Minister shall amend the water supply work approval for the runoff harvesting dam to impose a condition requiring the dam to be modified so as to reduce its capacity, consistent with the reduction in share component of the access licence.

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

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

36 In-river dams

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

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

Note. Stream order is defined in the Dictionary.

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

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

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

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

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

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

38 Rules for granting or amending water supply works approvals

(1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

- (a) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
- (b) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
- (c) 100 metres from the property boundary,
- (d) 500 metres from a water supply works being constructed or used to take water from alluvial sediments in these water sources by a local water utility or a major utility, or
- (e) 400 metres of a Departmental observation or monitoring bore.

Note. The distance conditions in this clause apply to new or amended approvals. That is, when the applicant wants to construct a new water supply work used to take water from the alluvial sediments in these water sources, and add it to an existing approval. The distance conditions also apply when the licence holder wants to nominate new or different works on the licence.

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

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

Note. Replacement bore is defined in the Dictionary.

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

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

- (3) Where the distance restrictions specified in subclause (1) cannot be met, a water supply work approval may be granted provided:
- (a) a hydrogeological study undertaken by the applicant, and assessed as adequate by the Department, demonstrates that the water supply work will have no more than minimal impacts on the existing licenced taking of water from the water source,
 - (b) all potentially affected persons in the near vicinity of the water supply work, holding an access licence or having a right under the Act to take water, have been notified by the applicant, and
- Note.** These persons may include neighbouring access licence, approval holders or other persons having a right to take water in the near vicinity of the water supply work.
- (c) any approval granted contains conditions setting out a process for remediation in the event that any more than minimal impact on existing extraction from the water source occurs in the future.
- Note.** In some water sources the general size of properties means that the application of exclusion distances would result in no new or replacement bores being able to be installed. Applicants must apply to the Department for special consideration in these instances.
- (4) The Minister may amend this Plan to alter the distance restriction in specified in this clause or add additional restrictions after year 5 of this Plan or if a temporary water restriction order is made in these water sources under section 324 (2) of the Act.

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

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister's satisfaction, that:
 - (i) a lesser distance will result in no more than minimal harm to the water source, and
 - (ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or
 - (b) a greater distance than in subclause (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.
- (2) A water supply work approval shall not be granted for a new water supply work to be constructed or used to take water from the alluvial sediments in these water sources for any purpose, except basic landholder rights, which is between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the applicant provides evidence, to the Minister's satisfaction, that no drawdown of groundwater within 100 metres of the respective contamination source will occur.

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

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

- (3) The distance restrictions specified in subclauses (1) and (2) do not apply to:
- (a) a water supply work to be constructed or used for monitoring, environmental management purposes or remedial works, or
 - (b) an application for a replacement bore.

Note. Replacement bore is defined in the Dictionary.

- (4) The Minister may amend this Plan to include or remove a contamination source from Schedule 3, based on the results of a site inspection or any other relevant information provided to the Minister.
- (5) Subclauses (1) and (2) may be applied by the Minister in relation to contamination sources not in Schedule 3, based on the results of a site inspection or other relevant information provided to the Minister.

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

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (b) 200 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (c) 500 metres of a high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, or
 - (d) 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
 - (e) 40 metres of first and second order stream, unless the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres.

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

- (2) The distance restrictions specified in subclause (1) do not apply to:

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

- (a) a water supply work which is constructed or used for extracting water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works, or
 - (b) a water supply work which is constructed or used for taking water from the alluvial sediments in these water sources that is part of a bore network which is nominated by a major utility access licence, a local water utility access licence or an access licence of subcategory "town water supply".
- (3) Where the distance restrictions specified in subclauses (1) (a) and (1) (b) cannot be met, a water supply work approval may be granted provided:
 - (a) a hydrogeological study is undertaken by the applicant, and assessed as adequate by the Department, and
 - (b) the applicant providing evidence that no drawdown of the groundwater at the outside edge of the perimeter of the groundwater dependent ecosystem in Schedule 4 will occur.
- (4) The restrictions specified in subclause (1) (e) on the drilling into the underlying parent material and the depth of slotted intervals may be amended if the applicant can demonstrate, to the satisfaction of the Department, that the water supply work to be constructed or used to take water from the alluvial sediments in these water sources will have no more than minimal impact on base flows in the stream.
- (5) Subclause 1 (d) and 1 (e) do not apply to a new water supply work which is constructed or used to take water from the alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act.
- (6) The Minister may amend this Plan to:
 - (i) alter the exclusion distances in subclause (1), during the term of this Plan, based on further studies of groundwater ecosystem dependency, or
 - (ii) include a new identified high priority groundwater dependent ecosystems in Schedule 4 during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
 - (iii) delete a high priority groundwater dependent ecosystem from Schedule 4 identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

Part 10 Limits to the availability of water

Division 1 Long-term average annual extraction limit

41 Limits to the availability of water

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

42 Extraction management units for these water sources

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

43 Long-term average annual extraction limit

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

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

44 Variation of the long-term average annual extraction limits

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or through a dealing under Part 12 of this Plan.
- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.
- (3) The long-term average annual extraction limit for the Corindi River Catchment and the Bonville Creek Catchment Extraction Management Units may vary upon the conversion of access licences from an unregulated river access licence to an unregulated river (high flow) access licence.
- (4) The variation in subclause (3) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river

access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

45 Assessment of the long-term average annual extraction limit

- (1) This clause applies from the third year of this Plan.
- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units will be assessed each water year to determine if the long-term average annual extraction limit established by clause 43 for each extraction management unit has been exceeded.
- (3) The assessment referred to in subclause (2) is to be based on a comparison of the water extracted in the current water year in these Units, against the average extraction within these Units over the preceding 2 water years.

46 Compliance with the long-term average annual extraction limits

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

- (1) If the assessment in clause 45 determines that the long-term average annual extraction limit for any extraction management unit in these water sources established under clause 43 has been exceeded by 5% or greater, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be reduced as necessary to return total water extraction under basic landholder rights and access licences in the respective extraction management unit to the long-term average annual extraction limit.
- (2) If the assessment in clause 45 determines that the long-term average annual extraction limit for any extraction management unit in these water sources is less than 95% of the respective long-term average annual extraction limit established for any extraction management unit in these water sources under clauses 43, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences, and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be increased as necessary to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to increase to the long-term average annual extraction limit.
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences shall be the same.
- (4) Any reduction or increase to the available water determinations made Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, in these water sources under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to return to the long-term average annual extraction limit.

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

- (5) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 43, the taking of water pursuant to an access licence that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

Division 2 Available water determinations

47 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
- (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

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

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

48 Available water determinations for domestic and stock access licences

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

49 Available water determinations for local water utility access licences

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

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

50 Available water determinations for unregulated river access licences

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

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

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

52 Available water determinations for aquifer access licences

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

Part 11 Rules for managing access licences

Division 1 General

53 Rules for managing access licences

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

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

Division 2 Water allocation account management

54 Individual access licence account management rules

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

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

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

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources in any 3 consecutive water years may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in those years,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations reccredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer

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

access licences in these water sources in the first 3 water years of this Plan may not exceed a volume equal to:

- (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year), or 3 megalitres per unit share of access licence share component (for access licences with share components expressed as a number of unit shares),
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations reccredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (5) The maximum water allocation that can be carried over in the accounts of a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources from one water year to the next shall be equal to:
- (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) If water that, pursuant to an access licence in these water sources is committed as adaptive environmental water to be left in a water source for environmental purposes, then the water allocation taken under that access licence shall be assumed to be 100% of the available water determination made in Division 2 Part 10 of this Plan.

Division 3 Sharing surface water flows on a daily basis

55 Sharing surface water flows on a daily basis

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

56 Total daily extraction limits

- (1) At the commencement this Plan, total daily extraction limits (hereafter *TDELS*) have not been established in these water sources.
- (2) Following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 67 of this Plan, the Minister may amend this Plan to amend subclause (1) to establish a TDEL for A Class in the relevant water source or management zone.
- (3) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELS in the relevant water source or management zone.

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

Note. TDELs referred to in subclauses (4) and (5) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

57 Initial assignment of the TDEL to categories of access licence

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

58 Unassigned TDEL

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

59 Granting of unassigned TDEL

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

60 Individual daily extraction limits for access licences

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

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

- (1) This Part may be amended for the purpose of enabling the sharing of surface water flows on a daily basis.
- (2) Any such amendment may include, but need not be limited to:
 - (a) the establishment or modification of TDELs in these water sources,
 - (b) the establishment or modification of IDELs for access licences in these water sources,
 - (c) the establishment or modification of approved groups and rules to govern the operation of those groups, with respect to TDELs or IDELs in these water sources,
 - (d) the imposition, removal or modification of mandatory conditions, or
 - (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

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

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 72 of this Plan.

Note. Clause 84 provides for amendments to Schedule 2.

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

Division 4 Management of surface and groundwater connectivity

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

- (1) Except for an aquifer access licence referred to in subclause (2), all aquifer access licences in these water sources which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located at or less than 40 metres from the top of the high bank of a river, shall, from year six of this Plan, be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (2) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under Part 12 of this Plan, shall be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (3) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same mandatory condition(s) imposed under clause 71 of this Plan on an unregulated river access licence in the same water source or management zone as the local water utility access licence.
- (4) A mandatory condition imposed on an unregulated river access licence under clause 71 of this Plan which requires a visible flow at the pump site shall, for the purposes of an aquifer access licence or a local water utility access licence to which this clause applies, be taken to mean a visible flow in the river immediately adjacent to the water supply work nominated by the aquifer access licence or the local water utility access licence.

Part 12 Access licence dealing rules

64 Access licence dealing rules

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

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

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

65 Rules relating to constraints within these water sources

- (1) This clause applies to any dealings under sections 71Q, 71S, 71T and 71W of the Act within these water sources.
- (2) Dealings specified in subclause (1) are prohibited if:
 - (a) the dealing would result in the amount of total extraction of water from the alluvial sediments in these water sources, under aquifer access licences which nominate a water supply work used to take water from alluvial sediments in these water sources, plus basic landholder rights extractions, requiring a temporary water restriction order to be made under section 324 (2) of the Act,
 - (b) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an aquifer access licence that nominates a water supply works which may be used to take water from the alluvial sediments in these water source, which is located more than 40 metres from the top of the bank of a river to a water supply works which may be used to take water from the alluvial sediments in these water source, which is located within 40 metres from the top of the bank of a river,
 - (c) the dealing involves an assignment of access rights under section 71T of the Act, or an allocation assignment under section 71T of the Act from an unregulated river

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

(high flow) access licence to an access licence of another category within these water sources,

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

66 Rules for change of water source

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

Note. Section 71R dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been affected, if permitted, the new license will have to nominate specified works (by a dealing under section 71W of the Act) in the receiving water source before extraction can commence.
- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if:
 - (a) the dealing is into the Arrawarra Creek Water Source, the Boambee Creek Water Source, the Coffs Creek Water Source, the Corindi River Water Source, the Dirty Creek Water Source, the Double Crossing Creek Water Source, the Korora Basin Water Source, the Moonee Creek Water Source, the Red Bank River Water Source, the Station Creek Water Source and the Woolgoolga Creek Water Source,
 - (b) the dealing is into the Bonville Creek Water Source from any water sources, except the Pine-Bundagaree Creek Water Source, and
 - (c) the dealing is into the Pine-Bundagaree Creek Water Source from any water sources, except Bonville Creek Water Source.
- (3) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing would result in the total extraction pursuant to access licences which nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, plus basic landholder rights extraction requiring a temporary water restriction order to be made under section 324 (2) of the Act.
- (5) Unless the application is for a replacement water supply work which may be used to take water from the alluvial sediments in these water sources that is part of a bore network for a local water utility or town water supply or a new water supply works which may be used to take water from alluvial sediments in these water sources required as part of a dealing

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

involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act and clause 67 of this Plan, consent to a nominated work under section 71W, is not to be granted in these groundwater sources, if it would result in a water supply work which may be used to take water from the alluvial sediments in these water sources being authorised to extract water within 40 metres of the top of the high bank of a river.

- (6) An access licence with a share component specifying a water source outside of these water sources may be cancelled and a new licence issued in a water source in these water sources only if:
 - (a) the access licence cancelled is in a water source that is within the Woolli Creek Extraction Management Unit or Sandon River Extraction Management Unit, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (7) The share component on any access licence issued under this clause is to be equal to the cancelled access licence share component.
- (8) The extraction component of any cancelled access licence is not to be carried over to the new access licence.

67 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71O of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is permitted only if the conversion is from:
 - (a) an unregulated river access licence to an aquifer access licence, or
 - (b) an unregulated river access licence to an unregulated river high flow access licence in the Bonville Creek Water Source, and the Corindi River Water Source.
- (3) For any conversion of an access licence under subclauses (2) (a) and 2 (b), the access licence being converted shall be cancelled and a new licence issued.
- (4) The share component on an access licence issued under subclause 2 (a) is to be equal to the cancelled access licence share component.
- (5) The volume of share component on an access licence issued under subclause (2) (b) is to be equal to 2.5 times the cancelled access licence share component.
- (6) The Plan establishes the following limits for the total amount of all access licence share component that may be converted to unregulated river (high flow) access licences under subclause (2) (b):
 - (a) 46 unit shares in the Bonville Creek Water Source, and
 - (b) 104 unit shares in the Corindi River Water Source.

Note. Approval for conversion of an unregulated river access licence to an unregulated river (high flow) access licence will be subject to assessment of the application in regard to the level of impact of the proposed conversion. This should include consideration of the potential impact on high flow (e.g.

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

flows greater than the 50th percentile flow) values, and any potential impact on the water source as a whole.

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

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

69 Rules for water allocation assignments between water sources

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

Part 13 Mandatory conditions

Division 1 Mandatory conditions on access

70 Mandatory conditions on access licences

- (1) This Division is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
- (2) All access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) water must not be taken pursuant to an access licence otherwise than:
 - (i) by means of a water supply work nominated on the access licence, as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (ii) in accordance with the conditions specified on the water supply work approval for the nominated water supply work,
 - (b) water must not be taken pursuant to an access licence in excess of the volume of water allocated to, or assigned to, or recredited to the water allocation account for that access licence,
 - (c) the water allocation account management rules in Division 2 of Part 11 of this Plan,
 - (d) any other conditions required to implement the provisions of this Plan.

71 Mandatory conditions relating to the taking of water

- (1) Subject to subclause (2), in these water sources, water must not be taken pursuant to an access licence, if any of the following apply:
 - (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when the Very Low Flow Class applies in the water source specified on the access licence, subject to clause 72 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the water source in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.
- (2) Subclause (1) does not apply to:
 - (a) unregulated river (high flow) access licences,

Note. See subclause (3) below.

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

- (b) aquifer access licences in these water sources,
Note. See subclause (4) below.
 - (c) local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources,
Note. See subclause (5) below.
 - (d) access licences which nominate a water supply work which is a runoff harvesting dam, but only in relation to water taken using the runoff harvesting dam,
 - (e) access licences which nominate a water supply work which is an in-river dam, but only if the in-river dam is passing or releasing the amount of all inflows into the in-river dam,
- (3) All unregulated river (high flow) access licences in these water sources must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the water source are below B Class,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool when there is no visible inflow and outflow to and from that pool.
- (4) All aquifer access licences in these water sources must have mandatory conditions to give effect to clause 63 of this Plan.
- (5) All local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources, must have a mandatory condition to give effect to clause 63 (3) of this Plan.

72 Mandatory conditions for access to the Very Low Flow Class

- (1) This clause only applies to:
- (a) an access licence which replaces a *Water Act 1912* entitlement listed in Schedule 2 of this Plan, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan,
 - (b) a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence which replaces a *Water Act 1912* entitlement that allowed water to be taken in the Very Low Flow Class, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan.

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

- (2) A local water utility access licence to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence:
 - (a) for the purposes of town water supply only, and
 - (b) only until major augmentation to the utility's water supply work(s) has taken place.
- (3) For the purposes of subclause (2), major augmentation includes anything which enhances or increases the local water utility's capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility's existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.
- (4) An access licence to which this clause applies, other than a local water utility access licence, a domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for any of the following purposes only:
 - (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purpose of hygiene.
- (5) The maximum daily volume that may be taken under subclause (4) must:
 - (a) be the minimum required to satisfy the purpose,
 - (b) be specified on each access licence, and
 - (c) not exceed 20 kilolitres per day.
- (6) Once specified under subclause (5) (b), the maximum daily volume must not be increased.
- (7) For the first three years of this Plan only, a domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence to which this clause applies, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for domestic consumption only.

Note. Domestic consumption is defined in section 52 of the Act.

73 Mandatory conditions on domestic and stock access licences

In addition, all domestic and stock access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence for the purposes of domestic consumption or stock watering.

Note. Domestic consumption and stock watering are defined in section 52 of the Act.

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

74 Mandatory conditions on aquifer access licences

In addition, all aquifer access licences in these water sources must have a mandatory condition which specifies that water must only be taken from an aquifer in these water sources.

75 Mandatory conditions on Aboriginal cultural access licences

In addition, all access licences of the subcategory “Aboriginal cultural” in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

76 New access licences granted in these water sources

- (1) In addition, new access licences granted in these water sources must have a mandatory condition specifying that water must not be taken unless flows exceed a level or flow class which is specified on the access licence if it is a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act,
- (2) In addition, the following new access licences granted in these water sources, pursuant to Part 8 of this Plan, must have a mandatory condition which specifies that water must not be taken when flows in the water source specified on the access licence are below B Class:
 - (a) a new local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (b) an access licence with a zero share component, which specifies a water source in which B Class is established under clause 17 (1) of this Plan.

Division 2 Mandatory conditions on water supply work approvals

77 Mandatory conditions on all water supply work approvals (except works taking water from the alluvial sediments)

- (1) All water supply work approvals which authorise the construction or use of a water supply work in these water sources, other than a water supply work approval which authorises the construction or use of a water supply works to take water from the alluvial sediments in these water sources, must have mandatory conditions to give effect to the following:
 - (a) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (b) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,

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

- (ii) metering equipment must be operated and maintained in a proper and efficient manner,
- (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister,
- (c) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (d) the water supply work must not be used to take water, if any of the following apply:
 - (i) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (ii) when there is no visible flow in the water source in the immediate downstream vicinity of the water supply work or, where the water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool, and
- (e) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval which authorises the construction or use of a water supply work which is an in-river dam in these water sources must include a mandatory condition requiring the in-river dam to pass or release such flows as the Minister determines to be appropriate.
- (3) A new water supply work approval granted pursuant to clause 38 (3) must have a mandatory condition to give effect to clause 38 (3) (c) of this Plan.
- (4) A water supply work approval which authorises the construction or use of a water supply work which is a runoff harvesting dam in these water sources must, if the share component of the access licence that nominates the water supply work is reduced, be amended to impose a mandatory condition to give effect to clause 35 (2) of this Plan.

78 Mandatory conditions on approvals for water supply works taking water from the alluvial sediments in these water sources

A water supply work approval which authorises the construction or use of a water supply work to take water from the alluvial sediments in these water sources must have mandatory conditions to give effect to the following:

- (a) the approval holder must not construct the work, or cause or allow the work to be constructed, unless the construction is carried out by a person holding a current driller's licence issued pursuant to the *Water Act 1912* or the *Water Management Act 2000*, which is of a class that allows construction of the work to be constructed,
- (b) the approval holder must ensure that the construction of the work complies with:

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

- (i) the construction standards prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any standards or requirements, in accordance with those standards or requirements (if any) specified by the Minister,
 - (iii) must prevent contamination between aquifers through appropriate construction,
- (c) the approval holder must ensure that any work which is decommissioned or abandoned complies with:
- (i) the ‘minimum requirements for decommissioning bores’ prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any other standards or requirements, in accordance with the standards or requirements (if any) specified by the Minister,
- (d) within 2 months of the decommissioning or abandonment of the work, the approval holder must notify the Minister that the work has been decommissioned or abandoned in accordance with subclause (c),
- (e) any new or replacement bore to take water for basic landholder rights must be constructed to a sufficient depth to ensure that access to water is not unacceptably impacted by other authorised extractions,
- (f) the approval holder must, within 2 months of completion of the construction of the work, or within 2 months after the issue of the approval if the work is existing, submit to the Department the following:
- (i) the completed approved form,
 - (ii) details of the location of the work on a copy of the lot and deposited plan, its GPS reference, and the respective distance(s) of the work from the property boundaries,
 - (iii) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests as required by the Minister,
- (g) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
- (i) notify the Department,
 - (ii) ensure that such water is sealed off by:
 - (1) inserting casing to a depth sufficient to exclude the saline or contaminated water from the work,

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

- (2) if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister,
- (iii) if the Minister has specified any other requirements, comply with the requirements (if any) specified by the Minister,
- (h) the approval holder must supply to the Minister on request, and to the required standard, a report pertaining to the quality of any water obtained from the work,
- (i) the work must be constructed within 3 years of the approval being granted,
- (j) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
- (k) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister.
- (l) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (m) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a limit(s) on the amount of water that may be taken through the work, the water supply work must not be used to take more water than the limit(s) (if any) contained on the *Water Act 1912* entitlement,
- (n) any other conditions required to implement the provisions of this Plan.

79 Mandatory conditions for existing water supply works taking water from the alluvial sediments in these water sources

- (1) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within 500 metres of a contamination source identified in this Plan, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.

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

- (2) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within the distance criteria specified in clauses 38, 39 or 40, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.

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

Part 14 Amendment of this Plan

80 Amendment of this Plan

- (1) This Plan may be amended as specified in this Plan, pursuant to section 45 of the Act.
- (2) Any amendment to this Plan, that is authorised by a provision of this Plan, which results in a variation to the bulk access regime, is an amendment authorised by this Plan for the purposes of section 87 (2) (c) of the Act.

81 Amendments due to floodplain harvesting

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

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

82 Amendments for alluvial aquifers downstream of the tidal limit

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

83 Amendments for stormwater harvesting

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

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

The Minister may amend this Plan to:

- (a) add a *Water Act 1912* entitlement to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in this clause and the purpose existed prior to 1 July 2008, or
- (b) remove a *Water Act 1912* entitlement from Schedule 2, if:
 - (i) any access licence dealing results in water being extracted, under the access licence which replaced the *Water Act 1912* entitlement, from a different location, or
 - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
 - (iii) the access licence which replaced the *Water Act 1912* entitlement is surrendered or cancelled.

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

- (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences.

Schedule 1 Dictionary

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

drawdown refers to a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

runoff harvesting dam is a privately owned dam that captures surface or rainfall runoff.

Note. The taking of water from a runoff harvesting dam requires an access licence and a water supply work approval, except to the extent that the runoff harvesting dam is within an owner or an

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

occupier's harvestable rights entitlement under section 53 of the Act, in which case it will not require an access licence or water supply work approval.

stream order is defined by the Strahler stream ordering method.

Note. The Strahler stream ordering methods is explained as follows.

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

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

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

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

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

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

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

water year means a year commencing 1 July.

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

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists *Water Act 1912* licences from which access licences will be derived upon commencement of the WSP.

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

Water Act Licences (Local Water Utilities)

30SL028313

Water Act Licences (Non Local Water Utilities)

30SL066459

30SL065708

30SL066326

30SL066420

30SL066682

30SL042409

30SL052102

30SL066426

30SL065350

30SL032016

30SL066429

30SL065355

30SL066430

30SL066314

30SL066294

30SL066197

30SL065703

30SL041947

30SL066438

30SL066363

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

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

Contamination sources in these water sources include:

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

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

Schedule 4 High priority groundwater dependent ecosystems

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

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

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

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



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

Appendix 2 Location of registered plans

Copies of the registered plans in relation to this Plan may be inspected at:

Department of Water and Energy
10 Valentine Ave
PARRAMATTA NSW 2150

Department of Water and Energy
76 Victoria Street
GRAFTON NSW 2460

Department of Water and Energy
AMP Centre
24 Gordon Street
COFFS HARBOUR NSW 2450

WATER MANAGEMENT ACT 2000

Order Under Section 50

Making of a Ministers Plan

Water Sharing Plan for the Central Coast Unregulated Water Sources 2009

PURSUANT to section 50 of the Water Management Act 2000, I, PHILLIP COSTA, M.P., Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, make the Water Sharing Plan for the Central Coast Unregulated Water Sources 2009.

This Order takes effect from the 1 August 2009.

Dated this 14th day of July 2009.

PHILLIP COSTA, M.P.,
Minister for Water

Water Sharing Plan for the Central Coast Unregulated Water Sources 2009

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Water, make the following Minister's plan.

PHILLIP COSTA, MP
Minister for Water

Contents

PART 1	INTRODUCTION	1
PART 2	VISION, OBJECTIVES, STRATEGIES AND PERFORMANCE INDICATORS	4
PART 3	BASIS FOR WATER SHARING	6
PART 4	ENVIRONMENTAL WATER PROVISIONS	11
PART 5	BASIC LANDHOLDER RIGHTS.....	14
PART 6	BULK ACCESS REGIME	15
PART 7	REQUIREMENTS FOR WATER UNDER ACCESS LICENCES	16
PART 8	RULES FOR GRANTING ACCESS LICENCES.....	19
PART 9	LIMITS TO THE AVAILABILITY OF WATER.....	20
Division 1	Long-term average annual extraction limit.....	20
Division 2	Available water determinations.....	25
PART 10	RULES FOR MANAGING ACCESS LICENCES.....	27
Division 1	General.....	27
Division 2	Water allocation account management.....	27
Division 3	Sharing surface water flows on a daily basis	28
PART 11	ACCESS LICENCE DEALING RULES.....	35
PART 11	ACCESS LICENCE DEALING RULES.....	35
PART 12	MANDATORY CONDITIONS.....	37
Division 1	Mandatory conditions on access licences	37
Division 2	Mandatory conditions on water supply work approvals.....	40
PART 13	RULES FOR GRANTING OR AMENDING WATER SUPPLY WORK APPROVALS	42
PART 14	SYSTEM OPERATION RULES	43
PART 15	AMENDMENT OF THIS PLAN	45
Schedule 1	Dictionary	49
Schedule 2	Licences with access to very low flows	51
Schedule 3	Local water utilities water supply infrastructure.....	52
Appendix 1	Area covered by this plan.....	i
Appendix 2	Location of registered plans for these water sources.....	iii

Water Sharing Plan for the Central Coast Unregulated Water Sources 2009

Part 1 Introduction

1 Name of this Plan

This Plan is the “Water Sharing Plan for the Central Coast Unregulated Water Sources 2009” (hereafter *this Plan*).

2 Nature and Status of this Plan

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

3 Date of commencement

This Plan commences on 1 August 2009.

4 Water sources to which this Plan applies

- (1) The water sources in respect of which this Plan applies are:
 - (a) the Brisbane Water Water Source,
 - (b) the Mooney Mooney Creek Water Source,
 - (c) the Mangrove Creek Water Source,
 - (d) the Wyong River Water Source, and
 - (e) the Tuggerah Lakes Water Source.

and shall be known as the Central Coast Unregulated Water Sources (hereafter *these water sources*).

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

- (2) These water sources are shown on the registered plan called *Central Coast Unregulated Water Sources (WSP005)* held by the Department (hereafter the *registered plan for these water sources*).

Note. Copies of the registered plans for these water sources may be inspected at offices of the Department listed in Appendix 2.

- (3) Subject to subclause (4), these water sources include:
 - (a) all water occurring naturally on the surface of the ground shown on the registered plan for these water sources, and

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (b) all water in rivers, lakes and wetlands in these water sources.
- (4) These water sources do not include:
 - (a) any water contained in alluvial sediments,
 - (b) any water contained in the coastal sands in these water sources,
 - (c) any water contained in fractured rock aquifers and basement rocks in these water sources,
 - (d) the area of the Jilliby Jilliby Creek Water Source, as defined in the Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003,
 - (e) the area of the Ourimbah Creek Water Source as defined in the Water Sharing Plan for the Ourimbah Creek Water Source 2003, and
 - (f) the area of land below the mangrove limit, except for the Wamberal Lagoon, Avoca Lake and Cockrone Lake in the Brisbane Water Water Source.

Note. The mangrove limit is defined in the dictionary.

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

5 Management Zones

For the purpose of this Plan, the following water sources are divided into the following management zones and are shown on the registered plan for these water sources:

- (a) the Brisbane Water Water Source is divided into the:
 - (i) Brisbane Water Management Zone, and
 - (ii) Brisbane Water Plateau Management Zone,
- (b) the Mooney Mooney Creek Water Source is divided into the:
 - (i) Mooney Mooney Plateau Management Zone, and
 - (ii) Mooney Mooney Creek Management Zone,
- (c) the Mangrove Creek Water Source is divided into the:
 - (i) Mangrove Plateau Management Zone, and
 - (ii) Mangrove Creek Management Zone, and
- (d) the Wyong River Water Source is divided into the:
 - (i) Wyong Plateau Management Zone, and
 - (ii) Wyong River Management Zone.

Note. An overview of these management zones is shown in Appendix 1.

6 Amendment of this Part

The Minister may amend this Part to:

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

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

Note. In instances where in-stream structure such as weirs are removed, this is likely to result in a change to the tidal limit of the water source, and a resultant change in the boundary of the water source and management zones, where applicable.

Note. The tidal pool is that area between the lower tidal limit and the upper mangrove limit. The tidal limit and mangrove limit are defined by the NSW Government's Manly Hydraulics Laboratory. Rules for a new management zone for an estuarine tidal pool may require an adjustment to the Plan rules for the remainder of the water source.

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

7 Interpretation

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

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

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

9 Vision

- (1) The vision of this Plan is to provide sustainable and integrated management of these water sources for the benefit of both present and future generations.
- (2) This Plan also recognises the following respect statements for Aboriginal values in these water sources:
 - (a) life-giving water is of extreme significance to Aboriginal culture for its domestic, traditional and spiritual values, and
 - (b) whilst water supplied for the environment will provide protection for native flora and fauna, water for fishing, food gathering and recreational activities, it is important that the community respects the spiritual significance of water to the Aboriginal people.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain or enhance the important river flow dependent ecosystems of these water sources,
- (b) protect, preserve, maintain or enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) manage these water sources to ensure equitable sharing between users,
- (d) protect basic landholder rights,
- (e) manage local water utility/major utility water supply security for the benefit of the community whilst recognising the environmental needs of the water source,
- (f) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (g) provide sufficient flexibility in water account management to encourage responsible use of available water, and
- (h) adaptively manage these water sources.

Note. For the purposes of the Inter-governmental Agreement on the National Water Initiative (2004) the environmental and other public benefit outcomes provided under this Plan include:

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

11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

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

12 Performance indicators

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

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

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

Part 3 Basis for water sharing

13 Basis for water sharing

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

14 Climatic variability

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

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

15 Extraction management units for these water sources

- (1) The availability of water for extraction from these water sources on a long-term average annual basis will be determined at the level of an extraction management unit.
- (2) The extraction management units for these water sources are the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit, and are shown on the registered plan for these water sources.
- (3) The Tuggerah Lakes Extraction Management Unit consists of the following water sources:
 - (a) Wyong River Water Source,
 - (b) Tuggerah Lakes Water Source,
 - (c) Ourimbah Creek Water Source as defined within the Water Sharing Plan for Ourimbah Creek Water Source 2003, and
 - (d) Jilliby Jilliby Creek River Water Source as defined within the Water Sharing Plan for Jilliby Jilliby Creek Water Source 2003.
- (4) The Gosford Extraction Management Unit consists of the following water sources:
 - (a) Brisbane Water Water Source,
 - (b) Mooney Mooney Creek Water Source, and
 - (c) Mangrove Creek Water Source.

Note. The extraction management units identified in clause 15 are shown in Appendix 1.

16 Flow reference points

- (1) For the purposes of this Plan all flows referred to in clause 17 (1) are estimated flows at the flow reference point(s) for each water source or management zone, and are shown on the registered plan for these water sources, or are as otherwise stated in this Plan.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (2) The Minister may amend this Plan to add or remove flow reference points, including if there are any changes to flow classes under subclauses 17 (2), 17 (3) 17 (5) and 17 (6) of this Plan.

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

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

17 Flow classes for these water sources

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

- (a) for the Wyong River Water Source:

- (i) for all access licences, excluding local water utility access licences:

- (1) for the first three years of this Plan the Very Low Flow Class is when there is no visible flow at gauging stations 211009 and 211010, thereafter the Very Low Flow Class is when the combined flows at gauging stations 211009 and 211010 are equal to or less than 4 ML/day (hereafter *ML/day*),

Note. 4 ML/day corresponds to the estimated 95th percentile of all days with flow.

- (2) for the first three years of this Plan A Class is when there is a visible flow at gauging stations 211009 and 211010, for year 4 and 5 of this Plan A Class is when the combined flows at gauging stations 211009 and 211010 are greater than 4 ML/day, unless the upgrade works to the infrastructure specified in Schedule 3 are completed then A Class is when the combined flows at gauging stations 211009 and 211010 are greater than 4 ML/day and less than 13.5 ML/day, thereafter A Class is when the combined flows at gauging stations 211009 and 211010 are greater than 4 ML/day and less than 13.5 ML/day,

Note. 13.5 ML/day corresponds to the estimated 80th percentile of all days with flow.

Note. The specified cease to pump levels may be amended under clause 17 (7) of this Plan. The cease to pump level for the bottom of A Class and the top of the Very Low Flow Class may be amended to a level no less than the 98th percentile (which corresponds to 2 ML/day) and no more than the 95th percentile (which corresponds to 4ML/day).

- (3) for the first five years of this Plan, or until the upgrade works to the infrastructure specified in Schedule 3 are completed, whichever occurs sooner, no B Class is established, thereafter B Class is when the combined flows at gauging stations 211009 and 211010 are equal to or greater than 13.5 ML/day and less than 26 ML/day, and

Note. 26 ML/day corresponds to the estimated 50th percentile of all days with flow.

- (4) for the first five years of this Plan, or until the upgrade works to the infrastructure specified in Schedule 3 are completed, whichever is the sooner, no C Class is established, thereafter C Class is when the

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

combined flows at gauging stations 211009 and 211010 are equal to or greater than 26 ML/day,

Note. When temporary water restrictions under a drought management plan are implemented by the local water utilities the Department in consultation with Gosford Wyong Councils Water Authority will assess water availability in the Wyong River Water Source and the level of risk to the ability of the local water utility to supply water. This will inform whether action is required to declare a severe water shortage and relax access rules for the local water utility and other access licences accordingly.

- (ii) for all local water utility access licences:
- (1) for the first three years of this Plan, or until the upgraded fishway for the Wyong River Weir and new Wyong River pump station is completed, whichever is the sooner, there is no Very Low Flow Class thereafter the Very Low Flow Class is when the combined flows at gauging stations 211009 and 211010 are equal to or less than 4 ML/day (hereafter *ML/day*),

Note. 4 ML/day corresponds to the estimated 95th percentile of all days with flow.

Note. While there is no Very Low Flow Class specified, the taking of water under local water utility access licences is limited in accordance with clause 19 (3) (e) for the first three years of the plan or until the upgraded fishway for the Wyong River Weir and new Wyong River pump station is completed, whichever is the sooner.

- (2) for the first three years of this Plan, or until the upgraded fishway for the Wyong River Weir and new Wyong River pump station is completed, whichever is the sooner, there is no A Class, thereafter A Class is when the combined flows at gauging stations 211009 and 211010 are greater than 4 ML/day and less than 13.5 ML/day,

Note. 13.5 ML/day corresponds to the estimated 80th percentile of all days with flow.

Note. It is intended that the Wyong Weir will be upgraded during the life of this Plan. This will include an improved fishway and possible amendment to the control point proposed to replace existing flow reference points for access rules. The flow class rules developed for this Plan are based on fish passage requirements associated with the improved fishway. Once the fishway is upgraded, the new pump station commissioned and a new gauging station is established at the weir, local water utility extractions will be managed such that flows through the fishway will be within the operating range of the fishway. However, extreme river flow conditions such as flows less than 2 ML/day and very high flows may be outside the operating range of the proposed fishway.

Note. The specified cease to pump levels may be amended under clause 17 (3) of this Plan, through studies as specified in clause 75 (1) (a). The cease to pump level may be amended to a level no less than the 95th percentile (which corresponds to 4 ML/day) and no more than the 70th percentile (which corresponds to 22 ML/day).

- (3) for the first five years of this Plan, or until the upgrade works to the infrastructure specified in Schedule 3 are completed, whichever occurs sooner, no B Class is established, thereafter B Class is when the combined flows at gauging stations 211009 and 211010 are equal to or greater than 13.5 ML/day and less than 26 ML/day, and

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Note. 26 ML/day corresponds to the estimated 50th percentile of all days with flow.

- (4) for the first five years of this Plan, or until the upgrade works to the infrastructure specified in Schedule 3 are completed, whichever is the sooner, no C Class is established, thereafter C Class is when the combined flows at gauging stations 211009 and 211010 are equal to or greater than 26 ML/day,

Note. When temporary water restrictions under a drought management plan are implemented by the local water utilities the Department in consultation with Gosford Wyong Councils Water Authority will assess water availability in the Wyong River Water Source and the level of risk to the ability of the local water utility to supply water. This will inform whether action is required to declare a severe water shortage and relax access rules for the local water utility and other access licences accordingly.

- (b) for the Tuggerah Lakes Water Source, no flow classes are established by this Plan,
- (c) for the Brisbane Water Water Source, no flow classes are established by this Plan,
- (d) for the Mooney Mooney Creek Water Source, no flow classes are established by this Plan, and

Note. At year six of this Plan flow classes will be established based on further investigations as set out under clause 17 (2) of this Plan.

Note. Access rules for Mooney Mooney Creek may be established under clause 19 (4) of this Plan, such that extraction from the river is only permitted after a specified flow has occurred for a specified number of hours based on the review of the study and ongoing monitoring and investigations referred to in clause 75 of this Plan.

- (e) for the Mangrove Creek Water Source, no flow classes are established by this Plan.

Note. At year six of this Plan flow classes will be established based on further investigations as set out under clause 17 (2) of this Plan.

Note. Access rules for Mangrove Creek may be established under clause 19 (4) of this Plan, such that the taking of water from the river is only permitted after a specified flow has occurred for a specified number of hours based on the review of the study and ongoing monitoring and investigations referred to in clause 75 of this Plan.

- (2) The Minister will amend subclauses 1 (d) and 1(e), at year six of this Plan, to establish flow classes in the Mooney Mooney Creek and Mangrove Creek Water Sources, based on further investigations to determine appropriate surface water levels and flow reference points to allow rule development.

Note. Flow class rules may be based on, but not limited to, a cease to pump at a specified flow reference point (gauge(s) may need to be installed) in either Mangrove Creek and/or Mooney Mooney Creek Water Sources or cease to pumps at specified flow reference points throughout the water sources in specified reaches. A visible inflow/outflow rule on pools may also be introduced in accordance with clause 19 (4) of this Plan. Consideration of the requirement for a bypass option for access licences holders taking water from in-river dams will also be undertaken. In developing these rules consultation will be undertaken with key stakeholders.

- (3) The Minister may amend subclauses 1 (a), (1) (d) and/or (1) (e), to vary or establish a new or additional flow class or flow classes based on the outcomes of monitoring and investigations carried out under clause 75 of this Plan.
- (4) Any variation in the Wyong River Water Source under subclause (3) should not result in the Very Low Flow Class being less than the 95th percentile flow or the bottom of B Class being greater than the 70th percentile flow for local water utility access licences.

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Note. The 95th percentile (which corresponds to around 4 ML/day) was chosen as the lower limit of the bounds of change, as this is the State Policy position in regard to environmental flows, and is with the levels at which the upgraded fishway on the Wyong River Weir would operate most effectively (2-5ML/day). The 70th percentile (which corresponds to 22 ML/day) was chosen as the upper limit of the bounds of change for B Class as this would provide greater protection to low flows and increase access to high flows for the local water utility.

- (5) The Minister may amend subclause (1) to establish new or additional flow class or flow classes in any water source where management zones or water sources are added or amended during the term in accordance with clause 6 of this Plan.
- (6) The Minister may amend subclauses (1) (a) (i) and (1) (a) (ii), to specify equivalent flows at the Wyong River Weir in the Wyong River Water Source.
- (7) If the flow reference point in the Wyong River Water Source is amended to the Wyong River Weir as specified in subclause (6) the Very Low Flow Class for access licences, excluding local water utility access licences, may be amended to a level between 2 to 4 ML/day if evidence of economic hardship can be provided to the Minister by access licence holders in the water source based on the implementation of these rules.

Note. 2 ML/day equates to the 98th percentile flow.

Part 4 Environmental water provisions

18 Environmental water provisions

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

19 Planned environmental water

- (1) Planned environmental water is identified and established in these water sources as follows:
 - (a) water volume in excess of the respective long-term average annual extraction limit established in clause 35 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction, and
 - (b) for all water sources, the water remaining in the water source after taking water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3).
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 38 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) The planned environmental water established in subclause (1) (b) is maintained as follows:
 - (a) in water sources or management zones with a Very Low Flow Class, the holders of access licences, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 64 (7) and access licences that nominate a runoff harvesting work, are not permitted to take water when flows are within the Very Low Flow Class,
 - (b) in the Wyong River, Tuggerah Lakes and Brisbane Water Water Sources, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 64 (7) and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions of the authorised water supply works or in the absence of such condition:
 - (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool,
 - (c) pending the outcomes of investigations specified in clause 17 (2) in the Mangrove Creek and Mooney Mooney Creek Water Sources, the Minister may amend this subclause from year six of this Plan, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 64 (7) and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, to require that the taking of water from a river by a nominated water supply work be

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

permitted only where it complies with the flow conditions of the authorised water supply works or in the absence of such condition:

- (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool,
- (d) in Wyong River Water Sources the holders of access licences are only permitted to take water in accordance with the rules specified in clause 47 of this Plan for A Class, B Class and C Class, and
- (e) until year three of this Plan, or the upgraded fishway for the Wyong River Weir and new Wyong River pump station is completed, whichever is the sooner, in the Wyong River Water Source, notwithstanding all other rights and conditions, the following access conditions shall apply to local water utility access licences for any two weeks in both October and December:
- (i) a cease to pump equal to a visible flow over the Wyong Weir Flow Reference Point, and
 - (ii) pumping may commence 24 hours after the spilling of the Wyong River Weir.
- (4) The Minister may amend this Plan to amend subclause (3) during the term of this Plan in the Wyong River, Mangrove Creek, or Mooney Mooney Creek Water Sources to establish a first flush rule in accordance with monitoring and investigations undertaken under clause 75 of this Plan.

Note. It is anticipated that development of first flush rules, if appropriate, will be done within the first two years of this Plan.

- (5) Following the establishment or amendment of a flow class or flow classes within any management zone or water source under clauses 17 (4) and 17 (5) of this Plan, the Minister may amend this Plan to amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source such that the amendments made under this clause reflect the amendments made under clauses 17 (4) and 17 (5).

Note. The effect of clause 17 (4) is that the flow classes can be amended as a result of monitoring and investigations subject to the Very Low Flow Class not being less than the 95th percentile flow or the bottom of B Class not being greater than the 70th percentile flow. Clause 17 (5) allows the amendment of flow classes if a new management zone is added.

- (6) The Minister may amend this Plan to amend subclause (3) to specify equivalent flows at the Wyong River Weir.

Note. The rules in clause 19 protect the water for the environment by limiting both water extracted over the long-term and the taking of water in accordance with the objectives of this Plan.

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

20 Adaptive environmental water

- (1) The holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the access licence, pursuant to section 8B of the Act.
- (2) An access licence may be granted in these water sources, pursuant to sections 8C or 8D of the Act.
- (3) If an adaptive environmental water condition on an access licence in these water sources requires water to be left in the water source for environmental purposes, the Minister may establish Total Daily Extraction Limits under clause 47 (10) of this Plan in the relevant water source or management zone.

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

Part 5 Basic landholder rights

21 Basic landholder rights

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

22 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 0.544 megalitres per day (hereafter *ML/day*) and are distributed as follows:
 - (a) 0.24 ML/day in the Wyong River Water Source,
 - (b) 0.2 ML/day in the Tuggerah Lakes Water Source,
 - (c) 0.07 ML/day in the Brisbane Water Water Source,
 - (d) 0.004 ML/day in the Mooney Mooney Creek Water Source, and
 - (e) 0.03 ML/day in the Mangrove Creek Water Source.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

Note. Domestic and stock rights must be exercised in accordance with any mandatory guidelines established under section 336B of the Act with respect to the taking and use of water for domestic consumption or stock watering. An increase in use of domestic and stock rights may occur as a result of an increase in the number of landholdings fronting rivers and lakes in these water sources and/or as a result of the increase in the exercise of basic landholder rights by existing landholders.

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

23 Native title rights

- (1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

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

24 Harvestable rights

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

Part 6 Bulk access regime

25 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 9, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 9, Division 2 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 9 and 10 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 9 of this Plan.

Part 7 Requirements for water under access licences

26 Requirements for water under access licences

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

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

27 Share component of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to extract water from these water sources will total 181.5 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 31.0 ML/year in the Wyong River Water Source,
- (b) 0 ML/year in the Tuggerah Lakes Water Source,
- (c) 0 ML/year in the Brisbane Water Water Source,
- (d) 63.5 ML/year in the Mooney Mooney Creek Water Source, and
- (e) 87.0 ML/year in the Mangrove Creek Water Source.

28 Share component of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to extract water from these water sources will total 100,400 ML/year, distributed as follows:

- (a) 34,600 ML/year in the Wyong River Water Source,

Note. The share component for Wyong River Water Source may be amended based on the review of the study and ongoing monitoring and investigations referred to in clause 64 of this Plan.

- (b) 0 ML/year in the Tuggerah Lakes Water Source,
- (c) 0 ML/year in the Brisbane Water Water Source,
- (d) 17,900 ML/year in the Mooney Mooney Creek Water Source, and
- (e) 47,900 ML/year in the Mangrove Creek Water Source.

Note. The total share component shown in the above water sources and the share component in the Ourimbah Creek Water Source (to be amended to 8,400 ML/year) totals 108,800 ML/year. These annual limits were derived by running the system model with environmental flows for the full historic stream flow sequence (since 1885) with estimated 2050 demands and selecting the highest annual extraction on each water source from the model extraction results.

However, while the total share component is 100,400 ML/year, the long-term average annual extraction limits from the Mangrove Creek, Mooney Mooney Creek, Ourimbah Creek and Wyong River Water Sources, groundwater sources and bulk water transfers to Hunter Water Corporation will be limited to a maximum of 36,750 ML/year (based on 2013 drought demand). This figure will be reviewed in line with clause 35 (5). The basis for reflecting the amounts this way is to provide flexibility to the Local Water Utility to extract varying amounts from the four water sources to suit the

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

climatic and operational conditions, while still being limited by a long-term average annual extraction limit for the water supply scheme.

The total share components for the Wyong River, Mangrove Creek and Mooney Mooney Creek (and Ourimbah Creek) Water Sources may be amended following the review of the study and ongoing monitoring and investigations referred to in clause 75 of this Plan.

29 Share component of major utility access licences

It is estimated that at the time of commencement of this Plan, the share components of major utility access licences authorised to extract water from these water sources will total 0 ML/year.

30 Share component of unregulated river access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to extract water from these water sources will total 10,484 unit shares, distributed as follows:

- (a) 3,984 unit shares in the Wyong River Water Source,
- (b) 20 unit shares in the Tuggerah Lakes Water Source,
- (c) 5 unit shares in the Brisbane Water Water Source,
- (d) 2,215 unit shares in the Mooney Mooney Creek Water Source, and
- (e) 4,260 unit shares in the Mangrove Creek Water Source.

31 Changes to share components

- (1) This Plan recognises that the total requirements for water for extraction within these water sources may change during the term of this Plan as a result of:
 - (a) the granting, surrender or cancellation of access licences,
 - (b) the granting, surrender or cancellation of access licences through a dealing under Part 11 of this Plan,
 - (c) the variation of local water utility licences under section 66 of the Act, and
 - (d) any changes due to the volumetric conversion of *Water Act 1912* entitlements that are currently non-volumetric.
- (2) The share component and extraction components of local water utility access licences held by the Gosford City Council Water Supply Authority or the Wyong Council Water Supply Authority in the Wyong River, Mooney Mooney Creek or Mangrove Creek Water Sources may be amended under section 68A of the Act where studies have been undertaken by the Authorities, relating to water supply system analysis and supply security, that recommend a change in the volume of the local water utility access licence share components assigned to either or both Authorities within these water sources.

Note. Any amendment to share components for local water utility access licences should consider the overall impacts of the change on GWCWA water security prior to any amendment taking place.

- (3) When considering an increase to local water utility access licence under sections 66 (3) or 66 (4) of the Act, consideration should be given to the following matters:

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (a) whether the local water utility is actively taking all reasonable measures to implement any guidelines for the best practise management of water supply and sewerage services,
- (b) whether the local water utility has investigated and is implementing all reasonable alternative options for meeting increased water demand, including stormwater use and water re-use,
- (c) whether the current water entitlements would still be insufficient if the local water utility was complying with paragraphs (a) and (b),
- (d) whether an increase in water entitlements is the best option for meeting increased water demand having regard to environmental impacts and costs, and
- (e) such other matters as the Minister considers relevant.

Part 8 Rules for granting access licences

32 Rules for granting access licences

- (1) This clause is made in accordance with sections 20 (2) (b), 61 and 63 of the Act, having regard to the limits to water availability in these water sources, and the need to protect dependent ecosystems.
- (2) In addition to those applications for specific purpose access licences permitted under clause 19 of the Water Management (General) Regulation 2004 (hereafter *the Regulation*) applications may also be made in these water sources for access licences, as follows:
 - (a) a major utility access licence which replaces a local water utility access licence in the event that the Gosford City Council Water Supply Authority or the Wyong Council Water Supply Authority are declared to be major utilities under the Act, and
 - (b) an access licence that may be granted in accordance with an access licence dealing.

Note. Pursuant to sections 66 (3) and 66 (4) of the Act, the Minister may also vary a local water utility's share component at 5 year intervals, or on application of the local water utility where there is rapid growth in population.

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

- (3) Access licences applied for under clause 5 of the Regulation shall only be granted in the Tuggerah Lakes, Wyong River, Brisbane Water, Mangrove Creek or Mooney Mooney Water Sources if the applicant can demonstrate a history of extraction in the area from the defined tidal limit to the mangrove limit.
- (4) An access licence granted under subclause (3) will have the share component determined by a process in consultation with local water users,
- (5) The determination of the share component under subclause (4) will consider the historical maximum annual extraction of water on the property.
- (6) An access licence of the subcategory "Aboriginal cultural" shall only be granted if the application does not exceed 10 ML/year.
- (7) A specific purpose access licence shall only be granted if the share or extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.

Note. Any new access licence granted in these water sources may be subject to specific mandatory conditions as set out in Part 12 of this Plan.

Part 9 Limits to the availability of water

Division 1 Long-term average annual extraction limit

33 Limits to the availability of water

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

34 Extraction management unit for these water sources

The availability of water to be taken from these water sources and the management of the long-term average annual extraction of water limit in these water sources will be undertaken in the Tuggerah Lakes Extraction Management Unit and the Gosford Extraction Management Unit (*these Units*).

35 Long-term average annual extraction limit

- (1) For each of these Units separate long-term average annual extraction limits will apply to the taking of water under:
 - (a) basic landholder rights and access licences, other than those local water utility or major utility access licences held by Gosford and Wyong Councils, and
 - (b) local water utility or any future major utility access licences held by Gosford and Wyong Councils (hereafter *the local water utility long-term average annual extraction limit*).
 - (2) The long-term average annual extraction limit established under subclause (1) (a) in:
 - (a) the Tuggerah Lakes Extraction Management Unit is equal to the total of:
 - (i) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 of the *Water Act 1912* in the Wyong River Water Source and the Tuggerah Lakes Water Source, immediately prior to the commencement of this Plan for the Wyong River Water Source and the Tuggerah Lakes Water Source, excluding local water utility or any future major utility entitlements held by Gosford and/or Wyong Councils,
 - (ii) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Wyong River Water Source and the Tuggerah Lakes Water Source at the commencement of this Plan,
 - (iii) the sum of share components of access licences in the Ourimbah Creek Water Source at the commencement of the Water Sharing Plan for Ourimbah Creek Water Source 2003 and in the Jilliby Jilliby Creek Water Source at the commencement of the Water Sharing Plan for Jilliby Jilliby Creek Water Source 2003, excluding share components of local water utility or any future major utility access licences held by Gosford and/or Wyong Councils,
 - (iv) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Ourimbah Creek Water Source at the commencement of the Water Sharing Plan for Ourimbah Creek Water Source 2003 and in the Jilliby Jilliby Creek Water Source at the commencement of the Water Sharing Plan for Jilliby Jilliby Creek Water Source 2003,
-

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (v) the sum of share components of access licences not held by Gosford and Wyong Councils, that have been issued for the purposes of stormwater harvesting in the Tuggerah Lakes Extraction Management Unit, and
 - (vi) the sum of share components of access licences granted in the Tuggerah Lakes Extraction Management Unit under the Regulation and Part 8 of this Plan, excluding local water utility or any future major utility access licences granted to Gosford and/or Wyong Councils.
- (b) the Gosford Extraction Management Unit is equal to the total of:
- (i) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 of the *Water Act 1912* in the Brisbane Water Water Source, the Mooney Mooney Creek Water Source and the Mangrove Creek Water Source, immediately prior to the commencement of this Plan, excluding entitlements held by Gosford and Wyong Councils,
 - (ii) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Brisbane Water Water Source, the Mooney Mooney Creek Water Source and the Mangrove Creek Water Source at the commencement of this Plan,
 - (iii) the sum of share components of access licences not held by Gosford and Wyong Councils, that have been issued for the purposes of stormwater harvesting in the Gosford Extraction Management Unit, and
 - (iv) the sum of share components of access licences granted in the Gosford Extraction Management Unit under the Regulation and Part 8 of this Plan, excluding local water utility or any future major utility access licences granted to Gosford and/or Wyong Councils.
- (3) The local water utility long-term average annual extraction limit established under subclause (1) (b) for the Tuggerah Lakes Extraction Management Unit will be equal to 36,750 ML/year minus:
- (a) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in the Gosford Extraction Management Unit, and
 - (b) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in any groundwater source, where the water taken is not being passed through Mardi Water Treatment Plant.

Note. Water flowing from Hunter Water Corp to Gosford Wyong Councils will be accounted against the local water utility long-term average annual extraction limit in the Tuggerah Lakes Extraction Management Unit. Water transferred from Gosford Wyong Councils to Hunter Water Corporation will be accounted against the major utility long-term average annual extraction limit in the Hunter Extraction Management Unit.

Note. The 36,750 ML/year figure is based on demand projections to 2013. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2003 and this Plan will need to be reviewed to determine their appropriateness in line with the new operations.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Note. Any groundwater extraction that is being passed through Mardi Water Treatment Plant will effectively be counted as surface water extraction against the long-term average annual extraction limit.

- (4) The local water utility long-term average annual extraction limit established under subclause (1) (b) for the Gosford Extraction Management Unit will be equal to 36,750 ML/year minus:
- (a) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in the Tuggerah Lakes Extraction Management Unit, and
 - (b) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in any groundwater source, where the water taken is not being passed through Somersby Water Treatment Plant.

Note. The 36,750 ML/year figure is based on demand projections to 2013. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2003 and this Plan will need to be reviewed to determine their appropriateness in line with the new operations.

Note. Any groundwater extraction that is being passed through Somersby Water Treatment Plant will effectively be counted as surface water extraction against the long-term average annual extraction limit.

- (5) After commencement of releases from Tillegra Dam or after 1 July 2013, whichever occurs sooner, the local water utility long-term average annual extraction limits established under subclauses (3) and (4) for the Tuggerah Lakes and Gosford Extraction Management Units will be reviewed, taking into consideration:
- (a) instream habitat and estuary requirements, and
 - (b) local water utility long-term demand requirements.
- (6) The Minister may amend this Plan, to vary the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) in accordance with the outcomes of the review specified in subclause (5).
- (7) The Minister may amend this Plan to amend subclause (1) (b) and the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) following the granting of access licences to Gosford or Wyong Councils for the purpose of stormwater harvesting.
- (8) The Minister may amend this Plan to amend the local water utility long-term average annual extraction limit specified in subclauses (3) and (4) in accordance with the outcomes of the review specified in clause 38 (11) of this Plan.

36 Variation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or through a dealing under Part 11 of this Plan.
- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.

37 Assessment of the long-term average annual extraction limit

- (1) This clause applies from the third year of this Plan.
- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, will be assessed each water year to determine if the long-term average annual extraction limit established by clause 35 (2) for each extraction management unit has been exceeded.
- (3) The assessment referred to in subclause (2) is to be based on a comparison of the water extracted in the current water year in these Units, against the average extraction within these Units over the preceding 2 water years.

38 Compliance with the long-term average annual extraction limit

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

- (1) If the assessment in clause 37 determines that the long-term average annual extraction limit for any extraction management unit in these water sources established under clause 35 (2) has been exceeded by 5% or greater, then the available water determination made under Division 2 of this Part for unregulated river access licences for the water sources in the respective extraction management unit for the following water year shall be reduced as necessary to return total water extraction under basic landholder rights and access licences in the respective extraction management unit to the long-term average annual extraction limit.
- (2) If the assessment in clause 37 determines that the long-term average annual extraction limit for any extraction management unit in these water sources is less than 95% of the respective long-term average annual extraction limit established for any extraction management unit in these water sources under clauses 35 (2), then the available water determination made under Division 2 of this Part for unregulated river access licences for the water sources in the respective extraction management unit for the following water year shall be increased as necessary to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to increase to the long-term average annual extraction limit.
- (3) Any reduction or increase to the available water determinations made under Division 2 of this Part for unregulated river access licences in the Gosford Extraction Management Unit under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the extraction management unit to return to the long-term average annual extraction limit.
- (4) Any reduction or increase to the available water determinations made under Division 2 of this Part for unregulated river access licences in the Wyong River Water Source or the Tuggerah Lakes Water Source under this clause shall be equivalent to the corresponding reduction or increase made to available water determinations for unregulated river access licences in the Ourimbah Creek Water Source and the Jilliby Jilliby Creek Water Source and may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the extraction management unit to return to the long-term average annual extraction limit.
- (5) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 35 (2), the taking of water pursuant to an access licence

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

- (6) The average annual volume of water taken under all local water utility or any future major utility access licences, held by Gosford City Council Water Supply Authority and Wyong Council Water Supply Authority, in any 10 consecutive water years in these Units may not exceed a volume equal to the respective long-term average annual extraction limit specified in clauses 35 (3) and 35 (4) of this Plan.
- (7) In each of these Units the total water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Councils will be monitored each water year to determine if there is any growth above the respective local water utility long-term average annual extraction limit established under clauses 35 (3) and 35 (4), based on a comparison of the long-term average annual extraction limit against the average annual amount of water taken within these Units over a rolling ten year period commencing from the start of this Plan, except where subclause (8) applies.
- (8) If the long-term average annual extraction limit specified in clause 35 (3) and 35 (4) is amended under clause 35 (6) then growth in the 'water taken' above the respective local water utility long-term average annual extraction limit specified in clauses 35 (3) and 35 (4) shall be determined based on a comparison of the extraction limit against the average water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council within the Tuggerah Lakes and Gosford Extraction Management Units over a rolling ten year period commencing from the water year in which the amendment was made.

Note. The effect of subclause (8) is if a new long-term average annual extraction limit for the local water utility is required after Tillegra Dam is built within the term of this Plan then a new ten year rolling accounting period will commence.

- (9) For the purpose of assessing growth above the respective local water utility long-term average annual extraction limit the water taken in the Tuggerah Lakes Extraction Management Unit under local water utility or any future major utility licences within these water sources will be determined as:
 - (a) the water passing the outlet of Mardi Water Treatment Plant minus any water passing the boundary meter from Gosford/Wyong Councils to Hunter Water Corporation, plus
 - (b) any water passing the boundary meter from Hunter Water Corporation to Gosford/Wyong Councils, plus
 - (c) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.
- (10) For the purpose of assessing growth above the respective local water utility long-term average annual extraction limit the water taken in the Gosford Extraction Management Unit under local water utility or any future major utility licences within these water sources will be determined as:
 - (a) the water passing the outlet of Somersby Water Treatment Plant, plus
 - (b) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Note. Any groundwater extractions passed through the Woy Woy Water Treatment Plant will be accounted against the long-term average annual extraction limit established by the respective groundwater macro plan covering that groundwater source.

- (11) If monitoring of the water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council indicates growth above the respective local water utility long-term average annual extraction limit as specified in clause 35 (3) or (4), then a review shall be undertaken which considers:
 - (a) the Gosford City Council and Wyong Shire Councils' urban water supply requirements, and
 - (b) the impacts associated with an increase to the respective local water utility long-term average annual extraction limit.
- (12) The Minister may amend this clause to take account of access licences issued for the purpose of stormwater harvesting.

Division 2 Available water determinations

39 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

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

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

40 Available water determinations for domestic and stock access licences

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

41 Available water determinations for local water utility access licences

The available water determination made at the commencement of each water year for local water utility access licences in these water sources and should, be for 100% of access licence share component.

42 Available water determinations for major utility access licences

If major utility access licences are established in these water sources the available water determination made at the commencement of each water year for major utility access licences in these water sources and should, be for 100% of access licence share component.

43 Available water determinations for unregulated river access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres per unit share of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river access licences in these water sources and should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 38.

Part 10 Rules for managing access licences

Division 1 General

44 Rules for managing access licences

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

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

Division 2 Water allocation account management

45 Individual access licence account management rules

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

Note. The volume of water extracted by a nominated water supply work is used to account for the extractions against an individual access licence water allocation account. In the case of the local water utility access licences the amount of water extracted by nominated water supply works will not be used to account against the local water utility long-term average annual extraction limit. Accounting against the local water utility long-term average annual extraction limits will be undertaken in accordance with clause 38 (9) of this Plan.

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

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) The maximum volume that may be taken under a domestic and stock access licence and unregulated river access licence in these water sources in any 3 consecutive water years may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in those years,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock access licence and unregulated river access licence in these water sources in the first 3 water years of this Plan may not exceed a volume equal to:
 - (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year), or 3 megalitres per unit share of access licence share component (for access licences with share components expressed as a number of unit shares),
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations reccredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (5) The maximum water allocation that can be carried over in the accounts of domestic and stock access licence and unregulated river access licence from one water year to the next shall be equal to:
 - (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) Water allocations in the accounts of local water utility or major utility access licences shall not be permitted to be carried over from one water year to the next in the Tuggerah Lakes, Brisbane Water, Mangrove Creek and Mooney Mooney Creek Water Sources.
- (7) The maximum water allocation that can be carried over in the accounts of local water utility or major utility access licence in the Wyong River Water Source from one water year to the next shall be equal to 30% of the access licence share component.

Division 3 Sharing surface water flows on a daily basis

46 Sharing surface water flows on a daily basis

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

47 Total daily extraction limits

- (1) At the commencement of this Plan, total daily extraction limits (hereafter *TDELS*) have not been established in the Brisbane Water, Tuggerah Lakes, Mooney Mooney Creek or Mangrove Creek Water Sources.
- (2) In the Wyong River Water Source, from year six of this Plan, total daily extraction limits for each flow class shall apply for all access licences, excluding local water utility or major utility access licences as follows:
 - (a) 8.7 ML/day in A Class,
 - (b) 15.6 ML/day in B Class, and
 - (c) 24.5 ML/day in C Class.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (3) In the Wyong River Water Source, from year six of this Plan or following the completion of works referred to at Schedule 3, whichever is the sooner, and until the combined storage level in the local water utility's storage dams is equal to 60% for the first time within the term of this Plan, total daily extraction limits for each flow class shall apply for local water utility or major utility access licences as follows:
- (a) when the combined storage level in the local water utility's storage dams is less than 50% of full capacity for:
 - (i) A Class it is 100 % of remaining flow in the river,
 - (ii) B Class it is 100 % of remaining flow in the river, and
 - (iii) C Class it is 100 % of remaining flow in the river, and
 - (b) when the combined storage level in the local water utility's storage dams is between 50 and 60% of full capacity for:
 - (i) A Class it is 80 % of remaining flow in the river,
 - (ii) B Class it is 80 % of remaining flow in the river, and
 - (iii) C Class it is 80 % of remaining flow in the river.

Note. Fifty percent storage capacity was chosen as a trigger level for the commencement of total daily extraction limits as under current Council policy this is when restrictions on water use is lifted. By delaying the introduction of rules until this point it allows for the local water utility to maintain an acceptable level of security of supply during dry periods. A staged approach to the introduction of the total daily extraction limits is proposed to balance the risk of environment outcomes against water supply security.

Note. The total daily extraction limits represented in subclause (3) apply to the total flow when the respective flow class has been declared. For example under subclause (b) above, whenever the combined flow at the flow reference points exceed 13.5ML/day (i.e. the bottom of B Class flow) then 80% of the total flow may be extracted.

- (4) In the Wyong River Water Source, from year six of this Plan or following the completion of works referred to at Schedule 3, whichever is the sooner, and following the combined storage level in the local water utility's storage dams equalling 60% for the first time within the term of this Plan, total daily extraction limits for each flow class shall apply for local water utility or major utility access licences as follows:
- (a) when the combined storage level in the local water utility's storage dams is less than 40% of full capacity for:
 - (i) A Class it is 80 % of remaining flow in the river,
 - (ii) B Class it is 80 % of remaining flow in the river, and
 - (iii) C Class it is 80 % of remaining flow in the river,
 - (b) when the combined storage level in the local water utility's storage dams is between 40 and 60% of full capacity for:
 - (i) A Class it is 80 % of remaining flow in the river,
 - (ii) B Class it is 80 % of remaining flow in the river, and
 - (iii) C Class it is 80 % of remaining flow in the river, and
-

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (c) when the combined storage level in the local water utility's storage dams is equal to or greater than 60% of full capacity for:
- (i) A Class it is 0 % of remaining flow in the river,
 - (ii) B Class it is 60 % of remaining flow in the river, and
 - (iii) C Class it is 60 % of remaining flow in the river,

Note. The total daily extraction limits represented in subclause (3) apply to the total flow when the respective flow class has been declared. For example 80% of the flow in B Class means 80% of the remaining flows when flows exceed 13.5ML/day (the bottom of B Class flow) at the flow reference points.

- (5) The Minister may amend this Plan to amend subclauses (3) and (4) taking into consideration the existing infrastructure limitations and system security if the infrastructure listed in Schedule 3 is not completed by year six of this Plan.
- (6) The Minister may amend this Plan to amend subclause (4) to change the specified percentage of the daily flow that may be extracted when the combined storage levels in the local water utility's storage dams is equal to or greater than 60% of full capacity, from a minimum of 60% of flow up to a maximum of 80% of flow.

Note. It is likely that amendments permitted under subclauses (5) and (6) will occur from year two of this Plan in line with any amendment to flow classes or environmental water provisions.

- (7) The Minister will amend this Plan to amend subclauses (3) and (4) prior to year six of this Plan, or following completion of works referred to in Schedule 3, whichever is the sooner, to either:
- (i) amend the "percentage of remaining flow in the river" to the "percentage of flow remaining in the river in excess of the lower limit of the flow class", or
- Note.** The modelling undertaken by GWCWA used to determine percentage take, determines the percentages based on the flows above the lower limit of any flow class, rather than the total flow at the time. This provision provides the option of amending the access conditions to reflect the modelling.
- (ii) amend the percentages for the flow classes to an equivalent volume of access as simulated in the modelling undertaken as part of the Wyong River Environmental Flow Study (3rd March 2008) by the Gosford and Wyong Councils Water Authority.

Note. This provision provides an alternative option to amending the volume of flow that the percentage take pertains to subclause (1) by allowing the percentage take to be amended to provide a similar level of access to that used in the modelling used to determine percentage take.

- (8) The Minister may amend this Plan to amend subclauses (3) and (4) if the flow reference point moves from those specified in clause 17 (1) to the Wyong River Weir, provided that any amendment will not reduce the percentages specified in subclauses (3) and (4) by more than 7.6% of that percentage.

Note. Current modelling undertaken to inform the TDEL volumes specified in subclauses (3) and (4) is based on a percentage of a volume at a flow reference point which is upstream of the utilities pumping point and above the end of system. If the flow reference point is amended to a downstream location which coincides with the utilities extraction point and the end of system then the percentages will need to be recalculated to provide the same volume of daily extraction. It is not anticipated that this will change the total volume available for extraction by the local water utility access licences from that currently modelled.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (9) The TDEL for each flow class if specified in subclauses (2), (3) and (4) applies to all rivers within the specified water source or management zone apart from those rivers identified as minor streams in a harvestable rights order made under section 54 of the Act.
- (10) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELs in the relevant water source or management zone.

Note. TDELs referred to in subclause (10) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

- (11) After major augmentation of the local water utility's water supply infrastructure, as specified in Schedule 3, the Minister may amend this Plan to amend clause 47 to permit the taking of water by the holders of local water utility access licences in any flow class following the establishment of works to discharge urban stormwater, reused water, recycled water or other return flows approved by the Minister from time to time.
- (12) The volume of water which may be extracted during very low flows under subclause (11) is to be equal to the volume of the substitution flows.

Note. Approval of any substitution flows is at the discretion of the Minister and is subject to consideration of the likely impact of the flows on water quality, aquatic biology etc.

48 Assignment of the TDEL to categories of access licence

- (1) No TDEL will be initially assigned to any category of access licence in the Brisbane Water, Tuggerah Lakes, Mooney Mooney Creek or Mangrove Creek Water Sources.
- (2) The TDEL specified in clause 47 (2) for each flow class in the Wyong River Water Source will be initially assigned according to the following:
- (a) to domestic and stock access licences:
 - (i) 0.07 ML/day in A Class,
 - (ii) 0.12 ML/day in B Class, and
 - (iii) 0.18 ML/day in C Class, and
 - (b) to unregulated river access licences:
 - (i) 8.63 ML/day in A Class,
 - (ii) 15.48 ML/day in B Class, and
 - (iii) 24.32 ML/day in C Class.

49 Unassigned TDEL

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

50 Granting of unassigned TDEL

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

51 Individual daily extraction limits for access licences

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established or assigned to access licences in these water sources.
- (2) During the term of this Plan, the Minister may amend this Plan to establish and assign IDELs for access licences in these water sources for which TDELs are established and assigned.
- (3) Where IDELs are established under subclause (2), the IDEL is to be assigned in the same proportion as the TDEL for the access licence bears to the sum of all share components of access licences of that category, in the respective water source.
- (4) Notwithstanding subclause (3), where an access licence contains more restrictive conditions than other access licences of the same category in the water source, then any IDEL resulting from subclause (3) shall be adjusted to reflect as far as possible the more restrictive conditions.

52 Adjustment to TDELS and IDELS

- (1) If total taking of water under domestic and stock rights or native title rights exceeds the levels specified in Part 5 of this Plan, then the respective TDEL for unregulated river access licences in clause 48 shall be diminished to allow these additional basic landholder rights to be met.
- (2) Following an adjustment to the TDEL for unregulated river access licences under subclause (1) the IDELs of each unregulated river access licence will then be reduced to comply with this diminished TDEL.
- (3) Any adjustment to unregulated river access licence IDELs arising from this clause will be done at intervals of no greater than 5 years.
- (4) The TDELs established in this Plan may be adjusted accordingly, following:
 - (a) the imposition of new adaptive environmental water conditions that require water to be left in a water source, or
 - (b) the removal of adaptive environmental water conditions that required water to be left in a water source.
- (5) Where an IDEL is assigned under clause 51 and an adaptive environmental water condition requiring water to be left in the water source is:
 - (a) imposed on an access licence, then the TDEL established under clause 47 may be decreased by the IDEL on the access licence so committed and clauses 47 and 51 adjusted accordingly, or
 - (b) removed from an access licence, then the TDEL established under clause 47 will be increased by the IDEL on the access licence so uncommitted and clause 47 and 51 adjusted accordingly.

53 Administrative arrangements for managing access to daily flows (approved groups)

This Plan allows for the group management of access licences in these water sources which have been assigned an IDEL, subject to the following rules:

- (a) all access licences (except local water utility access licences) in these water sources which are assigned an IDEL shall be included in a group (hereafter *approved group*),
- (b) an approved group shall have a group combined IDEL, being the sum of the IDELs assigned to all access licences in the approved group. The daily extraction of water by all access licences in an approved group must not exceed the group combined IDEL. The daily extraction of water under all access licences within an approved group will be assessed as a whole against the group combined IDEL,
- (c) the Minister may, by notice in writing, remove one or more access licences from an approved group, if:
 - (i) the daily extraction of water by an approved group exceeds the group combined IDEL, or
 - (ii) the Minister is of the opinion that a holder of an access licence within an approved group has caused the combined group IDEL to be exceeded,
- (d) the daily extraction of water pursuant to an access licence which is not in an approved group must not exceed the IDEL assigned to the access licence,
- (e) the group combined IDEL shall be reduced by the amount of the IDEL assigned to any access licence which is removed from the approved group,
- (f) an access licence holder may, by request made in writing to the Minister, apply to have their access licence removed from an approved group. If the Minister consents to the removal of an access licence from an approved group, the access licence will be removed from the approved group,
- (g) the holder of an access licence which has been assigned an IDEL and which is not in an approved group, may make a written request to the Minister to:
 - (i) form a new approved group, or
 - (ii) be included in an approved group,
- (h) the Minister may:
 - (i) consent or refuse a request to form a new approved group,
 - (ii) consent or refuse to allow an access licence to be included in an approved group,
 - (iii) consent or refuse a request for an access licence to be removed from one approved group and included in a new approved group,
- (i) where the Minister consents to a new approved group, a new approved group will be formed and will be subject to the rules contained in this clause,

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (j) where an access licence is added to an approved group, the group combined IDEL shall be increased by the amount of IDEL assigned to the access licence,
- (k) an access licence may not be in more than one approved group at any time,
- (l) any part of the IDEL of an access licence which is committed to the environment pursuant to an adaptive environmental water condition:
 - (i) shall not be included in an approved group, or
 - (ii) where the IDEL is already included in an approved group, shall be removed from the approved group.

54 Amendments to this Plan for the purpose of sharing of surface water flows on a daily basis

- (1) This Part may be amended for the purpose of enabling the sharing of surface water flows on a daily basis.
- (2) Any such amendment may include, but need not be limited to:
 - (a) the establishment or modification of TDELs in these water sources,
 - (b) the establishment or modification of IDELs for access licences in these water sources,
 - (c) the establishment or modification of approved groups and rules to govern the operation of those groups, with respect to TDELs or IDELs in these water sources,
 - (d) the imposition, removal or modification of mandatory conditions, or
 - (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

55 Access to the Very Low Flow Class in these Water Sources

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 64 of this Plan.

Note. Clause 78 provides for amendments to Schedule 2.

Part 11 Access licence dealing rules

56 Access licence dealing rules

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

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

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

57 Rules relating to constraints within these water sources

- (1) This clause applies to any relevant dealings under sections 71Q, 71S, 71T and 71W of the Act, within these water sources.
- (2) The dealings specified in subclause (1) are prohibited if:
 - (a) the access licence dealing involves an assignment of water allocation under section 71T of the Act from a major utility access licence to another category of access licence within these water sources,
 - (b) the access licence dealing involves an assignment of access rights under section 71Q of the Act or an allocation assignment under section 71T of the Act from an access licence not located on the main creek between Mangrove Creek Weir and Mangrove Creek Dam onto an access licence located on the main creek between Mangrove Creek Weir and Mangrove Creek Dam in the Mangrove Creek Water Source,
 - (c) the access licence dealing involves an assignment of access rights under section 71Q of the Act or an allocation assignment under section 71T of the Act from an access licence not located in the plateau management zones in the Wyong River Water Source, Mangrove Creek Water Source, Mooney Mooney Creek Water Source or Brisbane Water Water Source to an access licence located in the plateau management zones in the Wyong River Water Source, Mangrove Creek Water Source, Mooney Mooney Creek Water Source or Brisbane Water Water Source,

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (d) the access licence dealing involves an access licence, that currently nominates a water supply works not located on the main creek between Mangrove Creek Weir and Mangrove Creek Dam, being amended under section 71W of the Act to nominate a water supply works located on the main creek between Mangrove Creek Weir and Mangrove Creek Dam in the Mangrove Creek Water Source, and
- (e) the access licence dealing involves an access licence, that currently nominates a water supply works located in a management zone other than the plateau management zone in the Wyong River Water Source, Mangrove Creek Water Source, Mooney Mooney Creek Water Source or Brisbane Water Water Source, being amended under section 71W of the Act to nominate water supply works located in the plateau management zone.

58 Rules for change of water source

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

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

- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in the Wyong River Water Source, the Tuggerah Lakes Water Source, the Brisbane Water Water Source, the Mooney Mooney Creek Water Source and the Mangrove Creek Water Source.

59 Rules for conversion of access licence category

- (1) This clause relates to access licence dealings under section 71O of the Act.
- (2) Dealings to convert an access licence to another category or subcategory are prohibited.

60 Rules for interstate access licence transfer and assignment of water allocation

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

61 Rules for water allocation assignments between water sources

- (1) This clause relates to access licence dealings under section 71T of the Act.
- (2) Access licence dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are not permitted if the access licence dealing involves:
 - (i) a change of water source between the Tuggerah Lakes and Gosford Extraction Management Units, or
 - (ii) into the plateau management zones of the respective water sources.

Part 12 Mandatory conditions

Division 1 Mandatory conditions on access licences

62 Mandatory conditions on all access licences

- (1) This Division is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
- (2) All access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) water must not be taken pursuant to an access licence otherwise than:
 - (i) by means of a water supply work nominated on the access licence, as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (ii) in accordance with the conditions specified on the water supply work approval for the nominated water supply work,
 - (iii) in accordance with the IDEL (if any) assigned to the access licence under Part 10 Division 3 of this Plan, or, if the access licence is in an approved group at any time, in accordance with the group combined IDEL for the approved group at that time,

Note. IDELs are covered in Part 10 Division 3 of this Plan.

Note. Approved groups are established in Part 10 Division 3 of this Plan.

- (b) water must not be taken pursuant to an access licence in excess of the volume of water allocated to, or assigned to, or recredited to the water allocation account for that access licence,
- (c) the water allocation account management rules in Division 2 of Part 10 of this Plan,
- (d) any other conditions required to implement the provisions of this Plan.

63 Mandatory conditions relating to the taking of water

- (1) Subject to subclause (2), in these water sources, water must not be taken pursuant to an access licence, if any of the following apply:
 - (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when the Very Low Flow Class applies in the water source specified on the access licence, subject to clause 64 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the water source in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.

- (2) Subclause (1) does not apply to:
 - (a) local water utility or major utility access licences in Wyong River Water Source,

Note. See subclause (3) below.
 - (b) access licences which nominate a water supply work which is a runoff harvesting dam, but only in relation to water taken using the runoff harvesting dam,
 - (c) access licences which nominate a water supply work which is an in-river dam, but only if the in-river dam is passing or releasing the amount of all inflows into the in-river dam.
- (3) All local water utility or major utility access licences in the Wyong River Water Source must have a mandatory condition specifying that water must not be taken, if any of the following apply:
 - (a) when the Very Low Flow Class specified in clause 17 (1) (a) (ii) applies, subject to clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool
 - (e) the taking of water would not comply with clause 19 (3) (e).
- (4) All local water utility access or any future major utility access licences in these water sources must have a mandatory condition specifying that water must not be taken if it were to cause the respective local water utility long term average annual extraction limit as specified in clauses 35 (2) and (3), to be exceeded.

64 Mandatory conditions for access to the Very Low Flow Class

- (1) This clause only applies to:
 - (a) an access licence which replaces a *Water Act 1912* entitlement listed in Schedule 2 of this Plan, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan,
 - (b) a domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence which replaces a *Water Act 1912* entitlement that allowed water to be taken in the Very Low Flow Class, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan.
- (2) A local water utility access licence to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence:

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (a) for the purposes of town water supply only, and
 - (b) for the first three years of this Plan, or until the fishway is completed for the Wyong River Weir and the new Wyong River pump station is completed, whichever occurs sooner.
- (3) For the purposes of subclause (2), major augmentation includes anything which enhances or increases the local water utility's capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility's existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.
- (4) An access licence to which this clause applies, other than a local water utility access licence, a domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for any of the following purposes only:
- (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purpose of hygiene.
- (5) The maximum daily volume that may be taken under subclause (4) must:
- (a) be the minimum required to satisfy the purpose,
 - (b) be specified on each access licence, and
 - (c) not exceed 20 kilolitres per day.
- (6) Once specified under subclause (5) (b), the maximum daily volume must not be increased.
- (7) For the first three years of this Plan only, a domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence to which this clause applies, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for domestic consumption only.

Note. Domestic consumption is defined in section 52 of the Act.

65 Mandatory conditions on domestic and stock access licences

In addition, all domestic and stock access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence for the purposes of domestic consumption or stock watering.

Note. Domestic consumption and stock watering are defined in section 52 of the Act.

66 Mandatory conditions on Aboriginal cultural access licences

In addition, all access licences of the subcategory “Aboriginal cultural” in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

67 New access licences granted in these water sources

- (1) In addition, the following new access licences granted in these water sources must have a mandatory condition specifying that water must not be taken unless flows exceed a level or flow class which is specified on the access licence:
 - (a) a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act, or
 - (b) a major utility (subcategory “Urban water”) access licence not replacing a local water utility access licence granted pursuant to Part 8 of this Plan, which specifies a water source in which B Class is not established under clause 17 (1) of this Plan.
- (2) In addition, the following new access licences granted in these water sources, pursuant to Part 8 of this Plan, must have a mandatory condition which specifies that water must not be taken when flows in the water source specified on the access licence are below B Class:
 - (a) a new local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (b) a new major utility access licence not replacing an existing local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan, or
 - (c) an access licence with a zero share component, which specifies a water source in which B Class is established under clause 17 (1) of this Plan.

Division 2 Mandatory conditions on water supply work approvals**68 Mandatory conditions on all water supply work approvals**

- (1) All water supply work approvals which authorise the construction or use of a water supply work in these water sources, other than a water supply work approval which authorises the construction or use of a water supply works to take water from the alluvial sediments in these water sources, must have mandatory conditions to give effect to the following:
 - (a) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (b) when required by the Minister by notice in writing:

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister,
- (c) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (d) the water supply work must not be used to take water, if any of the following apply:
- (i) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (ii) when there is no visible flow in the water source in the immediate downstream vicinity of the water supply work or, where the water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool, and
- (e) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval which authorises the construction or use of a water supply work which is an in-river dam in these water sources must include a mandatory condition requiring the in-river dam to pass or release such flows as the Minister determines to be appropriate.
- (3) A water supply work approval which authorises the construction or use of a water supply work which is nominated on a major utility access licence in these water sources, including all subcategories of major utility access licences, must have mandatory conditions to give effect to the release rules for major utility storages specified in Part 14 of this Plan.
- (4) A water supply work approval which authorises the construction or use of a water supply work which is a runoff harvesting dam in these water sources must, if the share component of the access licence that nominates the water supply work is reduced, be amended to impose a mandatory condition to give effect to clause 70 (2) of this Plan.

Part 13 Rules for granting or amending water supply work approvals

69 Granting or amending water supply work approvals

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

70 Runoff harvesting dams

- (1) A water supply work approval for a runoff harvesting dam in these water sources shall not be granted if the dam capacity exceeds the volume equivalent to the share component for the access licence proposing to nominate the work.
- (2) If the share component of an access licence which nominates a water supply work which is a runoff harvesting dam is reduced either by the Minister, or on application of the access licence holder, or by a dealing under Part 11 of this Plan, the Minister shall amend the water supply work approval for the runoff harvesting dam to impose a condition requiring the dam to be modified so as to reduce its capacity, consistent with the reduction in share component of the access licence.

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

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

71 In river dams

A water supply work approval for a new in-river dam in these water sources on a 3rd or higher order stream shall not be granted in the Wyong River Water Source, the Tuggerah Lakes Water Source, the Brisbane Water Water Source, the Mooney Mooney Creek Water Source or the Mangrove Creek Water Source, except for the purpose of taking water for town or urban water supply under a nominated unregulated river (subcategory "town water supply") access licence, local water utility access licence or major utility access licence.

Note. Stream order is defined in the Dictionary.

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

Part 14 System operation rules

72 Release rules from local water utility storages

- (1) Releases/bulk water movement from Mangrove Creek Dam by a local water utility or major utility may be made, within operational constraints, subject to the releases/bulk water movement providing river flows which reflect the following:
 - (a) more natural rates of rise and fall,
 - (b) increased natural seasonal variability where possible, and
 - (c) more natural duration periods.

Note. The intention of providing releases which more closely reflect natural flow conditions helps to ensure natural ecological processes can operate when releases are being made by the local water utilities. For example, macroinvertebrates have time to move back into permanently wet areas of the stream if rates of fall are similar to those that occur naturally.

- (2) Release rules from Mangrove Creek Dam require that the flows to be released, if and when required, shall be the lesser of:
 - (a) inflow, or
 - (b) an average flow of 2.7 ML/day during the months of September to July inclusive, or
 - (c) an average flow of 2.0 ML/day during the months of May to August inclusive, or
 - (d) a sufficient release so as to maintain a visible flow in Mangrove Creek immediately above its junction with Warren Warren Creek and at the bridge over Mangrove Creek immediately above its junction with Dubbo Creek.

Note. Measured seepage may be taken into account as part of the releases required.

- (3) Release rules from Mangrove Creek Weir require that releases shall be made from Mangrove Creek Weir, such that when inflows minus the releases from Mangrove Creek Dam down Mangrove Creek are equal to or less than 3 ML/day then the release must be equal to or greater than the inflow minus the releases from Mangrove Creek Dam down Mangrove Creek.
- (4) Release rules from Upper Mooney Mooney Creek Dam require that releases shall be made from Upper Mooney Mooney Creek Dam, such that when inflows are equal to or less than the 0.6 ML/day then the release must be equal to or greater than the inflow.
- (5) Release rules from Lower Mooney Mooney Creek Dam require that releases shall be made from Lower Mooney Mooney Creek Dam, such that when inflows are equal to or less than the 95th percentile flow then the release must be equal to or greater than the inflow.
- (6) Release rules specified in subclause (5) may be amended in this Plan based on further investigation of seepage at the Lower Mooney Mooney Creek Dam by the local water utilities to allow determination by the Minister as to whether seepage from this Dam meets the requirements of the release provisions.

Note. The intent of the subclause (5) may be met by seepage which is occurring at this Dam. Photo verification and water quality monitoring to look at the volume and water quality of the seepage

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

water should be undertaken with a report submitted to the Minister for consideration of review of this Plan provisions. If required a bypass requirement may be introduced.

- (7) Release rules specified in subclauses (2) to (5) may be amended in this Plan based on further studies which the Minister may direct relevant local water utilities to undertake when combined storage levels in local water utility's storage dams is equal to or greater than 60% capacity.
- (8) The studies in subclause (7) are to be undertaken in line with recommendation 8.3.1 of the Final Report – Independent Inquiry into the Hawkesbury Nepean System (HRC 1998).

Note. These studies are proposed to determine the probable flow range of ecological responses for various levels of flow protection. To date they have not been undertaken due to dry weather conditions. Further detail on the studies is also provided in Environmental Flows Expert Panel Report (Quality Environmental Management P/L 2001).

Part 15 Amendment of this Plan

73 Amendment of this Plan

- (1) This Plan may be amended as specified in this Plan, pursuant to section 45 of the Act.
- (2) Any amendment to this Plan, that is authorised by a provision of this Plan, which results in a variation to the bulk access regime, is an amendment authorised by this Plan for the purposes of section 87 (2) (c) of the Act..

74 Review of ongoing monitoring and investigations outcomes

- (1) Before varying this Plan as a result of ongoing monitoring and investigations undertaken in clause 75, advice should be sought from an interagency committee with representatives of the Department of Water and Energy, the Department of Primary Industries and the Department of Environment and Climate Change.
- (2) The interagency committee should provide advice to the Minister on the ongoing monitoring and investigations report, and advise on any changes to the recommendations contained in the report in relation to any variation of this Plan provisions.
- (3) The review body should respond to the Minister as soon as practical after receiving the report, or within 3 months of that date, at the latest.

75 Amendment of flow classes, planned environmental water, share components and daily extraction limit provisions

- (1) The Minister may amend this Plan, based on the verified outcomes of any monitoring and investigations associated with the Wyong River Environmental Flows Study to:

Note. The monitoring and investigations will help inform the setting and/or amendment of flow classes, daily extraction limits, environmental water requirements, and share components for the local water utility access licences. Mandatory conditions will be updated to reflect any change in access as a result of monitoring and investigations.

- (a) amend the flow classes established in clauses 17 (1) (a), 17 (1) (d) and 17 (1) (e) of this Plan, including additional flow classes as appropriate,
- (b) establish and/or amend the very low flow access conditions for local water utility access licences specified in clause 64 of this Plan,
- (c) amend the planned environmental water rules specified in clause 19 (3) of this Plan,

Note. The amendment of planned environmental water rules may include the introduction of antecedent conditioned protection of freshes through the system.

- (d) amend the system operation rules specified in clauses 72 of this Plan,

Note. The monitoring and investigations should identify any operational conditions on Gosford Wyong Councils Water Authority (GWCWA) in regard to the supply of water to the estuary to meet environmental requirements at low flows associated with draw-down of the weir, e.g. is the flow to be maintained at a constant level or can the weir be drawn down and flows allowed to pass periodically. This issue is related to the GWCWA's infrastructure limitations. Currently Department of Primary Industries has an agreement with GWCWA to provide fish passage over the Wyong Weir during specific periods of the year by limiting extraction. These rules will be reviewed to consider operational constraints and to refine the timing of providing fish passage, both diurnally (e.g. all day, dawn, dusk) and seasonally.

 Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (e) amend the share component of the local water utility or major utility access licences specified in clauses 28 and 29 of this Plan, and

Note. The share component refers to the annual volume of water specified on the access licence. The outcomes of the study and ongoing monitoring and investigations may alter the share components currently specified. The Water Sharing Plan for the Central Coast Unregulated River Water Sources currently proposes an annual share component of 34,600 ML (annual maximum) from the Wyong River. The Water Sharing Plan for the Ourimbah Creek Water Source currently specifies a share component of 5,000 ML from Ourimbah Creek with a 3 year rolling average with a maximum of 200% access in any one year. The share component for the Wyong River has been initially set at a high level to allow GWCWA to fill its storages during high flows.

- (f) amend the percentage extraction for local water utility access licences in clause 47 (3) and (4) of this Plan.

- (2) In amending any of the provisions as specified in subclause (1) the net effect should not reduce the yield of the local water utilities water supply below 47,300 ML/yr, including any water sourced from Hunter Water Corporation.

Note. 47,300 ML/yr refers to the 2050 demand projection for the Central Coast.

- (3) The Minister should cause any ongoing activities in subclauses (1) (a) to (1) (f) to be undertaken during the term of this Plan.

- (4) In undertaking the ongoing monitoring and investigations:

- (a) consultation with the Department of Water and Energy, the Department of Primary Industries, the Department of Environment and Climate Change, the Gosford Wyong Councils Water Authority, the relevant Catchment Management Authority, and representatives of interest groups as required should be undertaken, and

Note. Interest groups may include representatives of local Water User Associations (or licence holders in the absence of WUA), Landcare or environment groups, local industry and commerce representatives, Aboriginal groups, local government etc.

- (b) a report should be prepared to be used by the agencies and stakeholders specified in subclause (a) documenting:

- (i) the methodology adopted,
- (ii) the hypotheses tested,
- (iii) the ongoing monitoring and investigations results and conclusions in relation to:
- (1) flow classes,
 - (2) total daily extraction limits,
 - (3) share components for local water utility access licences, and
 - (4) environmental flow provisions, and
- (iv) the socio-economic impacts of recommended changes including anticipated impact on local water utility yield.

Note. This amendment provision reflects the need to have an improved understanding of the flow requirements of the estuary prior to any additional extraction occurring in the water sources feeding into the estuary.

76 Amendments due to floodplain harvesting

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

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

77 Amendments for stormwater harvesting

The Minister may amend this Plan to amend:

- (a) Part 3 and/or Part 4 to permit the taking of water in any Flow Class where a stormwater harvesting licence and nominated water supply works are being used to provide inflows to the water source which are then able to substitute for all or part of the flow requirements of the Very Low Flow Class. The extent to which Part 3 and/or Part 4 can be amended is to be in proportion to the extent that the stormwater harvesting can substitute for the flow requirements of any Flow Class, and such that there is no net disbenefit to the environment,

Note. Approval of any substitution flows is at the discretion of the Minister and is subject to consideration of the likely impact of the flows on water quality, aquatic biology etc.

- (b) Part 8, to permit the application for and granting of a stormwater harvesting access licence, if such a category has been created under the Act,
- (c) Part 9, to account for water taken and/or returned to the water source under a stormwater harvesting access licence, against the respective long-term average annual extraction limit,
- (d) Part 10, Division 2, to account for water taken and/or returned to the water source under a stormwater harvesting access licence, against access licence water allocation accounts,
- (e) Part 10, Division 3, to account for water taken under a stormwater harvesting access licence, against the total daily extraction limit or to permit the taking of water in excess of the total daily extraction limit where a stormwater harvesting access licence and nominated water supply works are being used to provide additional inflows to the water source such that there is no net disbenefit to the environment,
- (f) Part 11, to prescribe the types of access licence dealings that stormwater harvesting access licences can and can't undertake,
- (g) Part 12, to prescribe the mandatory conditions that are to apply to stormwater harvesting access licences and water supply works, and
- (h) Part 14, to prescribe any system operational rules for stormwater harvesting water supply works.

78 Amendments in relation to Schedule 2 (Very Low Flow) and mandatory conditions

- (1) The Minister may amend this Plan to:

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

- (a) add a *Water Act 1912* entitlement to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in this clause and the purpose existed prior to 1 July 2008, or
 - (b) remove a *Water Act 1912* entitlement from Schedule 2, if:
 - (i) any access licence dealing results in water being extracted, under the access licence which replaced the *Water Act 1912* entitlement, from a different location, or
 - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
 - (iii) the access licence which replaced the *Water Act 1912* entitlement is surrendered or cancelled.
 - (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences.
- (2) After major augmentation of the local water utility's water supply infrastructure, as specified in Schedule 3, the Minister may amend the mandatory conditions and Schedule 2 of this Plan to permit the taking of water by the holders of local water utility access licences during periods of very low flows following the establishment of works to discharge urban stormwater, reused water, recycled water or other return flows approved by the Minister from time to time.
- (3) The volume of water which may be extracted during very low flows under subclause (2) is to be equal to the volume of the substitution flows.

Note. Approval of any substitution flows is at the discretion of the Minister and is subject to consideration of the likely impact of the flows on water quality, aquatic biology etc.

Schedule 1 Dictionary

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

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

individual daily extraction limit (IDEL) is described in clause 51 of this Plan.

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

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

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

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

registered plan for these water sources means the registered plan called The Central Coast Unregulated Water Sources (WSP005) maintained by the Department.

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

runoff harvesting dam is a privately owned dam that captures surface or rainfall runoff.

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

stream order is defined by the Strahler stream ordering method.

Note. The Strahler stream ordering methods is explained as follows.

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

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

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

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

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

total daily extraction limit (TDEL) is described in clause 47 of this Plan.

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

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

water year means a year commencing 1 July.

Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists *Water Act 1912* licences from which access licences will be derived upon commencement of the Water Sharing Plan.

Brisbane Water Water Source

No licences with access to very low flows at the commencement of the Plan.

Mooney Mooney Creek Water Source

10SL050381	10SL038117	20SL023693	
------------	------------	------------	--

Mangrove Creek Water Source

10SL019457	10SL025461	10SL032168	10SL040385
10SL056675	10SL056720	10SL056057	10SL056467
10SL040230	20SL045333	20SL039289	20SL051226

Wyong River Water Source

20SL033407	20SL044633	20SL060746	20SL060776
20SL039830	20SL019691		

Tuggerah Lakes Water Source

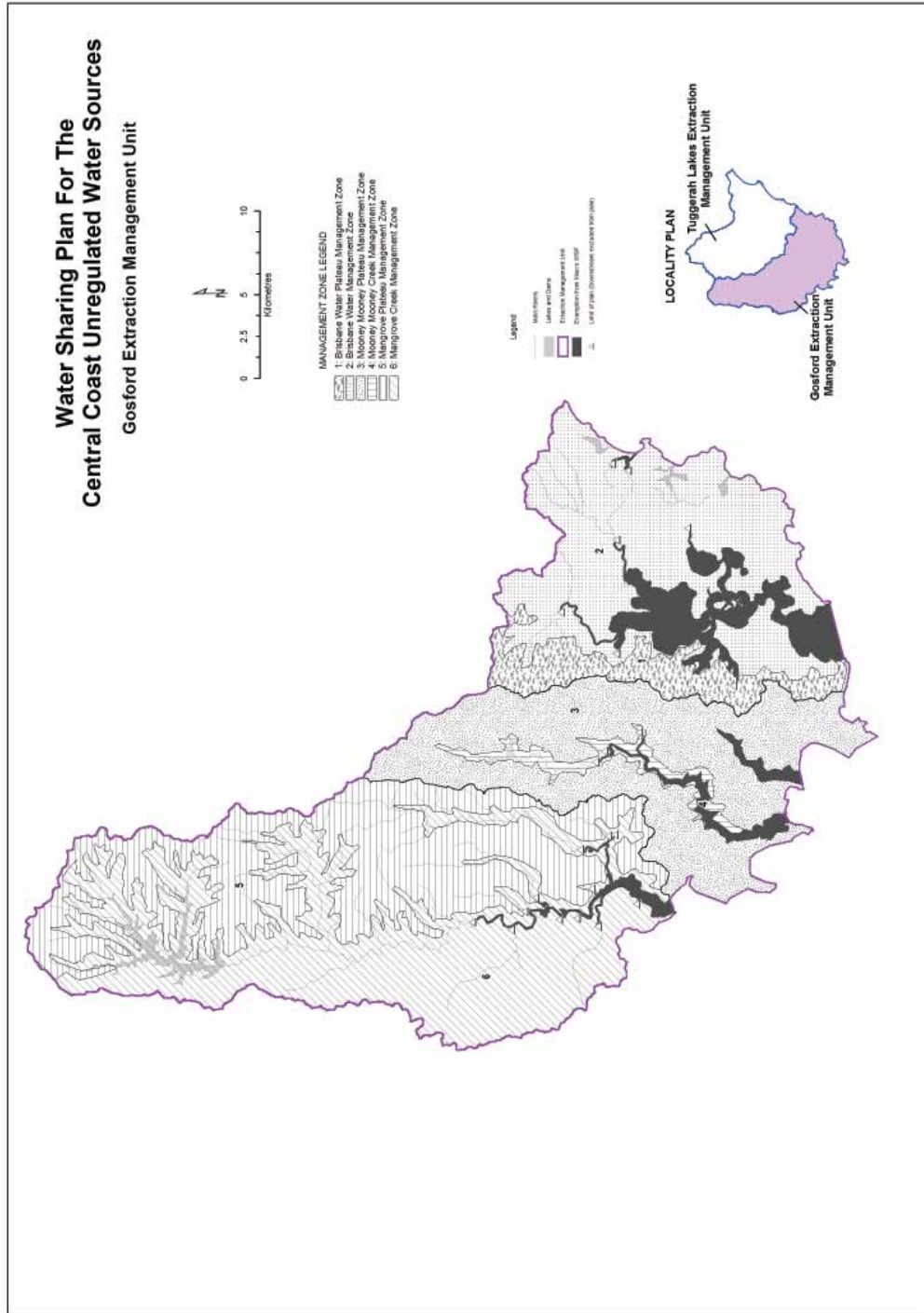
20SL060789			
------------	--	--	--

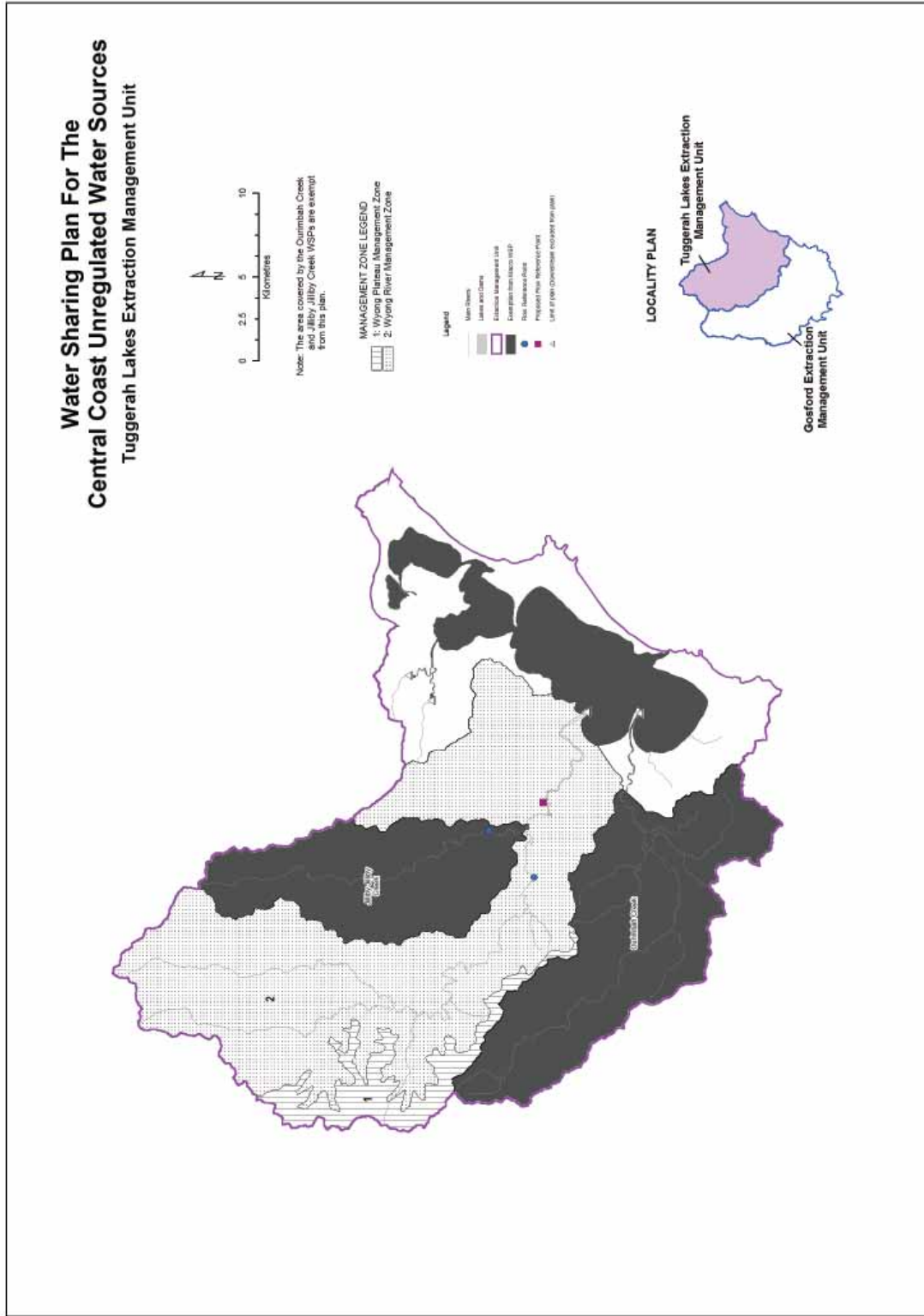
Schedule 3 Local water utilities water supply infrastructure

The following Gosford City Council and Wyong Council infrastructure works are listed for the purpose of clause 47:

- Wyong River Weir fish way upgrade,
- New Wyong River pumping station,
- New rising main between the New Wyong River Pump station and Mardi Dam,
- Mangrove Creek Dam inlet outlet upgrade (Boomerang Creek),
- Transfer system between Mardi Dam and Mangrove Creek Dam, and
- Water Treatment works.

Appendix 1 Area covered by this plan





Water Sharing Plan for the Central Coast Unregulated River Water Sources 2009

Appendix 2 Location of registered plans for these water sources

Copies of the registered plans for these water sources in relation to this Plan may be inspected at:

Department of Water and Energy
Level 3, 107 Mann Street
GOSFORD NSW 2250

Department of Water and Energy
Level 3, 26 Honeysuckle Drive
NEWCASTLE NSW 2300

Department of Water and Energy
10 Valentine Ave
PARRAMATTA NSW 2150

WATER MANAGEMENT ACT 2000

Order Under Section 50

Making of a Ministers Plan

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

PURSUANT to section 50 of the Water Management Act 2000, I, PHILLIP COSTA, M.P., Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, make the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009.

This Order takes effect from the 1 August 2009.

Dated this 14th day of July 2009.

PHILLIP COSTA, M.P.,
Minister for Water

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Water, make the following Minister's plan.

PHILLIP COSTA, MP
Minister for Water

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Contents

Part 1	Introduction	2
Part 2	Vision, objectives, strategies and performance indicators	8
Part 3	Basis for water sharing.....	10
Part 4	Environmental water provisions	27
Part 5	Basic landholder rights	30
Part 6	Bulk access regime	33
Part 7	Requirements for water under access licences.....	34
Part 8	Rules for granting access licences	42
Part 9	Rules for granting or amending water supply works approvals.....	44
	Division 1 General	44
	Division 2 Water supply works used to take water from the alluvial sediments in these water sources	45
Part 10	Limits to the availability of water	52
	Division 1 Long-term average annual extraction limit	52
	Division 2 Available water determinations	56
Part 11	Rules for managing access licences.....	60
	Division 1 General	60
	Division 2 Water allocation account management	60
	Division 3 Sharing surface water flows on a daily basis	63
	Division 4 Management of surface and groundwater connectivity	67
Part 12	Access licence dealing rules	69
Part 13	Mandatory conditions	79
	Division 1 Mandatory conditions on access licences	79
	Division 2 Mandatory conditions on water supply work approvals	84
Part 14	System operation rules.....	89
Part 15	Amendment of this Plan.....	91
	Schedule 1 Dictionary	94
	Schedule 2 Licences with access to very low flows	96
	Schedule 3 Contamination sources in the Hunter Unregulated and Alluvial Water Sources	98
	Schedule 4 High Priority Groundwater Dependent Ecosystems in the Hunter Unregulated and Alluvial Water Sources	99
	Appendix 1 Hunter Unregulated and Alluvial Water Sources and Hunter, Hunter Regulated River Alluvium, Goulburn and Lake Macquarie Extraction Management Units	101
	Appendix 2 Location of registered plans	105

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 1 Introduction

1 Name of this Plan

This Plan is the “Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009” (hereafter *this Plan*).

2 Nature and Status of this Plan

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

3 Date of commencement

This Plan commences on 1 August 2009.

4 Water sources to which this Plan applies

- (1) The water sources in respect of which this Plan applies are:
 - (a) the Munmurra River Water Source,
 - (b) the Krui River Water Source,
 - (c) the Bow River Water Source,
 - (d) the Merriwa River Water Source,
 - (e) the Halls Creek Water Source,
 - (f) the Baerami Creek Water Source,
 - (g) the Widden Brook Water Source,
 - (h) the Bylong River Water Source,
 - (i) the Wollar Creek Water Source,
 - (j) the Upper Goulburn River Water Source,
 - (k) the Lower Goulburn River Water Source,
 - (l) the Dart Brook Water Source,
 - (m) the Pages River Water Source,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (n) the Isis River Water Source,
- (o) the Upper Hunter River Water Source,
- (p) the Rouchel Brook Water Source,
- (q) the Muswellbrook Water Source,
- (r) the Jerrys Water Source,
- (s) the Glennies Water Source,
- (t) the Glendon Brook Water Source,
- (u) the Luskintyre Water Source,
- (v) the Singleton Water Source,
- (w) the Martindale Creek Water Source,
- (x) the Doyles Creek Water Source,
- (y) the Lower Wollombi Brook Water Source,
- (z) the Black Creek Water Source,
- (aa) the Wallis Creek Water Source,
- (bb) the Newcastle Water Source,
- (cc) the Paterson/Allyn Rivers Water Source,
- (dd) the Williams River Water Source,
- (ee) the Upper Paterson Water Source,
- (ff) the Upper Wollombi Brook Water Source,
- (gg) the North Lake Macquarie Water Source,
- (hh) the South Lake Macquarie Water Source,
- (ii) the Dora Creek Water Source,
- (jj) the Hunter Regulated River Alluvial Water Source,

Note. The Hunter Regulated River Alluvial Water Source extends from the top of the high bank of the Hunter Regulated River or Glennies Creek to the boundary of the alluvial aquifer covering the unconsolidated alluvial sediments, excluding the alluvial sediments covered by the Hunter Regulated River Water Sharing Plan. The Regulated Plan covers waterfront land except for alluvial sediments within one metre of works taking water pursuant to licences issued under Part 5 of the Water Act 1912. This water source includes alluvial waters only.

- (kk) the Wallis Creek Tidal Pool Water Source,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. The Wallis Creek Tidal Pool Water Source extends between the mangrove and tidal limits and only includes the water within the tidal stretch of Wallis Creek, not including any freshwater tributaries. This water source includes unregulated waters only and excludes alluvial groundwater.

- (ll) the Paterson River Tidal Pool Water Source, and

Note. The Paterson River Tidal Pool Water Source extends between the mangrove and tidal limits and only includes the water within the tidal stretch of the Paterson River, not including any freshwater tributaries. This water source includes unregulated waters only and excludes alluvial groundwater.

- (mm) the Hunter River Tidal Pool Water Source,

Note. The Hunter River Tidal Pool Water Source extends between the mangrove and tidal limits and only includes the water within the tidal stretch of the Newcastle Water Source, not including any freshwater tributaries. This water source includes unregulated waters only and excludes alluvial groundwater.

and shall be known as the Hunter Unregulated and Alluvial Water Sources (hereafter *these water sources*).

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

- (2) These water sources are shown on the registered plan called The Hunter Unregulated and Alluvial Water Sources (WSP003) held by the Department (hereafter the *registered plan for these water sources*).

Note. Copies of the registered plans for these water sources may be inspected at offices of the Department listed in Appendix 2.

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

- (a) all water occurring naturally on or below the surface of the ground shown on the registered plan for these water sources, and
- (b) all water in rivers, lakes and wetlands in these water sources, and
- (c) all water contained within all alluvial sediments below the surface of the land shown on the registered plan for these water sources (hereafter the alluvial sediments in these water sources), including any water contained in those unconsolidated alluvial sediments underlying the waterfront land within 1 metre of works taking water pursuant to licences issued under Part 5 of the *Water Act 1912* or their equivalent aquifer access licence issued under the Act, that are not part of the Hunter Regulated River Water Source.

Note. The Hunter Regulated River Water Source is defined in the Water Sharing Plan for the Hunter Regulated River Water Source 2003.

- (4) These water sources do not include:

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

Note. This exclusion applies to the Wallis Creek Tidal Pool Water Source, the Paterson River Tidal Pool Water Source and Hunter River Tidal Pool Water Source.

- (b) any water contained in the coastal sands in these water sources,
 - (c) any water contained in fractured rock aquifers and basement rocks in these water sources,
-

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (d) any water contained in the unconsolidated alluvial sediments underlying the waterfront land of all rivers within the Hunter Regulated River Water Source, except as provided for in subclause (3) (c),

Note. The Hunter Regulated River Water Source is defined in the Water Sharing Plan for the Hunter Regulated River Water Source 2003.

- (e) the area of the Wybong Creek Water Source, as defined in the Water Sharing Plan for the Wybong Creek Water Source 2003,
- (f) the area of the Hunter Regulated River Water Source, as defined in the Water Sharing Plan for the Hunter Regulated River Water Source 2004,
- (g) the area of the Paterson Regulated River Water Source, as defined in the Water Sharing Plan for the Paterson Regulated River Water Source 2008, and
- (h) the area of land below the mangrove limit, except for the Mannering Lake in South Lake Macquarie Water Source and the Belmont Lagoon in the North Lake Macquarie Water Source.

Note. The mangrove limit is defined in the dictionary.

- (5) These water sources are within part of the Hunter Water Management Area and part of the Central Coast Water Management Area.

5 Management zones

For the purpose of this Plan, the following water sources are divided into the following management zones and are shown on the registered plan for these water sources:

- (a) the Halls Creek Water Source is divided into the:
- (i) Halls Creek Management Zone, and
 - (ii) Giants Creek Management Zone,
- (b) the Pages River Water Source is divided into the:
- (i) Murrurundi Management Zone,
 - (ii) Scotts Creek Management Zone,
 - (iii) Kewell Creek Management Zone,
 - (iv) Gundy Management Zone, and
 - (v) Segenhoe Management Zone,
- (c) the Dart Brook Water Source is divided into the:
- (i) Upper Dart Brook Management Zone,
 - (ii) Upper Middle Brook Management Zone,
 - (iii) Petwyn Vale Management Zone,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (iv) Lower Dart Brook Management Zone, and
- (v) Lower Middle Brook and Kingdon Ponds Management Zone,
- (d) the Paterson/Allyn Rivers Water Source is divided into the:
 - (i) Paterson River Tributaries Management Zone, and
 - (ii) Allyn River Management Zone,
- (e) the Upper Wollombi Water Source is divided into the:
 - (i) Congewai Creek Management Zone, and
 - (ii) Wollombi Brook Arm Management Zone,
- (f) the Williams River Water Source is divided into the:
 - (i) Williams River Management Zone, and
 - (ii) Seaham Weir Management Zone,
- (g) the Hunter Regulated River Alluvial Water Source is divided into the:
 - (i) Upstream Glennies Creek Management Zone (hereafter *u/s Glennies Creek Management Zone*), for that part of the water source adjacent to the Hunter River upstream of its junction with Glennies Creek,
 - (ii) Downstream Glennies Creek Management Zone (hereafter *d/s Glennies Creek Management Zone*), for that part of the water source adjacent to the Hunter River downstream of its junction with Glennies Creek, and
 - (iii) Glennies Creek Management Zone, for that part of the water source adjacent to Glennies Creek,
- (h) the Jerrys Water Source is divided into the:
 - (i) Jerrys Management Zone, and
 - (ii) Appletree Flat Management Zone, and
- (i) the Upper Hunter Water Source is divided into the:
 - (i) Upper Hunter Management Zone, and
 - (ii) Stewarts Brook Management Zone.

6 Amendment of this Part

The Minister may amend this Part to:

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. In instances where in-stream structure such as weirs are removed, this is likely to result in a change to the tidal limit of the water source, and a resultant change in the boundary of the water source and management zones, where applicable.

- (c) vary the water sources included in these water sources, including to add a river or section of river to one of these water sources or to remove a river or section of river from one of these water sources providing that:
- (i) the river or section of river that is to be added has been removed from an order which declared that river or section of river to be a regulated river, or
 - (ii) the river or section of river that is to be removed has been added to an order which declared that river or section of river to be a regulated river, and
 - (iii) the Minister is satisfied that there will be no impact on environmental water, domestic and stock rights, native title rights or on the water available to any access licences in these water sources.

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

7 Interpretation

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

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

9 Vision

- (1) The vision of this Plan is to provide sustainable and integrated management of these water sources for the benefit of both present and future generations.
- (2) This Plan also recognises the following respect statements for Aboriginal values in these water sources:
 - (a) life-giving water is of extreme significance to Aboriginal culture for its domestic, traditional and spiritual values, and
 - (b) whilst water supplied for the environment will provide protection for native flora and fauna, water for fishing, food gathering and recreational activities, it is important that the community respects the spiritual significance of water to the Aboriginal people.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain or enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
- (b) protect, preserve, maintain or enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,
- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (f) provide recognition of the connectivity between surface water and groundwater,
- (g) provide sufficient flexibility in water account management to encourage responsible use of available water, and
- (h) adaptively manage these water sources.

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

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

11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

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

12 Performance indicators

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

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

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 3 Basis for water sharing

13 Basis for water sharing

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

14 Climatic variability

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

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

15 Extraction management unit for these water sources

- (1) The availability of water for extraction from these water sources on a long-term average annual basis will be determined at the level of an extraction management unit.
 - (2) The extraction management units for these water sources are the Goulburn Extraction Management Unit, the Hunter Extraction Management Unit, the Lake Macquarie Extraction Management Unit and the Hunter Regulated River Alluvium Extraction Management Unit (hereafter *these Units*), and are shown on the registered plan for these water sources.
 - (3) The Goulburn Extraction Management Unit consists of the following water sources:
 - (a) Munmurra River Water Source,
 - (b) Krui River Water Source,
 - (c) Bow River Water Source,
 - (d) Merriwa River Water Source,
 - (e) Halls Creek Water Source,
 - (f) Baerami Creek Water Source,
 - (g) Widden Brook Water Source,
 - (h) Bylong River Water Source,
 - (i) Wollar Creek Water Source,
 - (j) Upper Goulburn River Water Source,
 - (k) Lower Goulburn River Water Source, and
 - (l) Wybong Creek Water Source as defined in the Water Sharing Plan for the Wybong Creek Water Source 2003.
-

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (4) The Hunter Extraction Management Unit consists of the following water sources:
- (a) Dart Brook Water Source,
 - (b) Pages River Water Source,
 - (c) Isis River Water Source,
 - (d) Upper Hunter River Water Source,
 - (e) Rouchel Brook Water Source,
 - (f) Muswellbrook Water Source,
 - (g) Jerrys Water Source,
 - (h) Glennies Water Source,
 - (i) Glendon Brook Water Source,
 - (j) Luskintyre Water Source,
 - (k) Singleton Water Source,
 - (l) Martindale Creek Water Source,
 - (m) Doyles Creek Water Source,
 - (n) Lower Wollombi Brook Water Source,
 - (o) Black Creek Water Source,
 - (p) Wallis Creek Water Source,
 - (q) Newcastle Water Source,
 - (r) Paterson/Allyn River Water Source,
 - (s) Williams River Water Source,
 - (t) Upper Paterson Water Source,
 - (u) Upper Wollombi Brook Water Source,
 - (v) Wallis Creek Tidal Pool Water Source,
 - (w) Paterson River Tidal Pool Water Source, and
 - (x) Hunter River Tidal Pool Water Source.
- (5) The Lake Macquarie Extraction Management Unit consists of the following water sources:
- (a) North Lake Macquarie Water Source,
 - (b) South Lake Macquarie Water Source, and
-

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (c) Dora Creek Water Source.
- (6) The Hunter Regulated River Alluvium Extraction Management Unit consists of the Hunter Regulated River Alluvial Water Source.

16 Flow reference points

- (1) For the purposes of this Plan all flows referred to in clause 17 (1) are estimated flows at the flow reference point(s) for each water source or management zone, and are shown on the registered plan for these water sources, or are as otherwise stated in this Plan.
- (2) The Minister may amend this Plan to add or remove flow reference points, including if there are any changes to flow classes under subclause 17 (2) of this Plan.
- (3) The Minister may amend a flow reference point where the flow reference point has been removed in line with the NSW Weirs Policy.

Note. In some instances flow reference points refer to a weir site which may be removed in line with the NSW Weirs Policy.

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

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

17 Flow classes for these water sources

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

Note. Any restrictions specified in an order under section 324 of the Act, for these water sources, may be based on local Water User Association rostering arrangements.

Note. It is recognised that Water User Associations (WUAs) exist in many areas and play an important role in low flow rostering and sharing of water between users. Where appropriate the flow classes specified in this Plan reflect the existing sharing arrangements of these groups. It is intended that WUAs will have an ongoing role in water management and continue to assist in reducing the frequency of triggering the very low flow classes specified within this Plan.

Note. The following flow classes apply to all access licences extracting from surface water specified for each water source from the commencement date of this Plan, excluding those access licences to which clause 77 applies and access licences that nominate a work that is a runoff harvesting dam.

For those aquifer access licences in the Munmurra River Water Source, the Krui River Water Source, the Bow River Water Source, the Merriwa River Water Source, the Halls Creek Water Source, the Baerami Creek Water Source, the Widden Brook Water Source, the Appletree Flat Management Zone of the Jerrys Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower Goulburn River Water Source, the Dart Brook Water Source, the Pages River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source and the Upper Wollombi Brook Water Source, the flow classes in clause 17 (1) will apply.

They will also apply to all aquifer access licence holders in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Management Zone of the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source and the Dora Creek Water Source extracting from alluvial

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

aquifers within 40 metres of the top of the high bank of the river from year six of this Plan, except where provided for under clause 68 (3) of this Plan. For those aquifer access licences extracting outside the 40 metres from the top of the high bank in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source and the Dora Creek Water Source, the flow classes in clause 17 (1) will not apply.

- (a) for the Munmurra River Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (b) for the Krui River Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (c) for the Bow River Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (d) for the Merriwa River Water Source, as measured at Merriwa River at Upstream Vallances Creek gauge (210066), no flow classes are established for the first five years of this Plan, thereafter:

- (i) the Very Low Flow Class is when flows are at or below 0.5 megalitres per day (hereafter *ML/day*), and

Note. 0.5 ML/day corresponds to the estimated 80th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (ii) A Class is when flows are greater than 0.5 ML/day,

Note. The Merriwa River Water Source may be divided into management zones during the term of this Plan based on the reinstatement of gauging infrastructure, and flow classes amended, as set out under clause 17 (2) (h) of this Plan.

Note. For the first five years of this Plan, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition, if there is a visible flow in the river in the downstream vicinity of the water supply, as required under clause 19 (3) (d) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

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

Note. By year ten of this Plan, Very Low Flow Class and A Class may be established for access licences in the Halls Creek Management Zone, based on studies to determine appropriate cease to pump level and flow reference point, as required under clause 17 (2) (b) of this Plan.

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. By year ten of this Plan, Very Low Flow Class and A Class may be established for access licences in the Giants Creek Management Zone, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

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

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

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

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (h) for the Bylong River Water Source, no flow classes are established by this Plan,

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

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

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (j) for the Upper Goulburn River Water Source, no flow classes are established by this Plan,

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (k) for the Lower Goulburn River Water Source, no flow classes are established by this Plan,

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (l).

- (l) for the Upper Dart Brook Management Zone in the Dart Brook Water Source, as measured at Dart Brook at Yarrandi Bridge gauge (210124):

- (i) the Very Low Flow Class is when there is no visible flow, and
 (ii) A Class is when there is a visible flow,

Note. The flow classes may be amended at year six of this Plan, as set out under clause 17 (2) (c) of this Plan.

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (m) for the Upper Middle Brook Management Zone in the Dart Brook Water Source, as measured at the Middle Brook road bridge:

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The flow classes may be amended at year six of this Plan, as set out under clause 17 (2) (c) of this Plan.

- (n) for the Petwyn Vale Management Zone, the Lower Dart Brook Management Zone and the Lower Middle Brook and Kingdon Ponds Management Zone in the Dart Brook Water Source, no flow classes are established by this Plan,

Note. In the Lower Dart Brook and Lower Middle Brook and Kingdon Ponds Management Zones the Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule review, as set out under clause 17 (2) (a) of this Plan.

Note. In the Petwyn Vale Management Zone from year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (l).

- (o) for the Murrurundi Management Zone in the Pages River Water Source, as measured at Benhams Bridge:

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (l).

- (p) for the Scotts Creek Management Zone in the Pages River Water Source, as measured at the Pages River at Blandford gauge (210061):

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The flow classes may be amended at year six of this Plan, as set out under clause 17 (2) (c) of this Plan.

- (q) in the Kewell Creek Management Zone in the Pages River Water Source:

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow as measured at the Pages River upstream of Kewell Creek gauge (210142), thereafter, the Very Low Flow Class is when flows are at or below a flow equivalent to the cease to pump level identified for the Gundy Management Zone as per clause 16 (2) (d) of this Plan,

- (ii) for the first five years of this Plan, A Class is when there is a visible flow as measured at the Pages River upstream of Kewell Creek gauge (210142), and less than 31 ML/day as measured at the Pages River at Gundy Recorder gauge
-

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

(210052), thereafter A Class is when flows are greater than a flow identified for the Gundy Management Zone as per clause 16 (2) (d) of this Plan, and less than 31 ML/day as measured at the Pages River at Gundy Recorder gauge (210052), and

Note. 31 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (iii) B Class is when flows are equal to or greater than 31 ML/day, as measured at the Pages River at Gundy Recorder gauge (210052),

Note. Due to the limited period that the Kewell Creek gauge (210142) has been in place an equivalent flow cannot be determined at the commencement of this Plan. The flow reference point and separate management zone may be amended by year ten of this Plan, based on correlations of the Kewell Creek gauge to the Blandford and Gundy gauges, as set out under clause 17 (2) (e) of this Plan.

- (r) in the Gundy Management Zone in the Pages River Water Source, as measured at the Pages River at Gundy Recorder gauge (210052):

(i) the Very Low Flow Class is when there is no visible flow,

(ii) A Class is when there is a visible flow and flows are less than 31 ML/day, and

Note. 31 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

(iii) B Class is when flows are equal to or greater than 31 ML/day,

Note. The flow classes may be amended by year six of this Plan, as set out under clause 17 (2) (d) of this Plan.

- (s) in the Segenhoe Management Zone in the Pages River Water Source, no flow classes are established by this Plan,

Note. Very Low Flow Class and the bottom of A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (t) for the Isis River Water Source:

(i) the Very Low Flow Class is when there is no visible flow as measured at the Isis River at Stick-Me-Up Bridge gauge (210118),

(ii) A Class is when there is a visible flow as measured at Stick-Me-Up Bridge gauge (210118) and flows are less than 31 ML/day as measured at the Pages River at Gundy Recorder gauge (210052), and

Note. 31 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

(iii) B Class is when flows are equal to or greater than 31 ML/day as measured at the Pages River at Gundy Recorder gauge (210052),

Note. Due to the short period of record of flow data at the specified gauge site, studies to determine environmental water requirements and data extension may be undertaken during the term of this Plan to amend the flow conditions by year six of this Plan, as set out under clause 17 (2) (n) of this Plan. This may include development of management zones, separate flow reference points and

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

flow classes. When sufficient data is available B class flows will be measured at the Isis River at Stick-Me-Up Bridge gauge.

- (u) for the Upper Hunter Management Zone of the Upper Hunter River Water Source, as measured at Hunter River at Moonan Damsite gauge (210018) and Hunter River at Belltrees gauge (210039):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow at the Hunter River at Belltrees gauge, for years six to nine of this Plan the Very Low Flow Class is when flows are at or below 7 ML/day at the Hunter River at Moonan Dam gauge and there is no visible flow at the Hunter River at Belltrees gauge, and from year ten of this Plan the Very Low Flow Class is when flows are at or below 12 ML/day at the Hunter River at Moonan Dam gauge and there is no visible flow at the Hunter River at Belltrees gauge, and

Note. 7 ML/day corresponds to the estimated 97th percentile and 12ML/day corresponds to the estimated 95th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow at the Hunter River at Belltrees gauge, for years six to nine of this Plan A Class is when flows are greater than 7 ML/day at the Hunter River at Moonan Dam gauge and there is a visible flow at the Hunter River at Belltrees gauge, and from year ten of this Plan A Class is when flows are at or below 12 ML/day at the Hunter River at Moonan Dam gauge and there is a visible flow at the Hunter River at Belltrees gauge,

Note. The Very Low Flow Class and A Class may be amended by year ten of this Plan, based on data extension and flow records for the Hunter River at Belltrees gauge (210039) to develop an equivalent percentile flow level to the level at the Moonan Damsite gauge (210018) if this is determined appropriate in consultation with water users, or a new management zone and flow classes may be established in the lower catchment, as set out under clause 17 (2) (f) of this Plan.

- (v) for the Stewarts Brook Management Zone of the Upper Hunter Water Source, as measured at Garlands Bridge and at Hunter River at Belltrees gauge (210039):

- (i) the Very Low Flow Class is when there is no visible flow at Garlands Bridge and at Hunter River at Belltrees gauge (210039), and
- (ii) A Class is when there is a visible flow at Garlands Bridge and at Hunter River at Belltrees gauge (210039),

Note. The Very Low Flow Class and A Class may be amended by year ten of this Plan, based on data extension and flow records for the Hunter River at Belltrees gauge (210039) to amend the visible flow level to a flow level equivalent to the 95th percentile flow class, as set out under clause 17 (2) (f) of this Plan.

- (w) for the Rouchel Brook Water Source, as measured at Rouchel Brook at Rouchel Brook (The Vale) gauge (210014):

- (i) during October to March inclusive:
 - (1) the Very Low Flow Class is when flows are equal to or less than 10 ML/day on a rising river, or equal to and less than 2 ML/day on a falling river,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. 2 ML/day corresponds to the estimated 85th percentile and 10 ML/day corresponds to the estimated 75th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (2) A Class is when flows are greater than 10 ML/day and less than 35 ML/day on a rising river, or greater than 2 ML/day and less than 35 ML/day on a falling river, and

Note. 35 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. In addition to the cease to pump rules, the taking of water from pools will only be permitted when there is a visible inflow and outflow. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (3) B Class is when flows are equal to or greater than 35 ML/day, and

- (ii) during April to September inclusive:

- (1) the Very Low Flow Class is when flows are equal to or less than 10 ML/day on a rising river, or equal to or less than 1 ML/day on a falling river,

Note. 1 ML/day corresponds to the estimated 88th percentile and 10 ML/day corresponds to the estimated 75th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (2) A Class is when flows are greater than 10 ML/day and less than 35 ML/day on a rising river or greater than 1 ML/day and less than 35 ML/day on a falling river, and

Note. 35 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. In addition to the cease to pump rules, the taking of water from pools will only be permitted when there is a visible inflow and outflow. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (3) B Class is when flows are equal to or greater than 35 ML/day,

Note. 2 ML/day and 1 ML/day are referred to as the 'cease to pump' on a falling river, and 10 ML/day referred to as the 'commence to pump' on a rising river. The basis for using a differential cease to pump in this water source is in recognition of the location of the gauge mid way up the system and the 'losing' nature of the Brook. This means that increased flows are required during the spring/summer months to achieve the same level of flow at the end of the water source as would be achieved through the autumn/winter period. These figures will be reviewed by year six of this Plan, as set out under clause 17 (2) (m) of this Plan.

- (x) for the Muswellbrook Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue. In Sandy Creek there are a number of licences with existing conditions relating to Rouchel Lane Causeway which will be maintained.

Note. Licences located in the alluvial areas downstream of Wells Gully road bridge will be identified as part of the relevant Hunter Regulated River Alluvial Water Source.

- (y) for the Jerrys Management Zone of the Jerrys Water Source, no flow classes are established by this Plan,
-

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. From year six of this Plan, in the Jerrys Management Zone the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (z) for the Appletree Flat Management Zone of the Jerrys Water Source, no flow classes are established by this Plan,

Note. Very Low Flow Class and A Class may be established by year ten of this Plan for the Appletree Flat Management Zone, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (aa) for the Glennies Water Source, as measured at the causeway on Goorangoola Creek (230 metres downstream of the boundary between DP 752462, Lot 23 and Lot 24):

(i) the Very Low Flow Class is when there is no visible flow, and

(ii) A Class is when there is a visible flow,

- (bb) for the Glendon Brook Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (cc) for the Luskintyre Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (dd) for the Singleton Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

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

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

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

Note. Very Low Flow Class and A Class may be established at year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

- (gg) for the Lower Wollombi Brook Water Source, as measured at Wollombi Brook at Warkworth gauge (210004):

(i) no Very Low Flow Class or A Class is established at the commencement of this Plan, and

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (ii) B Class is when flows are equal to or greater than 38 ML/day,

Note. 38 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. Very Low Flow Class and A Class may be established by year ten of this Plan, based on studies to determine appropriate groundwater levels and trigger points, and appropriate infrastructure being in place to allow rule development, as set out under clause 17 (2) (a) of this Plan.

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

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

Note. While it is recognised that the low flows down Black Creek are largely provided for by discharge from Cessnock sewage treatment plant, the Department cannot guarantee that these discharges will continue. The flow access rules will continue in the event that the discharges cease.

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

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (jj) for the Newcastle Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (kk) for the Allyn River Management Zone of the Paterson/Allyn Rivers Water Source, as measured at the Allyn River at Halton gauge (210022):

- (i) the Very Low Flow Class is when flows are equal to or less than 15 ML/day on a rising river, or equal to or less than 7 ML/day on a falling river, and there is no visible flow at the Allyn River at Flying Fox Lane (210143),

Note. 7 ML/day corresponds to the estimated 92nd percentile and is referred to as the cease to pump on a falling river, and 15 ML/day corresponds to the estimated 85th percentile and is referred to as the commence to pump on a rising river. The percentile refers to the lowest flow month at the gauge and includes all days of record.

- (ii) A1 Class is when flows are greater than 15 ML/day and less than 58 ML/day on a rising river, or greater than 7 ML/day and less than 58 ML/day on a falling river, and there is a visible flow at the Allyn River at Flying Fox Lane (210143),

Note. 58 ML/day corresponds to the estimated 50th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. A1 Class applies to all access licences, excluding local water utility access licences, except where provided for under clause 76 (8) and unregulated river (high flow) access licences.

- (iii) A2 Class is when flows are greater than 25 ML/day and less than 58 ML/day, and

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. 25 ML/day corresponds to the estimated 75th percentile. The percentile refers to the lowest flow month at the gauge and includes all days of record.

Note. A2 Class only applies to local water utility access licences.

(iv) B Class is when flows are equal to or greater than 58 ML/day,

Note. These figures may be reviewed during the term of this Plan with the introduction of a new gauge at a point lower in the water source than the existing gauge as specified in clause 17 (2) (g).

(ll) for the Paterson River Tributaries Management Zone of the Paterson/Allyn Rivers Water Source, no flow classes are established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

(mm) for the Williams River Management Zone of the Williams River Water Source, as measured at the Williams River at Glen Martin (Mill Dam Falls) (210010):

(i) the Very Low Flow Class is when flows are equal to or less than 6 ML/day,

Note. 6 ML/day has the same estimated frequency as 0 ML/day when Chichester Dam was not making transparent releases.

(ii) the Low Flow Class is when flows are equal to or less than 15 ML/day, and

Note. 15 ML/day corresponds to the estimated natural 95th percentile flow as used in the Healthy Rivers Commission deliberations.

(iii) A Class is when flows are greater than 15 ML/day,

Note. The Very Low Flow Class and Low Flow classes are required for the operation of the Williams River Pilot Low Flow Accreditation Scheme. Note that operation to the cease to pump (CtP) specified under the Very Low Flow Class is only operational where an accreditation condition is imposed on the use approval. The CtP level for the Low Flow Class applies to all other access licences.

(nn) for the Seaham Weir Management Zone of the Williams River Water Source:

(i) for all access licences, excluding major utility access licences, as measured at the visual gauge board at Seaham Weir for extractions from the Seaham Weir Pool:

(1) the Very Low Flow Class is when water levels are equal to or less than 0.38 metres pool height,

(2) A Class is when water levels are greater than 0.38 metres pool height and less than or equal to 0.42 metres pool height, and

Note. The 0.38 metres pool height may be amended by year five of this Plan based on studies as specified in clause 17 (2) (i).

(3) B class is when water levels are greater than 0.42 metres pool height,

(ii) for all major utility access licences:

(1) the Very Low Flow Class is when water levels are equal to or less than 0.42 metres pool height, as measured at the visual gauge board at Seaham Weir

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

for the taking of water from the Seaham Weir Pool, or when flows are equal to or less than 15 ML/day as measured at the Williams River at Glen Martin (Mill Dam Falls) gauge (210010), and

- (2) the A Class is when water levels are greater than 0.42 metres pool height, as measured at the visual gauge board at Seaham Weir for the taking of water from the Seaham Weir Pool, or when flows are greater than 15 ML/day as measured at the Williams River at Glen Martin (Mill Dam Falls) gauge (210010), and
- (iii) notwithstanding subclause (ii) when flows as measured at the Williams River at Glen Martin (Mill Dam Falls) gauge (210010) are greater than 600 ML/day, the taking of water by a major utility access licences is only permitted when water levels in the Seaham weir pool in the Williams River Water Source are greater than 0.32 metres pool height,

Note. Flow classes for major utility access licences may be amended in the Williams River Water Source upon completion of studies by the Hunter Water Corporation to develop water access rules for the Lower Williams River based on the outcomes of the 'Surface Water Access Rules for the Lower Williams River' Supplementary Study, as per clause 17 (2) (i) of this Plan.

- (oo) for the Upper Paterson Water Source, as measured at the Beresford property crossing:

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The Very Low Flow Class and A Class may be amended at year six of this Plan to introduce a cease to pump at the 95th percentile flow if infrastructure is in place, as set out under clause 17 (2) (j) of this Plan.

- (pp) for the Upper Wollombi Brook Water Source, no flow classes are established by this Plan,

Note. By year ten of this Plan, Very Low Flow Class and A Class may be established for access licences in the Wollombi Brook Management Zone and Congewai Creek Management Zone, based on studies to determine appropriate cease to pump level and reference site, as required under clause 17 (2) (b) of this Plan.

- (qq) for the North Lake Macquarie Water Source:

- (i) for the Cockle Creek catchment, as measured at the causeway on The Weir Road, Barnsley:
 - (1) the Very Low Flow Class is when there is no visible flow, and
 - (2) A Class is when there is a visible flow, and
- (ii) for all other tributaries, no flow classes established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, in all tributaries apart from Cockle Creek, as required under clause 19 (3) (c) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (rr) for the South Lake Macquarie Water Source, no flow classes are established by this Plan,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, as required under clause 19 (3) (c) of this Plan. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (ss) for the Dora Creek Water Source:
- (i) for the Dora Creek catchment, as measured at the weir downstream of the road bridge on Freemans Drive, Cooranbong:
- (1) the Very Low Flow Class is when there is no visible flow, and
- (2) A Class is when there is a visible flow, and
- (ii) for Stockton Creek, Jigadee Creek, and all other tributaries, no flow classes established by this Plan,

Note. From year six of this Plan, the taking of water from pools will only be permitted when there is a visible inflow and outflow of that pool, in all tributaries apart from Dora Creek, as required under clause 19 (3) (c) of this Plan. This only applies to licences with no existing conditions. Where higher or more stringent flow conditions currently exist on licences, these conditions will continue.

- (tt) for the Hunter Regulated River Alluvial Water Source, no flow classes are established by this Plan,

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (l).

- (uu) for the Wallis Creek Tidal Pool Water Source, no flow classes are established by this Plan,

Note. Flow classes may be established during the term of this Plan as per the studies specified in clause 17 (2) (k) of this Plan.

- (vv) for the Paterson River Tidal Pool Water Source, no flow classes are established by this Plan, and

Note. Flow classes may be established during the term of this Plan as per the studies specified in clause 17 (2) (k) of this Plan.

- (ww) for the Hunter River Tidal Pool Water Source, no flow classes are established by this Plan.

Note. Flow classes may be established during the term of this Plan as per the studies specified in clause 17 (2) (k) of this Plan.

- (2) The Minister may amend subclauses (1) (a) to (1) (ww) to alter the existing flow classes or establish new or additional flow classes in:

- (a) the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Giants Creek Management Zone of the Halls Creek Water Source, and the Lower Dart Brook Management Zone, the Lower Middle Brook and the Kingdon Ponds Management Zone of the Dart Brook Water Source, by the commencement of year ten of this Plan, based on studies to determine appropriate groundwater levels, trigger points and

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

groundwater dependent ecosystems, and appropriate infrastructure being in place to allow rule development, including the identification of appropriate commence to pump levels,

Note. Commence to pump levels may be required to assist in the protection of recharge in highly connected surface waters and groundwater.

- (b) the Halls Creek Management Zone of the Halls Creek Water Source, and the Wollombi Brook Management Zone and the Congewai Creek Management Zone of the Upper Wollombi Brook Water Source, by the commencement of year ten of this Plan, based on studies to determine appropriate groundwater levels or surface water levels, and flow reference points, to allow rule development,
- (c) the Upper Dart Brook Management Zone and the Upper Middle Brook Management Zone of the Dart Brook Water Source, and the Scotts Creek Management Zone of the Pages River Water Source, by the commencement of year six of this Plan, up to a maximum of the 95th percentile flow level, subject to consideration of the socio-economic impacts and environmental requirements,
- (d) the Gundy Management Zone of the Pages River Water Source, by the commencement of year six of this Plan, amend the Very Low Flow Class up to a maximum of 0.6 ML/day, subject to consideration of the socio-economic impacts of the increased cease to pump level on water users, and the environmental requirements of the water source,

Note. In the Gundy Management Zone 0.6 ML/day (cease to pump) and 1.0 ML/day (commence to pump) access rules were originally proposed by the Pages River and Tributaries Water Users Association (WUA) as part of the targeted consultation period. In light of concerns raised by water users about the implementation of access rules at this level for the specified five year period, the WUA is encouraged to review the frequency of these flow levels and impacts on the taking of water and livelihood during the first five years of this Plan to help inform the setting of appropriate cease to pump rules at year six of this Plan.

- (e) the Kewell Creek Management Zone of the Pages River Water Source, by the commencement of year six of this Plan, following the extension of flow records for the Pages River upstream of Kewell Creek gauge (210142), specify the equivalent flow of subclause 17 (2) (d) as measured at the Pages River at Gundy Recorder gauge (210052), or amend the Very Low Flow Class and A Class based on correlation of flows between the Pages River upstream of Kewell Creek gauge (210142), the Pages River at Gundy Recorder gauge (210052) and the Pages River at Blandford gauge (210061),

Note. The correlation of flows for the Kewell Creek Management Zone may result in a change to the flow reference point used for the access rules or the need for a separate management zone for Kewell Creek.

- (f) the Upper Hunter Water Source, by year ten of this Plan, following the extension of flow records for the Hunter River at Belltrees gauge (210039) and consultation with water users:
 - (i) for the Upper Hunter Management Zone to specify the Very Low Flow Class as being when flows are at or below the equivalent percentile flow, and A Class as being when flows are greater than the equivalent percentile flow at the Hunter River at Belltrees gauge (210039), or if more appropriate, a new management zone established between Hunter River at Moonan Damsite gauge (210018) with flow classes triggered at the Hunter River at Belltrees gauge (210039), at a flow level equivalent to the flow classes at the Hunter River at Moonan Damsite gauge (210018), and

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (ii) for the Stewarts Brook Management Zone, to specify the Very Low Flow Class as being when there is no visible flow at the Hunter River at Moonan Damsite gauge (210018) and at a flow equivalent to the 95th percentile flow at Belltrees gauge (210039), and A Class as being when there is a visible flow at the Hunter River at Moonan Damsite gauge (210018) and at a flow greater than the 95th percentile flow at Belltrees gauge (210039).
- (g) the Allyn River Management Zone of the Paterson/Allyn Water Source, by year ten of this Plan, following the introduction of a new flow gauge within the management zone located at a point lower in the system than the existing gauge and studies to investigate equivalent flow class levels, based on flow data from the new gauge,
- (h) the Merriwa River Water Source, following the reinstatement of infrastructure within the water source, taking into account the previous licence conditions relevant to the Merriwa Town gauge,
- (i) the Williams River Water Source:
 - (i) by year five of this Plan, for B Class access, following the completion of the supplementary study Development of Access Rules for the Lower Williams River,

Note. The supplementary study referred to is a requirement of Hunter Water Corporation's current water licence. The study aims to determine appropriate entitlement and access rules to manage the taking of water from Seaham Weir Pool by Hunter Water Corporation. The outcomes of the study will be used to inform any amendment of this Plan provisions.
 - (ii) at the end of the trial for the Williams River Flow Accreditation Scheme, to amend the Very Low Flow Class and Low Flow Class, and
 - (iii) during the term of this Plan, the Very Low Flow Class for users extracting from the Seaham Weir Management Zone, following any studies to determine the appropriateness of the 0.38 metres flow level cease to pump in protecting environmental values,
- (j) the Upper Paterson Water Source, from year six of this Plan, following any introduction of a flow gauge within the water source and studies to investigate the 95th percentile flow level,
- (k) in the Hunter River Tidal Pool, the Wallis Creek Tidal Pool and the Paterson River Tidal Pool Water Sources, during the term of this Plan, following a study to determine the appropriate location for the installation of a salinity probe, or other relevant infrastructure, and assessment of the users and the taking of water within the water source,

Note. It is recognised that tidal pool water sources are different systems from those upstream. Tidal influences and salinity may impact on the ability of users to extract water generally more than instantaneous flow levels. Flow levels are used to manage upstream water sources, however, in tidal pool water sources different management options such as salinity levels should be considered. The differences between the tidal pool water sources in the Hunter should also be noted. For example the Paterson River Tidal Pool Water Source and Hunter River Tidal Pool Water Source receive different end of system flows due to the respective upstream Water Sharing Plans for the regulated river systems, and also have differing characteristics which may influence salinity levels (e.g. the size and frequency of freshes). As a result the tidal pool water sources may not only have different access rules in their respective upstream water sources but also from each other due to the unique characteristics of each tidal pool area.

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (l) the Pages River Water Source, the Dart Brook Water Source, the Lower Goulburn River Water Source, the Hunter Regulated River Alluvial Water Source, during the term of this Plan, based on augmentation of the local water utility,
 - (m) the Rouchel Brook Water Source, by the commencement of year six of this Plan, up to a maximum of 2 ML/day and down to a minimum of 0 ML/day, subject to consideration of the socio-economic impacts and environmental requirements,
 - (n) the Isis River Water Source, by the commencement of year six of this Plan, if:
 - (i) separate management zones are not established, up to a maximum of the 95th percentile flow level or 1.5 ML/day, whichever is the higher, subject to consideration of the socio-economic impacts and environmental requirements, and
 - (ii) separate management zones are established:
 - (1) for an upper management zone, a cease to pump based on studies to determine an appropriate surface water cease to pump level, including consideration of longitudinal connectivity and links between flows in the upper management zone and water levels in remnant pools in the lower management zone, and flow reference points, and
 - (2) for a lower management zone, up to a maximum of the 95th percentile flow level or 1.5 ML/day, whichever is the higher, subject to consideration of the socio-economic impacts and environmental requirements, and
- Note.** In the Isis River Water Source the determination of a cease to pump level should take into the consideration the initial cease and commence to pump levels of 1.5 ML/day and 3 ML/day respectively originally proposed by the Pages River and Tributaries Water Users Association (WUA) as part of the targeted consultation period. In light of concerns raised by water users about the implementation of access rules at this level for the specified five year period, the WUA is encouraged to review the frequency of these flow levels and impacts on the taking of water and livelihood during the first five years of this Plan to help inform the setting of appropriate access rules at year six of this Plan. There is currently insufficient data available from the river gauge on the Isis River to determine the 95th percentile.
- (o) any water source where management zones or water sources are added or amended as per clause 6 during the term of this Plan.
- (3) The Minister may amend the existing flow classes or establish new or additional flow classes based on the introduction of a Flow Accreditation Scheme to a water source.

Note. This reflects the level of interest shown by many Water Users Associations during the targeted consultation period to the potential application (dependent on available resources) of the Flow Accreditation Scheme, currently being trialled in the Williams River, to other water sources in the future. It is recognised that management of water extraction is only one component of river management and many landholders are carrying out on-farm activities to achieve environmental outcomes.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 4 Environmental water provisions

18 Environmental water provisions

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

19 Planned environmental water

- (1) Planned environmental water is identified and established in these water sources as follows:
 - (a) water volume in excess of the respective long-term average annual extraction limit established in clause 44 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction, and
 - (b) for all water sources, the water remaining in the water source after the taking of water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3).
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 47 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) The planned environmental water established in subclause (1) (b) is maintained as follows:
 - (a) in management zones or water sources with a Very Low Flow Class, the holders of access licences, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 77 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 68 of this Plan, and access licences that nominate a runoff harvesting dam, are not permitted to take water when flows are within the Very Low Flow Class,
 - (b) in the Rouchel Brook Water Source, and excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 77 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 68 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition:
 - (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, if there is a visible inflow and outflow to and from that pool,
 - (c) in the Munmurra River Water Source, the Krui River Water Source, the Bow River Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Water Source, the Wallis Creek Water Source, the Paterson River Tributaries Management Zone of the Paterson/Allyn Rivers Water Source, the Petwyn Vale Management Zone of the Dart Brook Water Sources, the North Lake Macquarie Water Source excluding Cockle Creek tributary, the South Lake Macquarie Water Source, the Dora Creek Water Source excluding Dora Creek tributary, and the Newcastle Water Source, from year six of this Plan, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 77 (7), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 68 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition:

- (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or
 - (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool, and
- (d) in the Merriwa River Water Source for the first five years of this Plan, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory "domestic") access licence under clause 77 (7) and access licences that nominate a work that is a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions imposed on the authorised water supply work, or in the absence of such condition, if there is a visible flow in the river in the downstream vicinity of the water supply work.

Note. These rules protect the water for the environment by limiting both water extracted over the long-term and the taking of water, in accordance with the objectives of this Plan. Highly connected water sources may not have such rules in place until year ten of this Plan.

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

- (4) Following the establishment of a flow class or flow classes within any water source under clauses 17 (2) and 17 (3) of this Plan, the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.
- (5) The Minister may amend this Plan to amend subclause (3) in accordance with clause 88 of this Plan, within five years of commencement of this Plan, to identify pools in applicable water sources, that require special protection and to establish initial pool control levels at key sites, so that, notwithstanding all other rights and conditions, the taking of water from a designated pool is not permitted below a specified level.
- (6) Before undertaking the amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and the water users in the water source, for the purpose of establishing the pool control levels referred to in subclause (5).

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

20 Adaptive environmental water

- (1) The holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the access licence, pursuant to section 8B of the Act.
- (2) An access licence may be granted in these water sources, pursuant to sections 8C or 8D of the Act.
- (3) If an adaptive environmental water condition on an access licence in these water sources requires water to be left in these water source for environmental purposes, the Minister may establish Total Daily Extraction Limits under clause 59 (5) of this Plan in the relevant water source or management zone.

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 5 Basic landholder rights

21 Basic landholder rights

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

22 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 39.68 megalitres per day (hereafter *ML/day*) and are distributed as follows:
 - (a) 0.94 ML/day in the Munmurra River Water Source,
 - (b) 0.87 ML/day in the Krui River Water Source,
 - (c) 0.36 ML/day in the Bow River Water Source,
 - (d) 1.71 ML/day in the Merriwa River Water Source,
 - (e) 0.60 ML/day in the Halls Creek Water Source,
 - (f) 0.32 ML/day in the Baerami Creek Water Source,
 - (g) 0.19 ML/day in the Widden Brook Water Source,
 - (h) 1.01 ML/day in the Bylong River Water Source,
 - (i) 0.04 ML/day in the Wollar Creek Water Source,
 - (j) 0.32 ML/day in the Upper Goulburn River Water Source,
 - (k) 0.66 ML/day in the Lower Goulburn River Water Source,
 - (l) 4.77 ML/day in the Dart Brook Water Source,
 - (m) 2.33 ML/day in the Pages River Water Source,
 - (n) 1.73 ML/day in the Isis River Water Source,
 - (o) 3.27 ML/day in the Upper Hunter River Water Source,
 - (p) 0.47 ML/day in the Rouchel Brook Water Source,
 - (q) 0.14 ML/day in the Muswellbrook Water Source,
 - (r) 2.14 ML/day in the Jerrys Water Source,
 - (s) 0.82 ML/day in the Glennies Water Source,
 - (t) 0.34 ML/day in the Glendon Brook Water Source,
 - (u) 0.22 ML/day in the Luskintyre Water Source,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (v) 1.00 ML/day in the Singleton Water Source,
- (w) 0.32 ML/day in the Martindale Creek Water Source,
- (x) 0.03 ML/day in the Doyles Creek Water Source,
- (y) 1.04 ML/day in the Lower Wollombi Brook Water Source,
- (z) 0.42 ML/day in the Black Creek Water Source,
- (aa) 2.39 ML/day in the Wallis Creek Water Source,
- (bb) 0.78 ML/day in the Newcastle Water Source,
- (cc) 1.71 ML/day in the Paterson/Allyn River Water Source,
- (dd) 4.81 ML/day in the Williams River Water Source,
- (ee) 0.07 ML/day in the Upper Paterson Water Source,
- (ff) 0.36 ML/day in the Upper Wollombi Brook Water Source,
- (gg) 0.12 ML/day in the North Lake Macquarie Water Source,
- (hh) 0.07 ML/day in the South Lake Macquarie Water Source,
- (ii) 0.22 ML/day in the Dora Creek Water Source,
- (jj) 2.7 ML/day in the Hunter Regulated River Alluvial Water Source,
Note. This estimate includes domestic and stock rights for aquifer users only.
- (kk) 0.07 ML/day in the Wallis Creek Tidal Pool Water Source,
- (ll) 0.16 ML/day in the Hunter River Tidal Pool Water Source, and
- (mm) 0.16 ML/day in the Paterson River Tidal Pool Water Source.

Note. The estimates of domestic and stock rights in the Munmurra River, Krui River, Bow River, Merriwa River, Halls Creek, Baerami Creek, Widden Brook, Bylong River, Wollar Creek, Upper Goulburn River, Lower Goulburn River, Dart Brook, Pages River, Martindale Creek, Lower Wollombi Brook, and Upper Wollombi Brook water sources include both aquifer and unregulated users.

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

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

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

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

23 Native title rights

- (1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

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

24 Harvestable rights

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 6 Bulk access regime

25 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 10, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 10, Division 1 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 10 and 11 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 10 of this Plan.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 7 Requirements for water under access licences

26 Requirements for water under access licences

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

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

27 Share component of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to extract water from these water sources will total 736.5 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 6 ML/year in the Munmurra River Water Source,
- (b) 0 ML/year in the Krui River Water Source,
- (c) 1 ML/year in the Bow River Water Source,
- (d) 6.5 ML/year in the Merriwa River Water Source,
- (e) 41 ML/year in the Halls Creek Water Source,
- (f) 0 ML/year in the Baerami Creek Water Source,
- (g) 5 ML/year in the Widden Brook Water Source,
- (h) 0 ML/year in the Bylong River Water Source,
- (i) 19 ML/year in the Wollar Creek Water Source,
- (j) 8 ML/year in the Upper Goulburn River Water Source,
- (k) 84.5 ML/year in the Lower Goulburn River Water Source,
- (l) 87 ML/year in the Dart Brook Water Source,
- (m) 94.5 ML/year in the Pages River Water Source,
- (n) 13 ML/year in the Isis River Water Source,
- (o) 18 ML/year in the Upper Hunter River Water Source,
- (p) 11 ML/year in the Rouchel Brook Water Source,
- (q) 67 ML/year in the Muswellbrook Water Source,
- (r) 7 ML/year in the Jerrys Water Source,
- (s) 0 ML/year in the Glennies Water Source,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (t) 16.5 ML/year in the Glendon Brook Water Source,
- (u) 2 ML/year in the Luskintyre Water Source,
- (v) 7 ML/year in the Singleton Water Source,
- (w) 5 ML/year in the Martindale Creek Water Source,
- (x) 0 ML/year in the Doyles Creek Water Source,
- (y) 90 ML/year in the Lower Wollombi Brook Water Source,
- (z) 93 ML/year in the Black Creek Water Source,
- (aa) 2 ML/year in the Wallis Creek Water Source,
- (bb) 0 ML/year in the Newcastle Water Source,
- (cc) 11.5 ML/year in the Paterson/Allyn River Water Source,
- (dd) 24 ML/year in the Williams River Water Source,
- (ee) 0 ML/year in the Upper Paterson Water Source,
- (ff) 12 ML/year in the Upper Wollombi Brook Water Source,
- (gg) 0 ML/year in the North Lake Macquarie Water Source,
- (hh) 0 ML/year in the South Lake Macquarie Water Source,
- (ii) 5 ML/year in the Dora Creek Water Source,
- (jj) 0 ML/year in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 ML/year in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 ML/year in the Hunter River Tidal Pool Water Source, and
- (mm) 0 ML/year in the Paterson River Tidal Pool Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

28 Share component of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to extract water from these water sources will total 5,597 ML/year, distributed as follows:

- (a) 232 ML/year in the Pages River Water Source,
- (b) 198 ML/year in the Dart Brook Water Source,
- (c) 105 ML/year in the Lower Goulburn River Water Source,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (d) 55 ML/year in the Munmurra River Water Source,
- (e) 4,932 ML/year in the Hunter Regulated River Alluvial Water Source,
- (f) 75 ML/year in the Paterson/Allyn River Water Source, and
- (g) 0 ML/year in all other water sources.

29 Share component of major utility access licences

- (1) It is estimated that at the time of commencement of this Plan, the share components of major utility access licences authorised to extract water from these water sources will total 346,700 ML/year distributed as follows:

- (a) 100,000 ML/year in the Newcastle Water Source,

Note. The 100,000 ML/year specified above refers to the maximum historic extractions from Grahamstown Dam via the George Schroder Pumping Station and may be increased in line with Grahamstown water treatment plant upgrades.

- (b) 239,000 ML/year in the Williams River Water Source, including 189,000 ML/year extracted at Balickera Pumping Station, and 50,000 ML/year extracted at Chichester Dam,

Note. The 189,000 ML/year specified provides for Grahamstown Dam to be filled during a single wet year. This figure is an interim figure pending the completion of the supplementary study on Development of Access Rules for the Lower Williams River. Total use from the Williams River and Newcastle Water Sources will be limited by Operating Licence and the Integrated Water Resources Plan. The Integrated Water Resources Plan may be amended during the term of this Plan to allow for future growth in the area of operation of the major utility.

- (c) 7,700 ML/year in the Jerrys Water Source, and

- (d) 0 ML/year in all other water sources.

- (2) The Minister may, pursuant to section 68A of the Act, amend the share and/or extraction components of a major utility access licence in the water sources listed in subclauses (1) (a), (1) (b) and (1) (c) above, following:

- (a) the completion of the supplementary study Development of Access Rules for the Lower Williams River, and/or
- (b) the completion of Tillegra Dam to provide a share component in the Williams River Water Source for Tillegra Dam.

Note. The NSW Government has announced that a town water supply dam is proposed to be built at Tillegra on the Williams River with a capacity of up to 450,000 ML within the next decade. This dam is proposed to be used in conjunction with Chichester Dam and Grahamstown Dam, and there may be opportunities at the time to review and redistribute Hunter Water's existing entitlements (for example, entitlements for extractions at Seaham). Hunter Water's overall demand for water from the Williams River will continue to be driven by customer water use requirements. Any growth in demand will largely occur as a result of population increase. A new dam at Tillegra would provide a storage buffer against drought for the current and growing population, but would not otherwise signal an increase in overall demand for water from the Williams River. With the construction of the dam at Tillegra, relevant plan provisions will need to be amended. The share component established for the Tillegra pipeline link is anticipated to be similar to that of the Chichester trunk gravity main e.g. in the vicinity of 50,000 ML/yr.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

30 Share component of unregulated river access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to extract water from these water sources will total 80,652 unit shares, distributed as follows:

- (a) 109 unit shares in the Munmurra River Water Source,
- (b) 1,449 unit shares in the Krui River Water Source,
- (c) 200 unit shares in the Bow River Water Source,
- (d) 4,024 unit shares in the Merriwa River Water Source,
- (e) 3,096 unit shares in the Halls Creek Water Source,
- (f) 1,490 unit shares in the Baerami Creek Water Source,
- (g) 2,007 unit shares in the Widden Brook Water Source,
- (h) 65 unit shares in the Bylong River Water Source,
- (i) 78 unit shares in the Wollar Creek Water Source,
- (j) 1,661 unit shares in the Upper Goulburn River Water Source,
- (k) 14,205 unit shares in the Lower Goulburn River Water Source,
- (l) 1,219 unit shares in the Dart Brook Water Source,
- (m) 4,639 unit shares in the Pages River Water Source,
- (n) 2,000 unit shares in the Isis River Water Source,
- (o) 3,394 unit shares in the Upper Hunter River Water Source,
- (p) 1,086 unit shares in the Rouchel Brook Water Source,
- (q) 531 unit shares in the Muswellbrook Water Source,
- (r) 2,573 unit shares in the Jerrys Water Source,
- (s) 260 unit shares in the Glennies Water Source,
- (t) 1,530 unit shares in the Glendon Brook Water Source,
- (u) 387 unit shares in the Luskintyre Water Source,
- (v) 960 unit shares in the Singleton Water Source,
- (w) 3,241 unit shares in the Martindale Creek Water Source,
- (x) 570 unit shares in the Doyles Creek Water Source,
- (y) 6,663 unit shares in the Lower Wollombi Brook Water Source,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (z) 5,113 unit shares in the Black Creek Water Source,
- (aa) 490 unit shares in the Wallis Creek Water Source,
- (bb) 551 unit shares in the Newcastle Water Source,
- (cc) 3,645.5 unit shares in the Paterson/Allyn River Water Source,
- (dd) 8,239 unit shares in the Williams River Water Source,
- (ee) 196 unit shares in the Upper Paterson Water Source,
- (ff) 2,703 unit shares in the Upper Wollombi Brook Water Source,
- (gg) 1,216 unit shares in the North Lake Macquarie Water Source,
- (hh) 169 unit shares in the South Lake Macquarie Water Source,
- (ii) 859 unit shares in the Dora Creek Water Source,
- (jj) 0 unit shares in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 unit shares in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 unit shares in the Hunter River Tidal Pool Water Source, and
- (mm) 0 unit shares in the Paterson River Tidal Pool Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

Note. The total share components for unregulated river access licences specified in the clause above include total share components for unregulated river (subcategory "Aboriginal community development") access licences.

31 Share component of unregulated river (high flow) access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river (high flow) access licences authorised to extract water from these water sources will total 42 unit shares, distributed as follows:

- (a) a total of 0 unit shares in the Pages River Water Source,
- (b) a total of 0 unit shares in the Isis River Water Source,
- (c) a total of 0 unit shares in the Lower Wollombi Brook Water Source,
- (d) a total of 0 unit shares in the Rouchel Brook Water Source, and
- (e) a total of 42 unit shares in the Paterson/Allyn Rivers Water Source.

Note. The Pages River Water Source, the Isis River Water Source, the Lower Wollombi Brook Water Source, the Rouchel Brook Water Source and the Paterson/Allyn Rivers Water Sources are the only water sources within this Plan area which have been identified as suitable for unregulated river (high flow) access licences. This Plan allows for a specified amount of unregulated river access licences to be converted to the unregulated river (high flow) access licences, however at the commencement of this Plan,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

apart from an existing licence in the Paterson/Allyn Rivers Water Source, there are no other existing access licences of this category hence the 0 unit shares indicated.

32 Share component of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to extract water from these water sources will total 80,391 unit shares, distributed as follows:

- (a) 10 unit shares in the Munmurra River Water Source,
- (b) 5 unit shares in the Krui River Water Source,
- (c) 5 unit shares in the Bow River Water Source,
- (d) 900 unit shares in the Merriwa River Water Source,
- (e) 421 unit shares in the Halls Creek Water Source,
- (f) 2,259 unit shares in the Baerami Creek Water Source,
- (g) 1,191 unit shares in the Widden Brook Water Source,
- (h) 5,843 unit shares in the Bylong River Water Source,
- (i) 1,354 unit shares in the Wollar Creek Water Source,
- (j) 2 unit shares in the Upper Goulburn River Water Source,
- (k) 2,494 unit shares in the Lower Goulburn River Water Source,
- (l) 28,051 unit shares in the Dart Brook Water Source,
- (m) 8,059 unit shares in the Pages River Water Source,
- (n) 0 unit shares in the Isis River Water Source,
- (o) 0 unit shares in the Upper Hunter River Water Source,
- (p) 0 unit shares in the Rouchel Brook Water Source.
- (q) 0 unit shares in the Muswellbrook Water Source,
- (r) 0 unit shares in the Jerrys Water Source,
- (s) 0 unit shares in the Glennies Water Source,
- (t) 0 unit shares in the Glendon Brook Water Source,
- (u) 0 unit shares in the Luskintyre Water Source,
- (v) 0 unit shares in the Singleton Water Source,
- (w) 593 unit shares in the Martindale Creek Water Source,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (x) 0 unit shares in the Doyles Creek Water Source
- (y) 5,071 unit shares in the Lower Wollombi Brook Water Source,
- (z) 0 unit shares in the Black Creek Water Source,
- (aa) 0 unit shares in the Wallis Creek Water Source,
- (bb) 0 unit shares in the Newcastle Water Source,
- (cc) 0 unit shares in the Paterson/Allyn River Water Source,
- (dd) 0 unit shares in the Williams River Water Source,
- (ee) 0 unit shares in the Upper Paterson Water Source,
- (ff) 10 unit shares in the Upper Wollombi Brook Water Source,
- (gg) 0 unit shares in the North Lake Macquarie Water Source,
- (hh) 0 unit shares in the South Lake Macquarie Water Source,
- (ii) 0 unit shares in the Dora Creek Water Source,
- (jj) 24,132 unit shares in the Hunter Regulated River Alluvial Water Source,
- (kk) 0 unit shares in the Wallis Creek Tidal Pool Water Source,
- (ll) 0 unit shares in the Hunter River Tidal Pool Water Source, and
- (mm) 0 unit shares in the Paterson River Tidal Pool Water Source.

Note. Prior to the commencement of this Plan, use within the Wallis Creek Tidal Pool Water Source, the Hunter River Tidal Pool Water Source and the Paterson River Tidal Pool Water Source was not licenced.

Note. The total share components for aquifer access licences specified in these water sources could be higher as a result of additional share components for unidentified aquifer access licences in the alluvial groundwater.

33 Changes to total share components

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

- (a) the granting, surrender or cancellation of access licences,
- (b) the granting, surrender or cancellation of access licences through a dealing under Part 13 of this Plan,
- (c) the variation of local water utility licences under section 66 of the Act,
- (d) the variation of major utility (subcategory "urban water") water access licence(s) held by Hunter Water Corporation,

Note. In the event that Hunter Water Corporation takes on the share component of a cancelled local water utility access licences, the share component of the major utility (subcategory "urban

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

water") access licence may be increased by the amount of the cancelled access licence. This is in addition to increases as a result of clause 29 (2).

- (e) the re-allocation of access licences into or out of a water source covered by this Plan where they have been incorrectly identified in relation to the taking of water from that water source, and
- (f) any changes due to the volumetric conversion of *Water Act 1912* entitlements that are currently non-volumetric.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 8 Rules for granting access licences

34 Rules for granting access licences

(1) This Part is made in accordance with sections 20 (2) (b), 61 and 63 of the Act, having regard to the limits to water availability in these water sources and the need to protect dependent ecosystems.

(2) In addition to those applications for specific purpose access licences permitted under clause 19 of the Water Management (General) Regulation 2004 (hereafter *the Regulation*) applications may also be made in these water sources for access licences, as follows:

(a) an access licence that may be granted in accordance with an access licence dealing,

Note. Dealings include the conversion of unregulated river access licences to unregulated river high flow access licences as specified in clause 72 of this Plan.

(b) an unregulated river (subcategory "Aboriginal community development") access licence, to take water from B Class flows only (flows greater than the 50th percentile flow), provided that the grant of any such access licence will cause no more than minimal harm to the water source at the water source level impact assessment and provided that the total share components of all unregulated river (subcategory "Aboriginal community development") access licences in the water sources listed below do not exceed:

(i) 170 unit shares in the Isis/Pages Rivers Water Sources,

(ii) 208 unit shares in the Lower Wollombi Brook Water Source,

(iii) 318 unit shares in the Paterson/Allyn River Water Source, and

(iv) 192 unit shares in the Rouchel Brook Water Source, and

Note. Approval for granting of an unregulated river (subcategory "Aboriginal community development") access licence will be subject to assessment of the application in regard to the level of impact of the proposed extraction. This may include consideration of the potential impact on high flow (e.g. flows greater than the 50th percentile flow) values, and any potential impact on the water source as a whole.

Note. An unregulated river (subcategory "Aboriginal community development") access licence will not be fully commercial. Allocations under these licences will be able to be traded to non-Aboriginal people however the licence itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase fully commercial licences.

(c) a major utility (subcategory "urban water") access licence which replaces a local water utility access licence.

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

(3) Access licences applied for under clause 5 of the Regulation shall only be granted in the Hunter River Tidal Pool Water Source, the Paterson River Tidal Pool Water Source and the Wallis Creek Tidal Pool Water Source if the applicant can demonstrate a history of extraction in the area from the defined tidal limit to the mangrove limit.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (4) An access licence granted under subclause (3) will have the share component determined by a process in consultation with local water users.
- (5) The determination of the share component under subclause (4) will consider the historical maximum annual extraction of water on the property.
- (6) An access licence of the subcategory "Aboriginal cultural" shall only be granted if the application does not exceed 10 ML/year.
- (7) A specific purpose access licence shall only be granted if the share or extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (8) Applications for new access licences shall not be permitted to be made and new access licences should not be granted in the Hunter Regulated River Alluvial Water Source, except as a result of an access licence dealing.

Note. Any new access licence granted in these water sources may be subject to specific mandatory conditions as set out in Part 13 of this Plan.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 9 Rules for granting or amending water supply works approvals

Division 1 General

35 Granting or amending water supply works approvals

- (1) This Part is made in accordance with section 21 (b) and 21 (e) of the Act.
- (2) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used is located upstream of the high priority groundwater dependent ecosystem identified in Schedule 4 of this Plan in the Paterson/Allyn Rivers, the Williams River, the Isis River or the Newcastle Water Sources.

36 Runoff harvesting dams

- (1) A water supply work approval for a runoff harvesting dam in these water sources shall not be granted if the dam capacity exceed the volume equivalent to the share component for the access licence proposing to nominate the work.
- (2) If the share component of an access licence which nominates a water supply work which is a runoff harvesting dam is reduced either by the Minister, or on application of the access licence holder, or by a dealing under Part 12 of this Plan, the Minister shall amend the water supply work approval for the runoff harvesting dam to impose a condition requiring the dam to be modified so as to reduce its capacity, consistent with the reduction in share component of the access licence.

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

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

37 In-river dams

A water supply work approval for a new in-river dam in these water sources on a 3rd or higher order stream shall not be granted in the Dora Creek, the Glennies, the Upper Paterson, the Merriwa River, the Newcastle, the Paterson/Allyn Rivers, the Rouchel Brook, the Upper Goulburn River, the Upper Hunter and the Upper Wollombi Brook Water Sources.

Note. Stream order is defined in the Dictionary.

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

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

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

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

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

39 Rules for granting water supply works approvals

(1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

- (a) 400 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
- (b) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
- (c) 50 metres from the property boundary,
- (d) 500 metres from a water supply works being constructed or used to take water from alluvial sediments in these water sources by a local water utility or a major utility, or
- (e) 400 metres of a Departmental observation or monitoring bore.

Note. The distance conditions in this clause apply to new or amended approvals. That is, when the applicant wants to construct a new water supply work being used to take water from the alluvial sediments in these water sources, and add it to an existing approval. The distance conditions also apply when the licence holder wants to nominate new or different works on the licence.

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

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

Note. Replacement bore is defined in the Dictionary.

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (d) relates to a water supply work which is to be constructed or used to take water from the alluvial sediments in these water sources and which is nominated solely by a domestic and stock access licence, a local water utility access licence, an access licence of the subcategory "town water supply" or an access licence of the subcategory "urban water".
- (3) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated by a local water utility access licence, or an access licence of the subcategory "town water supply" or an access licence of the subcategory "urban water" is located within:
- (a) 400 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
 - (b) 200 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
 - (c) 200 metres from the property boundary, if the property is greater than 500 metres in the minimum width or depth (whichever is the lesser), and
 - (d) 400 metres of a Departmental observation or monitoring bore.
- (4) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where water supply work to be constructed or used to take water from the alluvial sediments in these water sources, nominated only by a domestic and stock access licence is located within:
- (a) 200 metres of an approved water supply work constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
 - (b) 200 metres of a water supply work constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
 - (c) 40 metres from the property boundary, if the property is greater than 100 metres in the minimum width or depth (whichever is the lesser),
 - (d) 200 metres from water supply works being constructed or used to take water from alluvial sediments in these water sources by local water utility or a major utility, or
 - (e) 100 metres of a Departmental observation or monitoring bore.
- (5) The distance restrictions specified in subclauses (3) and (4) do not apply where:
- (a) the application is for a replacement bore, or
- Note.** Replacement bore is defined in the Dictionary.
- (b) the application relates to a water supply work which is to be constructed or used to extract water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works.
- (6) Where the distance restrictions specified in subclauses (1), (3) and (4) cannot be met, a water supply work approval may be granted provided:

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (a) a hydrogeological study undertaken by the applicant, and assessed as adequate by the Department, demonstrates that the water supply work will have no more than minimal impacts on the existing licenced taking of water from the water source,
- (b) all potentially affected persons in the near vicinity of the water supply work, holding an access licence or having a right under the Act to take water, have been notified by the applicant, and

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

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

Note. In some water sources the general size of properties means that the application of exclusion distances would result in no new or replacement bores being able to be installed. Applicants must apply to the Department for special consideration in these instances.

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

40 Rules for granting water supply works approvals near contamination sources

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
 - (a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister's satisfaction, that:
 - (i) a lesser distance will result in no more than minimal harm to the water source, and
 - (ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or
 - (b) a greater distance than in subclause (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.
- (2) A water supply work approval shall not be granted for a new water supply work to be constructed or used to take water from the alluvial sediments in these water sources for any purpose, except basic landholder rights, which is between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the applicant provides evidence, to the Minister's satisfaction, that no drawdown of groundwater within 100 metres of the respective contamination source will occur.

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

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

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (a) a water supply work to be constructed or used for monitoring, environmental management purposes or remedial works, or
 - (b) an application for a replacement bore.
- Note.** Replacement bore is defined in the Dictionary.
- (4) The Minister may amend this Plan to include or remove a contamination source from Schedule 3, based on the results of a site inspection or any other relevant information provided to the Minister.
 - (5) Subclauses (1) and (2) may be applied by the Minister in relation to contamination sources not in Schedule 3, based on the results of a site inspection or other relevant information provided to the Minister.

41 Rules for granting water supply works approvals near sensitive environmental areas

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources, excluding the Lower Goulburn River, the Upper Goulburn River and Hunter Regulated River Alluvial Water Sources, is located within:
 - (a) 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (b) 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4 for water supply works nominated by an access licence, or
 - (c) 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
 - (d) in the bed of a third order of higher stream and perennial rivers, unless assessment indicates that the work will have minimal impact on the river environment or river stability, or

Note. It is acknowledged that there will be some impact from the replacement of works however these must not have a detrimental impact on river bed levels or slope, cause diversion of flows or contribute to bank destabilisation.

 - (e) if there is likely to be drawdown at the outside edge of the distances referred to in subclauses (a) and (b).

Note. Subclause (1) will not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources until such time as the work is replaced.
- (2) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in the Lower Goulburn River and the Upper Goulburn River Water Sources, where a water supply work being used to take water from the alluvial sediments, is located:
 - (a) Upstream of Kerrabee:

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (i) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (ii) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (iii) within 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
 - (iv) within 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
 - (v) within 40 metres of first and second order stream, unless:
 - (1) the water supply work to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, and
 - (2) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, and
 - (vi) if there is likely to be drawdown at the outside edge of the distances referred to in subclauses (a) (i) and (a) (ii), and
- (b) Downstream of Kerrabee:
- (i) within 100 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (ii) within 200 metres of a high priority groundwater dependent ecosystems, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (iii) within 500 metres of a high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4,
 - (iv) in the bed of a third order or higher stream and perennial rivers, unless assessment indicates that the water supply work will have no more than minimal impact on the river environment or river stability, or
- Note.** It is acknowledged that there will be some impact from the replacement of works however these must not have a detrimental impact on river bed levels or slope, cause diversion of flows or contribute to bank destabilisation.
- (v) if there is likely to be drawdown at the outside edge of the distances referred to in subclauses (b) (i) and (b) (ii).
- Note.** Subclause (2) will not apply to current authorised extraction from an existing water supply work being used to take water from the alluvial sediments in these water sources until such time as the work is replaced.
- (3) A water supply work approval shall not granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work
-

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

being used to take water from the alluvial sediments in the Hunter Regulated River Alluvial Water Sources, is located:

- (i) within 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (ii) within 200 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (iii) within 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
 - (iv) within 200 metres of the top of the high bank of the Hunter Regulated River, or any third order or above stream, or lagoon, or
 - (v) within 40 metres of first and second order stream, unless:
 - (1) the water supply work which is to be constructed or used is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres, and
 - (2) the applicant can demonstrate that the bore will have no more than minimal impact on base flows in the stream, or
 - (vi) if there is likely to be drawdown at the outside edge of the buffer zone referred to in subclauses (a) (i) and (a) (ii).
- (4) Subclauses (1), (2) and (3) do not apply in relation to a replacement bore.
- Note.** Replacement bore is defined in the Dictionary.
- (5) Subclauses (1) (a) (iv), (1) (a) (v), (3) (iv) and (3) (v) do not apply to a new water supply works which are constructed or used to take water from the alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act.
- (6) The distance restrictions specified in subclauses (1), (2) or (3) do not apply to a water supply work which is to be constructed or used to take water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works.
- (7) The Minister may amend this Plan to:
- (i) alter the exclusion distances in subclauses (1), (2) or (3), during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister, or
 - (ii) include a new identified high priority groundwater dependent ecosystem in Schedule 4 during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
 - (iii) delete a high priority groundwater dependent ecosystem from Schedule 4 identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 10 Limits to the availability of water

Division 1 Long-term average annual extraction limit

42 Limits to the availability of water

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

43 Extraction management unit for these water sources

The availability of water to be taken from these water sources and the management of the long-term average annual extraction of water limit in these water sources will be undertaken in the Goulburn Extraction Management Unit, Hunter Extraction Management Unit, Lake Macquarie Extraction Management Unit and the Hunter Regulated River Alluvium Extraction Management Unit (hereafter *these Units*).

44 Long-term average annual extraction limit

- (1) The long-term average annual extraction limit for the Lake Macquarie Extraction Management Unit is equal to the total of:
 - (a) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 of the *Water Act 1912* in the Lake Macquarie Extraction Management Unit, immediately prior to the commencement of this Plan for water sources in the Lake Macquarie Extraction Management Unit, plus
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the water sources in the Lake Macquarie Extraction Management Unit at the commencement of this Plan, plus
 - (c) the share component of access licences granted in the Lake Macquarie Extraction Management Unit under the Regulations and Part 8 of this Plan.
- (2) The long-term average annual extraction limit for the Goulburn Extraction Management Unit is equal to the total of:
 - (a) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 or Part 5 of the *Water Act 1912* in the Goulburn Extraction Management Unit, immediately prior to the commencement of this Plan for water sources in the Goulburn Extraction Management Unit, plus
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the water sources in the Goulburn Extraction Management Unit, excluding the Wybong Creek Water Source, at the commencement of this Plan, plus
 - (c) the sum of share components of access licences in the Wybong Creek Water Source at the commencement of the Water Sharing Plan for the Wybong Creek Water Source 2003, where the share component is expressed as a number of ML/year, plus
 - (d) the sum of share components of access licences in the Wybong Creek Water Source at the commencement of the Water Sharing Plan for the Wybong Creek Water Source 2003, where the share component is expressed as a number of unit shares, plus

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (e) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Wybong Creek Water Source at the commencement of the Water Sharing Plan for the Wybong Creek Water Source 2003, plus
 - (f) the share component of access licences granted in the Goulburn Extraction Management Unit under the Regulations and Part 8 of this Plan.
- (3) In the Hunter Extraction Management Unit there will be separate long-term extraction limits applying to extractions under:
- (a) basic landholder rights and access licences, other than those major utility access licences held by Hunter Water Corporation, and
 - (b) major utility access licences held by Hunter Water Corporation.
- (4) The long-term average annual extraction limit established under subclause (3) (a) in the Hunter Extraction Management Unit is equal to the total of:
- (a) the quantity of water specified in conditions attached to or included in entitlements issued under Part 2 of the Water Act 1912 in this Unit, immediately prior to the commencement of this Plan for water source in the Hunter Extraction Management Unit, excluding entitlements held by Hunter Water Corporation, plus
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Hunter Extraction Management Unit at the commencement of this Plan, plus
 - (c) the share component of access licences granted in the Hunter Extraction Management Unit under the Regulations, Part 8 of this Plan and any transitional regulations made pursuant to this Plan.
- (5) The long-term average annual extraction limit established under subclause (3) (b) for the major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit will be equal to 78,500 ML/year minus the long-term average annual extraction under access licences held by Hunter Water Corporation in the Tomago, Tomaree and Stockton Groundwater Source.

Note. Water flowing from Hunter Water Corporation to Gosford Wyong Councils will be accounted against the local water utility long-term average annual extraction limit in the Tuggerah Lakes Extraction Management Unit. Water transferred from Gosford Wyong Councils to Hunter Water Corporation will be accounted against the major utility long-term average annual extraction limit in the Hunter Extraction Management Unit.

Note. The 78,500 ML/year figure is based on demand projections to 2013 taking into consideration projected increases in the domestic and non-domestic sectors, as well as non-metered demand. Water efficiency savings are incorporated in this estimate based on both NSW Government and Hunter Water driven programs. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions will need to be reviewed to determine their appropriateness in line with the new operations.

- (6) After commencement of releases from Tillegra Dam, or after 1 July 2013, whichever occurs sooner, the long-term average annual extraction limit established under subclause (3) (b) for the major utility access licences held by Hunter Water Corporation in the Hunter Extraction Management Unit will be reviewed.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (7) The review under subclause (6) shall consider the need to vary the long-term average annual extraction limit specified in subclause (5) based on consideration of the environmentally sustainable level of extraction with regard to:
 - (a) environmental flow releases from water supply dams to meet:
 - (i) instream habitat requirements, and
 - (ii) passage of flow through Seaham Weir to meet estuary requirements, and
 - (b) Seaham Weir infrastructure, operation and extraction.
- (8) The Minister may amend the long-term average annual extraction limit specified in subclause (5) in accordance with the outcomes of the review specified in clauses (6) and (7).
- (9) The long-term average annual extraction limit for the Hunter Regulated River Alluvium Extraction Management Unit is equal to the total of:
 - (a) the quantity of water specified in conditions attached to or included in entitlements issued under Part 5 of the Water Act 1912 in this Unit, immediately prior to the commencement of this Plan for water source in the Hunter Regulated River Alluvium Extraction Management Unit, plus
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Hunter Regulated River Alluvium Extraction Management Unit at the commencement of this Plan, plus
 - (c) the share component of access licences granted in the Hunter Regulated River Alluvium Extraction Management Unit under the Regulations and Part 8 of this Plan.

45 Variation of the long-term average annual extraction limits

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or through a dealing under Part 12 of this Plan.
- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.
- (3) The long-term average annual extraction limit for the Hunter Extraction Management Unit may vary upon the conversion of access licences from unregulated river access licence to an unregulated river (high flow) access licence.
- (3) The variation in subclause (3) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

46 Assessment of the long-term average annual extraction limit

- (1) This clause applies from the third year of this Plan.
- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units, other than access licences held by Hunter Water Corporation, will be assessed each water year

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

to determine if the long-term average annual extraction limit established by clause 44 for each extraction management unit has been exceeded.

- (3) The assessment referred to in subclause (2) is to be based on a comparison of the water extracted in the current water year in these Units, against the average extraction within these Units over the preceding 2 water years.

47 Compliance with the long-term average annual extraction limits

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

- (1) If the assessment in clause 46 determines that the long-term average annual extraction limit for any extraction management unit in these water sources established under clause 44 has been exceeded by 5% or greater, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be reduced as necessary to return total water extraction under basic landholder rights and access licences in the respective extraction management unit to the long-term average annual extraction limit.
- (2) If the assessment in clause 46 determines that the long-term average annual extraction limit for any extraction management unit in these water sources is less than 95% of the respective long-term average annual extraction limit established for any extraction management unit in these water sources under clauses 44, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences, and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be increased as necessary to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to increase to the long-term average annual extraction limit.
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences shall be the same.
- (4) Any reduction or increase to the available water determinations made Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, in these water sources under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to return to the long-term average annual extraction limit.
- (5) Any reduction or increase to the available water determinations made under Division 2 of this Plan for unregulated river access licences in water sources within the Goulburn Extraction Management Unit, under this clause, shall be equivalent to the corresponding reduction or increase made to available water determinations for unregulated river access licences in the Wybong Creek Water Source.
- (6) The average annual volume of water taken under all major utility access licences held by Hunter Water Corporation in any 10 consecutive water years in the Hunter Extraction Management Unit may not exceed a volume equal to the long-term extraction limit specified in clause 44 (5) of this Plan.

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (7) For the purpose of assessing growth above the respective major utility long-term average annual extraction limit the water taken in the Hunter Extraction Management Unit under major utility licences within these water sources will be determined as:
- (a) the water passing the outlet of Grahamstown Water Treatment Plant minus any water passing the boundary meter from Hunter Water Corporation to Gosford Wyong Councils, plus
 - (b) any water passing the boundary meter from Gosford Wyong Councils to Hunter Water Corporation, plus
 - (c) water taken by any other major utility infrastructure nominated by Hunter Water Corporation and agreed to by the Minister.
- (8) In the Hunter Extraction Management Unit total water extractions under major utility access licences held by Hunter Water Corporation, will be monitored each year to determine if there is any growth in the volumes extracted above the extraction limit established under clause 44 (5) based on a comparison of the extraction limit against the average extraction over a rolling ten year period commencing from the start of this Plan, except where subclause (9) applies.
- (9) If the long-term average annual extraction limit specified in clause 44 (5) is amended under clause 44 (8) then growth in volumes extracted above the respective extraction limit specified in clause 44 (5) shall be determined based on a comparison of the extraction limit against the average extraction under major utility access licences held by Hunter Water Corporation within the Hunter Extraction Management Unit over a rolling ten year period commencing from the water year in which the amendment was made.
- (10) If monitoring of total water extractions under major utility access licences held by the Hunter Water Corporation indicates growth above the respective long-term average annual extraction limit as specified in clause 44 (5), then a review shall be undertaken which considers:
- (a) the Hunter Water Corporation's urban water supply requirements, and
 - (b) the impacts associated with an increase to the respective long-term average annual extraction limit.
- Note.** It is recognised that the initial long-term average annual extraction limit (LTAAEL) for major utility access licences is based on demand projections until 2013 and as such should cater for anticipated extraction demands over this period within the proposed limit. This figure however does not include provision for contingencies such as new large scale development of regional significance. If such a development was to occur, the major utility access licence holder could seek a review of the LTAAEL to allow for an increase to meet the demands of such a development.
- (11) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 44, the taking of water pursuant to an access licence that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

Division 2 Available water determinations

48 Available water determinations

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

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

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

49 Available water determinations for domestic and stock access licences

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

50 Available water determinations for local water utility access licences

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

51 Available water determinations for major utility access licences

An available water determination made at the commencement of each water year for major utility access licences in these water sources should, where possible, be for 100% of access licence share component.

52 Available water determinations for unregulated river access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres per unit share of access licence share component.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (2) The available water determination made at the commencement of each subsequent water year for unregulated river access licences in these water sources and should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 47.

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

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river (high flow) access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river (high flow) access licences in these water sources should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 47.

54 Available water determination for aquifer access licences

- (1) An available water determination shall be made at the commencement of each water year for aquifer access licences in these water sources, excluding the Hunter Regulated River Alluvial, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook, and the Upper Wollombi Brook Water Source, equal to 1 megalitre per unit of access licence share component.
- (2) An available water determination shall be made at the commencement of each water year for all aquifer access licences in the Hunter Regulated River Alluvial Water Source and should be equivalent to the available water determination made for regulated river (high security) access licences under the Water Sharing Plan for the Hunter Regulated River Water Source 2003.
- (3) An available water determination shall be made at the commencement of each water year for all aquifer access licences in the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source, equivalent to the available water determination made for unregulated river access licences in these water sources.
- (4) The Minister may amend this Plan, from year six of this Plan, based on outcomes of further data collection and any surface/groundwater connectivity studies undertaken, to amend the available water determination in subclause (2) to be:
 - (a) equivalent to 100% of the available water determination made for regulated river (general security) access licences under the Water Sharing Plan for the Hunter Regulated River Water Source 2003, or
 - (b) equivalent to 100% of the available water determination made for aquifer access licences, or

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (c) the sum of specified percentages (equal to 100%) of the available water determination made for regulated river (general security) access licences under the Water Sharing Plan for the Hunter Regulated River Water Source 2003 and aquifer access licences.

Note. For example, under subclause 4 (c) the available water determination may be the sum of 50% of the available water determination (AWD) for general security and 50% of the AWD for aquifer access licences or some other variation of percentage equal to 100%. It may also be appropriate to have a sliding scale of AWD application based on distance from the river if justified.

- (5) In relation to any amendment under subclause (4) an adjustment period may be included, if necessary, to allow for a phasing in period in achieving the new available water determination.
- (6) In reviewing the outcomes of data collection and further studies as specified in subclause (4) and amendments of the available water determination rules the Minister should consult with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority, and representatives of interest groups and water users as appropriate.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 11 Rules for managing access licences

Division 1 General

55 Rules for managing access licences

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

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

Division 2 Water allocation account management

56 Individual access licence account management rules

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

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

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

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources, excluding those within the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source, in any 3 consecutive water years may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the licence from available water determinations in those years,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources, excluding those within the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek, the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source, in the first 3 water years of this Plan may not exceed a volume equal to:
- (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year), or 3 megalitres per unit share of access licence share component (for access licences with share components expressed as a number of unit shares),
- (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
- (c) plus any water allocations re-credited in accordance with section 76 of the Act, in those years, and
- (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (5) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart Brook and the Upper Wollombi Brook Water Source may not exceed a volume equal to:
- (a) the sum of water allocations accrued under the licence from available water determinations in that year,
- (b) plus any water allocations assigned from another access licence under section 71T of the Act, in that year,
- (c) plus any water allocations recredited in accordance with section 76 of the Act, in that year, and
- (d) minus any water allocations assigned to another access licence under section 71T of the Act, in that year.
- (6) The Minister may amend subclauses (3), (4) and (5) to amend the limits to volumes that may be taken under access licences in the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water, the Halls Creek, the Lower Middle Brook and Kingdon Ponds Management Zone of the Lower Dart

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Brook and the Upper Wollombi Brook Water Source, from year five of this Plan, following a review of the possible impacts of differing carry over and 3 year annual use limits on the recovery time of the aquifer, and when appropriate groundwater trigger levels can be identified.

- (7) The Minister may amend this Plan to replace this subclause with water allocation account management rules for major utility access licences, or subcategories of major utility licences, for extraction from Seaham Weir Pool, and natural inflows to Grahamstown Dam, based on the supplementary study Development of Access Rules for the Lower Williams River.
- (8) The maximum water allocation that can be carried over in the accounts of domestic and stock, local water utility, unregulated river, unregulated river high flow and aquifer access licences from one water year to the next, in these water sources excluding the Hunter Regulated River Alluvial, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source and the Wollombi Brook Management Zone of the Upper Wollombi Brook Water Source, shall be equal to:
 - (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (9) The Minister may amend this Plan to replace this subclause with carry over rules for major utility access licences, or subcategories of major utility licences, for extraction from Seaham Weir Pool, and natural inflows to Grahamstown Dam, based on the supplementary study Development of Access Rules for the Lower Williams River.
- (10) The maximum water allocation that can be carried over in the accounts of access licences within the Hunter Regulated River Alluvial Water Source from one water year to the next shall be equal to:
 - (a) 10% of access licence share component for access licences with share components expressed as megalitres per year, or
 - (b) 0.1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (11) In the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source and the Wollombi Brook Management Zone of the Upper Wollombi Brook Water Source, water allocations cannot be carried over from one water year to the next.
- (12) The Minister may amend subclauses (8) and (11) to include carryover provisions for the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Lower Goulburn River, the Martindale Creek, the Doyles Creek and the Lower Wollombi Brook Water Sources, the Appletree Flat Management Zone of the Jerrys Water Source, the Segenhoe Management Zone of the Pages River Water Source and the Wollombi Brook Management Zone of the Upper Wollombi Brook Water Source, from year five of this Plan, following a review of the possible impacts of differing carry over and 3 year annual use

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

limits on the recovery time of the aquifer and when appropriate groundwater trigger levels can be identified.

- (13) If water that, pursuant to an access licence in these water sources is committed as adaptive environmental water to be left in a water source for environmental purposes, then the water allocation taken under that access licence shall be assumed to be 100% of the available water determination made in Division 2 Part 10 of this Plan.

57 Accounting for bulk water transfers to other water utilities

- (1) Any volume of water received from the Gosford Wyong Councils Water Authority via the Hunter pipeline link will be accounted against the long-term average annual extraction limit for the major utility access licences in the Hunter Extraction Management Unit.
- (2) Any volume of water sent to the Gosford Wyong Councils Water Authority via the Hunter pipeline link from Hunter Water Corporation will be accounted against the long-term average annual extraction limit for the local utility access licences in the Gosford and Tuggerah Extraction Management Units within the Water Sharing Plan for the Central Coast Unregulated Rivers.

Note. When water is transferred between Hunter Water Corporation and Gosford Wyong Councils Water Authority, the long-term average annual extraction limit for either utility is not changed. For the purposes of accounting against the long-term average annual extraction limit, transfers are treated as extractions by the recipient only. This means that the volume of water able to be extracted from water sources within the recipient's plan area is reduced by this volume. The long-term average annual extraction limit of the sender of the transfer is not affected.

- (3) The Minister may amend the accounting rules specified in subclauses (1) and (2) following the commencement of release from Tillegra Dam.

Division 3 Sharing surface water flows on a daily basis

58 Sharing surface water flows on a daily basis

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

59 Establishment and assignment of total daily extraction limits

- (1) At the commencement of this Plan, total daily extraction limits (*hereafter TDEL*) have not been established or assigned in the Munmurra River, the Krui River, the Bow River, the Merriwa River, the Halls Creek, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Muswellbrook, Lower Goulburn, Dart Brook, the Upper Hunter River, the Jerrys, Glennies, the Glendon Brook, the Luskintyre, the Singleton, the Martindale Creek, the Doyles Creek, the Black Creek, the Wallis Creek, the Newcastle, the Upper Paterson, the Upper Wollombi Brook, the North Lake Macquarie, the South Lake Macquarie, Dora Creek, the Hunter Regulated River Alluvial, the Wallis Creek Tidal Pool, the Hunter River Tidal Pool or the Paterson Tidal Pool Water Sources.
- (2) This Plan establishes and assigns TDELS for unregulated river (high flow) access licences in B Class flows in the following water sources:
- (a) 3.1 ML/day for B Class flows in the Pages River Water Source and the Isis River Water Source combined,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Note. This volume equates to a total of 10% of the annual 50th percentile flow at the flow reference point (Pages River at Gundy Recorder Gauge) in the Pages River Water Source and Isis River Water Source combined.

- (b) 3.8 ML/day for B Class flows in the Lower Wollombi Brook Water Source,

Note. This volume equates to a total of 10% of the annual 50th percentile flow at the flow reference point (Wollombi Brook at Warkworth Gauge) in the Lower Wollombi Brook Water Source.

- (c) 3.5 ML/day for B Class flows in the Rouchel Brook Water Source, and

Note. This volume equates to a total of 10% of the annual 50th percentile flow at the flow reference point (Rouchel Brook at The Vale Gauge) in the Rouchel Brook Water Source.

- (d) 5.8 ML/day for B Class flows in the Paterson/Allyn Rivers Water Source.

Note. This volume equates to a total of approximately 10% of the annual 50th percentile flow at the flow reference points in the Paterson/Allyn Rivers Water Source.

Note. If this Plan is amended to change the flow reference point for the Paterson/Allyn Water Source to Allyn River at Flying Fox Lane gauge, the 10% of the 50th percentile will be calculated using that flow reference point, once adequate data is available.

- (3) The Minister may amend this Plan to allow for the establishment of TDELs in the Williams River Water Sources for major utility access licences or subcategories of major utility access licences in any new flow classes established under clause 17 (2) (i) of this Plan.
- (4) Following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 72 of this Plan, the Minister may amend subclause (1) and (2) to establish a TDEL for A Class in the relevant water source or management zone.
- (5) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELs in the relevant water source or management zone.

Note. TDELs referred to in subclauses (4) and (5) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

60 Unassigned TDEL

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

61 Granting of unassigned TDEL

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

62 Individual daily extraction limits for access licences

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established or assigned to access licences in these water sources.
- (2) During the term of this Plan, the Minister may amend this Plan to establish and assign IDELs for:

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (i) unregulated river (high flow) access licences in B Class flows in the Pages River, the Isis River, the Lower Wollombi Brook, the Rouchel Brook and the Paterson/Allyn Rivers Water Sources, and
 - (ii) any other access licence in these water sources for which TDELS are established and assigned.
- (3) Where IDELS are established under subclause (2), the IDEL is to be assigned in the same proportion as the TDEL for the access licence bears to the sum of all share components of access licences of that category, in the respective water source.
 - (4) Notwithstanding subclause (3), where an access licence contains more restrictive conditions than other access licences of the same category in the water source, then any IDEL resulting from subclause (3) shall be adjusted to reflect as far as possible the more restrictive conditions.

63 Adjustment to TDELS and IDELS

- (1) The TDELS established in this Plan may be adjusted, following:
 - (a) the imposition of new adaptive environmental water conditions that require water to be left in a water source, or
 - (b) the removal of adaptive environmental water conditions that required water to be left in a water source.
- (2) Where an IDEL is assigned under clause 62 and an adaptive environmental water condition requiring water to be left in the water source is:
 - (a) imposed on an access licence, then the TDEL established under clause 59 may be decreased by the IDEL on the access licence so committed and clauses 59 and 62 adjusted accordingly, or
 - (b) removed from an access licence, then the TDEL established under clause 59 will be increased by the IDEL on the access licence so uncommitted and clause 59 and 62 adjusted accordingly.

64 Administrative arrangements for managing access to daily flows (approved groups)

This Plan allows for the group management of access licences in these water sources which have been assigned an IDEL, subject to the following rules:

- (a) all access licences (except local water utility access licences) in these water sources which are assigned an IDEL shall be included in a group (hereafter *approved group*),
- (b) an approved group shall have a group combined IDEL, being the sum of the IDELS assigned to all access licences in the approved group. The daily extraction of water by all access licences in an approved group must not exceed the group combined IDEL. The daily extraction of water under all access licences within an approved group will be assessed as a whole against the group combined IDEL,
- (c) the Minister may, by notice in writing, remove one or more access licences from an approved group, if:
 - (i) the daily extraction of water by an approved group exceeds the group combined IDEL, or

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (ii) the Minister is of the opinion that a holder of an access licence within an approved group has caused the combined group IDEL to be exceeded,
- (d) the daily extraction of water pursuant to an access licence which is not in an approved group must not exceed the IDEL assigned to the access licence,
- (e) the group combined IDEL shall be reduced by the amount of the IDEL assigned to any access licence which is removed from the approved group,
- (f) an access licence holder may, by request made in writing to the Minister, apply to have their access licence removed from an approved group. If the Minister consents to the removal of an access licence from an approved group, the access licence will be removed from the approved group,
- (g) the holder of an access licence which has been assigned an IDEL and which is not in an approved group, may make a written request to the Minister to:
 - (i) form a new approved group, or
 - (ii) be included in an approved group,
- (h) the Minister may:
 - (i) consent or refuse a request to form a new approved group,
 - (ii) consent or refuse to allow an access licence to be included in an approved group,
 - (iii) consent or refuse a request for an access licence to be removed from one approved group and included in a new approved group,
- (i) where the Minister consents to a new approved group, a new approved group will be formed and will be subject to the rules contained in this clause,
- (j) where an access licence is added to an approved group, the group combined IDEL shall be increased by the amount of IDEL assigned to the access licence,
- (k) an access licence may not be in more than one approved group at any time,
- (l) any part of the IDEL of an access licence which is committed to the environment pursuant to an adaptive environmental water condition:
 - (i) shall not be included in an approved group, or
 - (ii) where the IDEL is already included in an approved group, shall be removed from the approved group.

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

- (1) This Part may be amended for the purpose of enabling the sharing of surface water flows on a daily basis.
- (2) Any such amendment may include, but need not be limited to:
 - (a) the establishment or modification of TDELs in these water sources,

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (b) the establishment or modification of IDELs for access licences in these water sources,
- (c) the establishment or modification of approved groups and rules to govern the operation of those groups, with respect to TDELs or IDELs in these water sources,
- (d) the imposition, removal or modification of mandatory conditions, or
- (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

66 Williams River Water Source Accreditation Scheme

There is a Williams River Water Source Accreditation Scheme which affects unregulated river access licences in the Williams River Water Source, as specified in clauses 76 (5) and 17 (1) (mm) (ii) of this Plan.

Note. The Williams River Water Source Accreditation Scheme is defined in the Dictionary.

67 Access to the Very Low Flow Class in these water sources

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 77 of this Plan.

Note. Clause 93 provides for amendments to Schedule 2.

Division 4 Management of surface and groundwater connectivity

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

- (1) Except for an aquifer access licence referred to in subclause (3), all aquifer access licences:
 - (a) in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Management Zone of the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source or the Dora Creek Water Source, and
 - (b) which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located at or less than 40 metres from the top of the high bank of a river,

shall, from year six of this Plan, be subject to the same mandatory condition(s) imposed under clause 76 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.

- (2) Except for an aquifer access licence referred to in subclause (3), all aquifer access licences:
 - (a) in the Munmurra River Water Source, the Krui River Water Source, the Bow River Water Source, the Merriwa River Water Source, the Halls Creek Water Source, the Baerami Creek Water Source, the Widden Brook Water Source, the Bylong River Water Source, the Wollar Creek Water Source, the Upper Goulburn River Water Source, the Lower

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Goulburn River Water Source, the Dart Brook Water Source, the Pages River Water Source, the Martindale Creek Water Source, the Doyles Creek Water Source, the Lower Wollombi Brook Water Source or the Upper Wollombi Brook Water Source, and

- (b) which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources,

shall be subject to the same mandatory condition(s) imposed under clause 76 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.

- (3) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under Part 12 of this Plan, shall be subject to the same to mandatory condition(s) imposed under clause 76 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (4) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same mandatory condition(s) imposed under clause 76 of this Plan on an unregulated river access licence in the same water source or management zone as the local water utility access licence.
- (5) A mandatory condition imposed on an unregulated river access licence under clause 76 of this Plan which requires a visible flow at the pump site shall, for the purposes of an aquifer access licence or a local water utility access licence to which this clause applies, be taken to mean a visible flow in the river immediately adjacent to the water supply work nominated by the aquifer access licence or the local water utility access licence.

Part 12 Access licence dealing rules

69 Access licence dealing rules

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

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

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

Note. An unregulated river (subcategory "Aboriginal community development") access licence is not fully commercial. Allocations under these licences will be able to be traded to non-Aboriginal people however the licence itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase fully commercial licences.

70 Rules relating to constraints within these water sources

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

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (c) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an aquifer access licence that nominates a water supply works which may be used to take water from the alluvial sediments in these water source, which is located more than 40 metres from the top of the bank of a river to a water supply works which may be used to take water from the alluvial sediments in these water source, which is located within 40 metres from the top of the bank of a river, in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source or the Dora Creek Water Source,
- (d) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an access licence which nominates a water supply works that is located more than 200 metres from the top of the bank of a river to an access licence which nominates a water supply works that is located within 200 metres from the top of the bank of a river, in the Hunter Regulated River Alluvial Water Source,
- (e) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an access licence which nominates a water supply work that is located within 200 metres from the top of the bank of the a river to an access which nominates a water supply work that is located at a distance that is closer to the top of the bank of the river, in the Hunter Regulated River Alluvial Water Source,
- (f) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment under section 71T of the Act from an access licence in:
- (i) the Upper Goulburn River Water Source, the Rouchel Brook Water Source and the Upper Wollombi Brook Water Source, to another access licence in an upstream direction, unless the dealing relates to access licences for the same property,
- Note.** In the Upper Wollombi Brook Water Source this rule will allow for dealings in a downstream direction between the Congewai Creek Management Zone and the Wollombi Brook Management Zone.
- (ii) the Pages River Water Source in a downstream direction from the Murrurundi Management Zone, the Scotts Creek Management Zone, the Kewell Creek Management or the Gundy Management Zone into the Segenhoe Management Zone,
- (iii) the Segenhoe Management Zone, the Gundy Management Zone or the Kewell Creek Management Zone in the Pages River Water Source, to another access licence in the Murrurundi Management Zone or the Scotts Creek Management Zone in the Pages River Water Source,

Note. This is to prevent dealings from below Camerons Gorge National Park to above Camerons Gorge National Park.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (iv) the Upper Middle Brook Management Zone, the Upper Dart Brook Management Zone or the Petwyn Vale Management Zone in the Dart Brook Water Source to another access licence not in the same management zone,
 - (v) the Upper Middle Brook Management Zone, the Upper Dart Brook Management Zone or the Petwyn Vale Management Zone to another access licence in the Lower Dart Brook Management Zone or the Lower Middle Brook and Kingdon Ponds Management Zone in the Dart Brook Water Source,
 - (vi) the Lower Dart Brook Management Zone to another access licence in the Lower Middle Brook and Kingdon Ponds Management Zone in the Dart Brook Water Source,
 - (vii) the Muswellbrook Water Source, the Jerrys Water Source, the Singleton Water Source, the Luskintyre Water Source or the Newcastle Water Source, to another access licence in different tributaries in the water source,
 - (viii) the Glennies Water Source, from streams below Glennies Creek Dam to another access licence in streams above Glennies Creek Dam,
 - (ix) the Black Creek Water Source from any access licence which nominates a water supply work with a runoff harvesting dam to another access licence in Black Creek or its tributaries,
 - (x) the Williams River Water Source, from streams below Chichester Dam to another access licence in streams above Chichester Dam, or
 - (xi) the Munmurra River, the Bow River, the Krui River, the Merriwa River, the Martindale River, the Dart Brook, the Hunter Regulated River Alluvial Water Source, the Pages River, the Upper Goulburn River, the Lower Goulburn River, the Upper Wollombi Brook, the Lower Wollombi Brook, the Halls Creek, the Baermai Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River, the Doyles Creek or the Lower Goulburn River Water Sources, to another access licence in the water source which is subject to an order under section 324 of the Act,
- (g) the dealing involves an assignment of access rights under section 71Q of the Act from an access licence in the Downstream Glennies Creek Management Zone and the Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, to an access licence in the Upstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, where it would result in the sum of all share components in the Upstream Glennies Creek Management Zone exceeding the total share components of all access licences in the Upstream Glennies Creek Management Zone at the commencement of this Plan,
- (h) the dealing involves an allocation assignment under section 71T of the Act from an access licence in the Downstream Glennies Creek Management Zone and the Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, to the Upstream Glennies Creek Management Zone, where in the opinion of the Minister:
- (i) the dealing would place the supply of water for water allocations already in the water allocation accounts of access licences nominating water supply works in Management Zone 1 specified in the Water Sharing Plan for the Hunter Regulated River Water Source 2003, at risk, or

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (ii) the dealing would place the future reliability of supply to access licences in Management Zone 1 specified in the Water Sharing Plan for the Hunter Regulated River Water Source 2003, at significant risk,

Note. At the commencement of this Plan, the Access Licence Dealing Principles Order 2002 does not allow for dealings between regulated river or unregulated river water sources to groundwater sources. Dealings between regulated river access licences and aquifer access licences may be allowed in future Water Sharing Plans. At the commencement of this Plan, the Water Sharing Plan for the Hunter Regulated River Water Sources 2003 does not currently allow for dealings between alluvial and regulated river access licences.

- (i) the dealing involves an allocation assignment under section 71T of the Act from an access licence in the Upstream Glennies Creek Management Zone and the Downstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, to the Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, where in the opinion of the Minister:
 - (i) the dealing would place the supply of water for water allocations already in the water allocation accounts of access licences nominating water supply works in Management Zone 3 specified in the Water Sharing Plan for the Hunter Regulated River Water Source 2003, at any risk, or
 - (ii) the dealing would place the future reliability of supply to access licences in Management Zone 3 specified in the Water Sharing Plan for the Hunter Regulated River Water Source 2003, at significant risk,
- (j) the dealing involves an access licence that currently nominates a water supply works in:
 - (i) the Upper Goulburn River Water Source, the Rouchel Brook Water Source or the Upper Wollombi Brook Water Source, being amended under section 71W of the Act to nominate a water supply work located in an upstream direction,
 - (ii) the Murrurundi Management Zone, the Scotts Creek Management Zone, the Kewell Creek Management Zone or the Gundy Management Zone in the Pages River Water Source being amended under section 71W of the Act to nominate a water supply work in the Segenhoe Management Zone in the Pages River Management Zone,
 - (iii) the Segenhoe Management Zone, Gundy Management Zone or Kewell Creek Management Zone in the Pages River Water Source, being amended under section 71W of the Act to nominate a water supply work in the Murrurundi Management Zone or the Scotts Creek Management Zone in the Pages River Water Source,
 - (iv) the Upper Middle Brook Management Zone, the Upper Dart Brook Management Zone or the Petwyn Vale Management Zone in the Dart Brook Water Source, being amended under section 71W of the Act to nominate a water supply work not in the same management zone,
 - (v) the Upper Middle Brook Management Zone, the Upper Dart Brook Management Zone or the Petwyn Vale Management Zone in the Dart Brook Water Source being amended under section 71W of the Act to nominate a water supply work in the Lower Dart Brook Management Zone or Lower Middle Brook and Kingdon Ponds Management Zone in the Dart Brook Water Source,
 - (vi) the Lower Dart Brook Management Zone in the Dart Brook Water Source being amended under section 71W of the Act to nominate a water supply work in the

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Lower Middle Brook and Kingdon Ponds Management Zone in the Dart Brook Water Source,

- (vii) the Muswellbrook Water Source, the Jerrys Water Source, the Singleton Water Source, the Luskintyre Water Source, the Newcastle Water Source, being amended under section 71W of the Act to nominate a water supply work in a different tributary within the water source,
 - (viii) streams below Glennies Creek Dam being amended under section 71W of the Act to nominate a water supply work into streams above Glennies Creek Dam in the Glennies Water Source,
 - (ix) the Black Creek Water Source which is a runoff harvesting dam being amended under section 71W of the Act to nominate a water supply work which take water from Black Creek or its tributaries,
 - (x) streams below Chichester Dam being amended under section 71W of the Act to nominate a water supply work into streams above Chichester Dam in the Williams River Water Source,
 - (xi) the Murmurra River, the Bow River, the Krui River, the Merriwa River, the Martindale River, the Doyles River, the Dart Brook, Hunter Regulated River Alluvial Water Source, the Pages River, the Upper Goulburn River, the Lower Goulburn River, the Upper Wollombi Brook, the Lower Wollombi Brook, the Halls Creek, the Baermai Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Upper Goulburn River and the Lower Goulburn River Water Sources, being amended under section 71W of the Act to nominate a water supply work in an area which is subject to an order under section 324 of the Act,
 - (xii) the Downstream Glennies Creek Management Zone and the Glennies Creek Management Zone in the Hunter Regulated River Alluvial Water Source being amended under section 71W of the Act to nominate a water supply work in the Upstream Glennies Creek Management Zone in the Hunter Regulated River Alluvial Water Source if the dealing would result in the sum of all share components and basic landholder rights requirements in the Upstream Glennies Creek Management Zone exceeding 12,615 megalitres and unit shares, and
 - (xiii) the Downstream Glennies Creek Management Zone and the Upstream Glennies Creek Management Zone of the Hunter Regulated River Alluvial Water Source, being amended under section 71W of the Act to nominate a water supply work in the Glennies Creek Management Zone in the Hunter Regulated River Alluvial Water Source if, in the opinion of the Minister, this would place the supply of water allocations already in the water for water allocation accounts of access licences which nominate a water supply work in the Glennies Creek Management Zone, at risk,
- (k) the dealing involves an access licence that nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, which is located more than 40 metres from the top of the bank of a river being amended under section 71W of the Act to nominate a water supply work which may be used to take water from the alluvial sediment in these water sources which is located within 40 metres from the top of the bank of a river, in the Isis River Water Source, the Upper Hunter River Water Source, the Rouchel Brook Water Source, the Muswellbrook Water Source, the Jerrys Water Source, the Glennies Water Source, the Glendon Brook Water Source, the

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Luskintyre Water Source, the Singleton Water Source, the Black Creek Water Source, the Wallis Creek Water Source, the Newcastle Water Source, the Paterson/Allyn Rivers Water Source, the Williams River Water Source, the Upper Paterson Water Source, the North Lake Macquarie Water Source, the South Lake Macquarie Water Source and the Dora Creek Water Source,

- (l) the dealing involves an access licence that nominates a water supply works which is located more than 200 metres from the top of the bank of a river being amended under section 71W of the Act to nominate a water supply work which is located within 200 metres from the top of the bank of a river, in the Hunter Regulated River Alluvial Water Source, and
 - (m) the dealing involves access licence that nominates a water supply work which is located within 200 metres from the top of the bank of the a river being amended under section 71W of the Act to nominate a water supply work which is located at a distance closer to the top of the bank of the river, in the Hunter Regulated River Alluvial Water Source.
- (3) The Minister may amend this Plan, at year five of this Plan, to modify the rules relating to access licence dealings within the Pages River Water Source to allow downstream dealings, based on studies which determine how dealing rules influence the spread of access licences and the ability to mitigate clustering of licenced entitlement.

Note. The intention of the study is to prevent the occurrence of hotspots in the Segenhoe Management Zone through the spread of entitlement and adoption of appropriate dealing limits.

- (4) The Minister may amend this Plan, during the term of this Plan, to modify the rules relating to access licence dealings within the Upper Wollombi, the Upper Goulburn and the Rouchel Brook (excluding Back Creek) Water Sources to allow upstream dealings, based on studies which define groundwater dependent ecosystems or aquatic environmental features and their water requirements.

Note. The intention of the study is to allow for increased flexibility in dealing rules whereby upstream dealings may be considered where key environmental values can be identified and protected within the water source.

- (5) The Minister may amend this Plan, during the term of this Plan, to amend the access licence dealing rules within the Hunter River, Paterson River and Wallis Creek Tidal Pool Water Sources in association with the development of access rules for those water sources.
- (6) The Minister may amend this Plan to increase the limit set in subclause (2) (d) (xiii) providing that:
- (i) an assessment of the possible impacts on the environment and water access has been carried out,
 - (ii) consultation with access licence holders and the Minister for the Environment has been undertaken, and
 - (iii) the Minister is satisfied that there will be no impact on environmental water in the water source or on water access in the water source.

71 Rules for change of water source

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

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

- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if:
- (a) the dealing involves a change of water source from one extraction management unit to another extraction management unit, and
 - (b) the dealing is from any water source within the Goulburn, Lake Macquarie or Hunter Extraction Management Units, except for:
 - (i) dealings from the Upper Wollombi Brook to the Lower Wollombi Brook Water Sources, and
 - (ii) dealings into the Krui River, the Bow River, the Bylong River, the Wollar Creek, Halls Creek, the Baerami Creek, the Widden Brook, Dart Brook, the Pages River, the Isis River, the Muswellbrook, the Jerrys, the Glendon Brook, the Luskintyre, the Singleton, the Martindale Creek, the Doyles Creek, the Lower Wollombi Brook, the Black Creek, the Wallis Creek and the North Lake Macquarie Water Sources, provided that the dealing does not cause the sum of all access licence share components in the respective water sources to exceed the sum of all access licence share components for the water source at the commencement of this Plan.

Note. Dealings between regulated river access licences and aquifer access licences may be allowed in future Water Sharing Plans. The Water Sharing Plan for the Hunter Regulated River Water Sources 2003 does not currently allow for dealings between alluvial and regulated river access licences. These rules should be reviewed at the term of this Plan.

- (3) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing would result in the total extraction pursuant to access licences which nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, plus basic landholder rights extraction would require a temporary water restriction order to be made under section 324 (2) of the Act.
- (5) Unless the application is for a replacement water supply work being used to take water from the alluvial sediments in these water sources that is part of a bore network for a local water utility or town water supply or a new water supply works which may be used to take water from alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act, consent to a nominated work under section 71W, is not to be granted in these groundwater sources, if it would result in a water supply work which may be used to take water from the alluvial sediments in these water sources being authorised to extract water within 40 metres of the top of the high bank of a river.
- (6) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited except where both access licences involved in the dealing:
- (a) nominate the same water supply work, or

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (b) the nominated water supply work exists on the same area of land owned by the same person, or
- (c) the nominated water supply work exists on adjoining areas of land owned by the same person.

Note. This is to allow for dealings to occur on a property, where the given property extends over two or more water sources, to allow for the reasonable movement of water around the property.

- (7) An access licence with a share component specifying a water source in these water sources may be cancelled and a new access licence issued in another water source outside these water sources only if:
 - (a) the new access licence issued is in a water source that is within the Goulburn River, Hunter River or Lake Macquarie Extraction Management Units, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (8) An access licence with a share component specifying a water source outside of these water sources may be cancelled and a new licence issued in a water source in these water sources only if:
 - (a) the access licence cancelled is in a water source that is within the Goulburn River, Hunter River or Lake Macquarie Extraction Management Units, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (9) The share component on any access licence issued under this clause is to be equal to the cancelled access licence share component.
- (10) The extraction component of any cancelled access licence is not to be carried over to the new access licence.
- (11) The Minister may amend this Plan, at year five of this Plan, to modify the rules for change of water source in the Goulburn River Extraction Management Unit to allow downstream dealings based on studies to determine how dealing rules influence the spread of access licences and the ability to mitigate clustering of licenced entitlement.

Note. The intention of the study is to prevent the occurrence of hotspots through the spread of entitlement and adoption of appropriate dealing limits.
- (12) The Minister may amend this Plan, during the term of this Plan, to amend the dealing rules to permit dealings into and/or out of the Hunter River, Paterson River and Wallis Creek Tidal Pool Water Sources in association with the development of access rules for those water sources.
- (13) The Minister may amend this Plan, during the term of this Plan, to amend the rules relating to prohibition of no trading into the Upper Goulburn River Water Source to allow no net gain dealings based on studies which define groundwater dependent ecosystems or aquatic environmental features and their water requirements.

Note. The intention of the study is to allow for increased flexibility in dealing rules whereby no net gain dealings may be considered where key environmental values can be identified and protected within the water source.

72 Rules for conversion of access licence category

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (2) Conversion of an access licence of one category to an access licence of another category is permitted only if the conversion is from:
 - (a) an unregulated river access licence to an aquifer access licence in these water sources,
 - (b) an aquifer access licence to an unregulated river access licence in the Martindale Creek, the Doyles River, the Dart Brook, the Pages River, the Upper Wollombi Brook, the Lower Wollombi Brook, the Munmurra River, the Krui River, the Bow River, the Merriwa River, the Halls Creek, the Baermai Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Jerrys, the Hunter Regulated River Alluvial, the Upper Goulburn River or the Lower Goulburn River Water Sources,
 - (c) an unregulated river access licence to an major utility access licence, or
 - (d) an unregulated river access licence to an unregulated (high flow) access licence in the Pages River Water Source, the Isis River Water Source, the Lower Wollombi Brook Water Source, the Rouchel Brook Water Source or the Paterson/Allyn Rivers Water Source.
- (3) For any conversion of an access licence under subclause (2), the access licence being converted shall be cancelled and a new licence issued.
- (4) The share component on an access licence issued under subclause (2) (a), (b), and (c) is to be equal to the cancelled access licence share component.
- (5) The share component on an access licence issued under subclause (2) (d) is to be equal to 2 times the cancelled access licence share component.
- (6) This Plan establishes the following limits for the total amount of all access licence share components that may be converted to unregulated river (high flow) access licences under subclause (2) (d):
 - (a) a total of 282.5 unit shares in the Pages River Water Source (excluding the Murrurundi, Scotts Creek and Segenhoe Management Zones) and Isis River Water Source combined,
 - (b) 346.5 unit shares in the Lower Wollombi Brook Water Source,
 - (c) 159.5 unit shares in the Rouchel Brook Water Source, and
 - (d) 528.5 unit shares in the Paterson/Allyn Rivers Water Source (excluding the Paterson River Tributaries Management Zone).

73 Rules for interstate access licence transfer and assignment of water allocation

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

74 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act, in relation to water allocation assignments between water sources.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (2) Dealings under section 71T of the Act that result in water allocation assignments from a major utility access licence to any other access licence are prohibited.
- (3) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71T that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of the water sources are prohibited in these water sources if the dealing would result in the total extraction under access licences through nominated water supply works which may be used to take water from alluvial sediments in these water sources, plus basic landholder rights extraction, requiring a temporary water restriction order to be made under section 324 (2) of the Act.
- (5) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited if:
 - (a) the dealing involves a change of water source from one extraction management unit to another extraction management unit, and
 - (b) the dealing involves a change of water source from any water source within the Goulburn, Lake Macquarie or Hunter Extraction Management Units, except for:
 - (i) dealings between the Upper Wollombi Brook and Lower Wollombi Brook Water Sources, and
 - (ii) dealings into the Krui River, the Bow River, the Halls Creek, the Baerami Creek, the Widden Brook, the Bylong River, the Wollar Creek, the Lower Goulburn River, the Dart Brook, the Pages River, the Isis River, the Muswellbrook, the Jerrys, the Glendon Brook, the Luskintyre, the Singleton, the Martindale Creek, the Doyles Creek, the Lower Wollombi Brook, the Black Creek, the Wallis Creek and the North Lake Macquarie Water Sources, provided it does not cause the total access licence share components in the respective water source to exceed the total access licence share components in that water source at the commencement of this Plan.
- (6) The Minister may, during the term of this Plan, amend the rules relating to prohibition of no trading into the Upper Goulburn River Water Source to allow no net gain dealings based on studies to define groundwater dependent ecosystems or aquatic environmental features and their water requirements.

Note. The intention of the study is to allow for increased flexibility in dealing rules whereby no net gain dealings may be considered where key environmental values can be identified and protected within the water source.
- (7) Dealings that assign water allocations to or from an access licence inside one of the water sources to or from a water source outside these water sources, but inside the respective Goulburn River, Hunter River or Lake Macquarie Extraction Management Units, are permitted only if the access licence dealing rules in the other water source permit such a dealing.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 13 Mandatory conditions

Division 1 Mandatory conditions on access licences

75 Mandatory conditions on all access licences

- (1) This Division is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
- (2) All access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) water must not be taken pursuant to an access licence otherwise than:
 - (i) by means of a water supply work nominated on the access licence, as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (ii) in accordance with the conditions specified on the water supply work approval for the nominated water supply work,
 - (iii) in accordance with the IDEL (if any) assigned to the access licence under Part 11 Division 3 of this Plan, or, if the access licence is in an approved group at any time, in accordance with the group combined IDEL for the approved group at that time,

Note. IDELs are covered in Part 11 Division 3 of this Plan.

Note. Approved groups are established in Part 11 Division 3 of this Plan.
 - (b) water must not be taken pursuant to an access licence in excess of the volume of water allocated to, or assigned to, or recredited to the water allocation account for that access licence,
 - (c) the water allocation account management rules in Division 2 of Part 11 of this Plan,
 - (d) any other conditions required to implement the provisions of this Plan.

76 Mandatory conditions relating to the taking of water

- (1) Subject to subclause (2), in these water sources, water must not be taken pursuant to an access licence, if any of the following apply:
 - (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when the Very Low Flow Class applies in the water source specified on the access licence, subject to clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the water source in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.

- (2) Subclause (1) does not apply to:
- (a) major utility access licences in the Seaham Weir Management Zone of the Williams River Water Source,
Note. See subclause (3) below.
 - (b) unregulated river (high flow) access licences,
Note. See subclause (4) below.
 - (c) unregulated river (subcategory “Aboriginal community development”) access licences,
Note. See subclause (4) below.
 - (d) unregulated river access licences in the Williams River Management Zone of the Williams River Water Source,
Note. See subclause (5) below.
 - (e) aquifer access licences in these water sources,
Note. See subclause (6) below.
 - (f) local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources,
Note. See subclause (7) below.
 - (g) access licences which nominate a water supply work which is a runoff harvesting dam, but only in relation to water taken using the runoff harvesting dam,
 - (h) access licences which nominate a water supply work which is an in-river dam, but only if the in-river dam is passing or releasing the amount of all inflows into the in-river dam,
 - (i) local water utility in the Allyn River Management Zone of the Paterson/Allyn Rivers Water Source.
Note. See subclause (8) below.
- (3) All major utility access licences in the Seaham Weir Management Zone of the Williams River Water Source must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) when the Very Low Flow Class specified in clause 17 (1) (nn) (ii) applies, subject to clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool,
 - (d) when flows in the water source, as measured at the Glen Martin (Mill Dam Falls) gauge (210010), are less than or equal to 600 ML/day,
 - (e) when water levels in the Seaham Weir Pool are at or below 0.32 metres pool height.
- (4) All unregulated river (high flow) access licences and unregulated river (subcategory “Aboriginal community development”) access licences in these water sources must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the water source are below B Class, subject to clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.
- (5) All unregulated river access licences in the Williams River Management Zone of the Williams River Water Source must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) if the access licence holder is not accredited under the Williams River Accreditation Scheme, when flows in the water source are below A Class, subject to clause 77 of this Plan, or, if the access licence holder is accredited under the Williams River Accreditation Scheme, when flows in the water source are below the Low Flow Class, subject to clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.
- (6) All aquifer access licences in these water sources must have mandatory conditions to give effect to clause 68 of this Plan.
- (7) All local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources, must have a mandatory condition to give effect to clause 68 (4) of this Plan.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (8) All local water utility access licences in these Allyn River Management Zone of the Paterson/Allyn Rivers Water Source must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the management zone are below A2 Class, subject to:
 - (i) subclause (d) when water quality in the Paterson Regulated River is unable to be treated to a potable standard by the Gresford Water Treat Plant due to blue green algae toxins being present at the water treatment plant offtake,
 - (ii) clause 77 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool,
 - (d) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the management zone are below A1 Class.

77 Mandatory conditions for access to the Very Low Flow Class

- (1) This clause only applies to:
- (a) an access licence which replaces a *Water Act 1912* entitlement listed in Schedule 2 of this Plan, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan,
 - (b) a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence which replaces a *Water Act 1912* entitlement that allowed water to be taken in the Very Low Flow Class, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan.
- (2) A local water utility access licence to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence:
- (a) for the purposes of town water supply only, and
 - (b) only until major augmentation to the utility’s water supply work(s) has taken place.
- (3) For the purposes of subclause (2), major augmentation includes anything which enhances or increases the local water utility’s capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility’s existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (4) An access licence to which this clause applies, other than a local water utility access licence, a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for any of the following purposes only:
 - (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purpose of hygiene.
- (5) The maximum daily volume that may be taken under subclause (4) must:
 - (a) be the minimum required to satisfy the purpose,
 - (b) be specified on each access licence, and
 - (c) not exceed 20 kilolitres per day.
- (6) Once specified under subclause (5) (b), the maximum daily volume must not be increased.
- (7) For the first three years of this Plan only, a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence to which this clause applies, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for domestic consumption only.

Note. Domestic consumption is defined in section 52 of the Act.

78 Mandatory conditions on domestic and stock access licences

In addition, all domestic and stock access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence for the purposes of domestic consumption or stock watering.

Note. Domestic consumption and stock watering are defined in section 52 of the Act.

79 Mandatory conditions on aquifer access licences

In addition, all aquifer access licences in these water sources must have a mandatory condition which specifies that water must only be taken from an aquifer in these water sources.

80 Mandatory conditions on Aboriginal cultural and Aboriginal community development access licences

- (1) In addition, all access licences of the subcategory “Aboriginal cultural” in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (2) In addition, all unregulated river (subcategory “Aboriginal community development”) access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for commercial purposes.

81 New access licences granted in these water sources

- (1) In addition, the following new access licences granted in these water sources must have a mandatory condition specifying that water must not be taken unless flows exceed a level or flow class which is specified on the access licence:
- (a) a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act,
 - (b) a major utility (subcategory “Urban water”) access licence granted pursuant to Part 8 of this Plan, which specifies a water source in which B Class is not established under clause 17 (1) of this Plan,
 - (c) a new unregulated river (subcategory “Aboriginal community development”) access licence granted pursuant to Part 8 of this Plan, which specifies a water source in which B Class is not established under clause 17 (1) of this Plan.
- (2) In addition, the following new access licences granted in these water sources, pursuant to Part 8 of this Plan, must have a mandatory condition which specifies that water must not be taken when flows in the water source specified on the access licence are below B Class:
- (a) a new local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (b) a new major utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (c) an access licence of the subcategory “Aboriginal Community Development”, which specifies a water source in which B Class is established under clause 17 (1) of this Plan, or
 - (d) an access licence with a zero share component, which specifies a water source in which B Class is established under clause 17 (1) of this Plan.

Division 2 Mandatory conditions on water supply work approvals

82 Mandatory conditions on all water supply work approvals (except works taking water from the alluvial sediments)

- (1) All water supply work approvals which authorise the construction or use of a water supply work in these water sources, other than a water supply work approval which authorises the construction or use of a water supply works to take water from the alluvial sediments in these water sources, must have mandatory conditions to give effect to the following:
- (a) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
- (b) when required by the Minister by notice in writing:
- (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister,
- (c) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (d) the water supply work must not be used to take water, if any of the following apply:
- (i) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (ii) when there is no visible flow in the water source in the immediate downstream vicinity of the water supply work or, where the water supply work is taking water from a pool when there is no visible inflow and outflow to and from that pool, and
- (e) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval which authorises the construction or use of a water supply work which is an in-river dam in these water sources must include a mandatory condition requiring the in-river dam to pass or release such flows as the Minister determines to be appropriate.
- (3) A water supply work approval which authorises the construction or use of a water supply work which is nominated on a major utility access licence in these water sources, including all subcategories of major utility access licences, must have mandatory conditions to give effect to the release rules for major utility storages specified in Part 14 of this Plan.
- (4) A new water supply work approval granted pursuant to clause 39 (6) must have a mandatory condition to give effect to clause 39 (6) (c) of this Plan.
- (5) A water supply work approval which authorises the construction or use of a water supply work which is a runoff harvesting dam in these water sources must, if the share component of the access licence that nominates the water supply work is reduced, be amended to impose a mandatory condition to give effect to clause 36 (2) of this Plan.

83 Mandatory conditions on approvals for water supply works taking water from the alluvial sediments in these water sources

A water supply work approval which authorises the construction or use of a water supply work to take water from the alluvial sediments in these water sources must have mandatory conditions to give effect to the following:

- (a) the approval holder must not construct the work, or cause or allow the work to be constructed, unless the construction is carried out by a person holding a current driller's licence issued pursuant to the *Water Act 1912* or the *Water Management Act 2000*, which is of a class that allows construction of the work to be constructed,
- (b) the approval holder must ensure that the construction of the work complies with:
 - (i) the construction standards prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any standards or requirements, in accordance with those standards or requirements (if any) specified by the Minister,
 - (iii) must prevent contamination between aquifers through appropriate construction,
- (c) the approval holder must ensure that any work which is decommissioned or abandoned complies with:
 - (i) the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any other standards or requirements, in accordance with the standards or requirements (if any) specified by the Minister,
- (d) within 2 months of the decommissioning or abandonment of the work, the approval holder must notify the Minister that the work has been decommissioned or abandoned in accordance with subclause (c),
- (e) any new or replacement bore to take water for basic landholder rights must be constructed to a sufficient depth to ensure that access to water is not unacceptably impacted by other authorised extractions,
- (f) the approval holder must, within 2 months of completion of the construction of the work, or within 2 months after the issue of the approval if the work is existing, submit to the Department the following:
 - (i) the completed approved form,
 - (ii) details of the location of the work on a copy of the lot and deposited plan, its GPS reference, and the respective distance(s) of the work from the property boundaries,
 - (iii) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests as required by the Minister,

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (g) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Department,
 - (ii) ensure that such water is sealed off by:
 - (1) inserting casing to a depth sufficient to exclude the saline or contaminated water from the work,
 - (2) if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister,
 - (iii) if the Minister has specified any other requirements, comply with the requirements (if any) specified by the Minister,
- (h) the approval holder must supply to the Minister on request, and to the required standard, a report pertaining to the quality of any water obtained from the work,
- (i) the work must be constructed within 3 years of the approval being granted,
- (j) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
- (k) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister.
- (l) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (m) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a limit(s) on the amount of water that may be taken through the work, the water supply work must not be used to take more water than the limit(s) (if any) contained on the *Water Act 1912* entitlement,
- (n) any other conditions required to implement the provisions of this Plan.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

84 Mandatory conditions for existing water supply works taking water from the alluvial sediments in these water sources

- (1) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within 500 metres of a contamination source identified in this Plan, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.
- (2) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within the distance criteria specified in clauses 39, 40 or 41, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.

Part 14 System operation rules

85 Release rules from major utility storages

- (1) In the Williams River Water Source:
 - (a) when combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage are less than 14 ML/day, a daily flow release equivalent to the combined inflows must be maintained,
 - (b) when combined inflows from the Chichester and Wangat Rivers into Chichester Dam storage are equivalent to or greater than 14 ML/day, and Chichester Dam is not spilling, a minimum flow release of 14 ML/day must be maintained,
 - (c) notwithstanding subclause (b), when the combined inflows from the Chichester and Wangat Rivers are equivalent to or greater than 14 ML/day, and Chichester Dam is not spilling, Hunter Water Corporation may operate Chichester Dam releases in the range of 5 ML/day to 30 ML/day as per the release pattern shown in Attachment 1 of their licence or approval until the study as referred to in subclause (d) is completed, and must operate releases as directed by the Minister to achieve the requirements of this study,
 - (d) releases of water are not required to be made when Chichester Dam is spilling at a rate that equals or exceeds the minimal flow release requirement referred to in subclauses (a), (b) and (c),
 - (e) the Minister may suspend or alter the release requirements under subclauses (a), (b) and (c) for the purpose of an emergency or maintenance activity that has the potential to temporarily affect the flow volume or behaviour of water for periods of more than 24 hours, and
 - (f) the Minister may amend this Plan to vary the rules under subclause (c), during the term of this Plan, based on an assessment of the implementation of release rules recommended in the 'Chichester Dam Flow Release Acceptance Levels Study'.

Note. The 'Chichester Dam Flow Release Acceptance Levels Study' was a study required as part of Hunter Water Corporation's licence conditions, to review current release arrangements from Chichester Dam, with the aim of optimising the environmental outcomes.

- (2) The Minister may amend this Plan, during the term of this Plan, to amend subclause (1) to include release rules for Seaham Weir storage, based on the outcomes of the 'Surface Water Access Rules for the Lower Williams River' Supplementary Study to be undertaken by Hunter Water Corporation.

Note. A study, as part of the licence requirements, is currently being undertaken to determine access rules and entitlements for the major utility access licence in this water source. The major utility currently extracts from both low and high flows however a breakdown of the volume from each has not been undertaken.

- (3) In the Jerrys Water Source:
 - (a) no releases are required to be made from Lake Plashett, and
 - (b) releases from Lake Lidell may only be made in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (4) In the Upper Hunter Water Source, all natural inflows to Oakey Creek Dam must be allowed to pass downstream to Oakey Creek.
- (5) In the Newcastle Water Source, no releases are required to be made from Grahamstown Dam.

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Part 15 Amendment of this Plan

86 Amendment of this Plan

- (1) This Plan may be amended as specified in this Plan, pursuant to section 45 of the Act.
- (2) Any amendment to this Plan, that is authorised by a provision of this Plan, which results in a variation to the bulk access regime, is an amendment authorised by this Plan for the purposes of section 87 (2) (c) of the Act.

87 Amendment of tidal pool provisions

- (1) The Minister may amend this Plan to:
 - (i) establish or modify flow classes, or
 - (ii) amend access licence dealing rules,

in the Wallis Creek Tidal Pool Water Source, the Paterson River Tidal Pool Water Source and the Hunter River Tidal Pool Water Source, following review of the study referred to in clause 17 (2) (k) and the determination of licence entitlements.
- (2) The Minister should cause the development of access rules, and review of dealing rules in subclause (1) to be undertaken by year five of this Plan where possible, and no later than year ten of this Plan.
- (3) In developing the access rules and reviewing the dealing rules the Minister should consult with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority, and representatives of interest groups and water users as required.

88 Amendment of pool protection provisions

- (1) The Minister may amend this Plan to establish pool control levels and key sites in applicable water sources.
- (2) For the purpose of such amendments, a study to identify pool control levels and key sites should be undertaken as soon as practicable, but before year six of this Plan.
- (3) The study should assess whether the pool control levels and key sites are required and whether they meet the objective specified in clause 10 (a) of this Plan, and specifically considering:
 - (a) the suitability of the location of the key sites used in assessing pool health upstream of the site,
 - (b) the drawdown of the water levels from the pool upstream of the key site during periods of extraction, and
 - (c) the significance of the pools that are impacted by the drawdown.
- (4) In preparing the study:

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

- (a) consultation with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority and representatives of interest groups should be undertaken, as required, and
- (b) a report should be prepared to be used by the agencies and stakeholders specified in subclause (a) documenting:
 - (i) the methodology adopted,
 - (ii) the hypotheses tested,
 - (iii) the field results and conclusions in terms of the degree to which the objective in clause 10 (a) is met,
 - (iv) the pool control levels and key sites recommended to meet the objective, and
 - (v) the socio-economic impacts of the recommended changes to the pool controls.

89 Amendments due to floodplain harvesting

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

Note. This means that this Plan can be changed to issue and manage floodplain harvesting licences provided that the long-term average annual extraction limit does not increase or decrease.

90 Amendments due to the construction and/or operation of Tillegra Dam

At commencement of flow capture by the Tillegra Dam storage, the Minister may amend this Plan:

- (a) to establish alternate management zones in the Williams River Water Source,
- (b) to amend or establish alternate flow classes in the Williams River Water Source,
- (c) to amend the share components in the Williams River and/or Newcastle Water Sources,
- (d) to amend the long-term average annual extraction limit for the Hunter Extraction Management Unit,
- (e) to amend and/or establish additional accounting provisions,
- (f) to limit dealings into or within management zones that are upstream of Tillegra Dam, and
- (g) to establish rules for the release of water from Tillegra Dam.

91 Amendments for alluvial aquifers downstream of the tidal limit

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

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

92 Amendments for stormwater harvesting

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

93 Amendments in relation to Schedule 2 (Very Low Flow)

The Minister may amend this Plan to:

- (a) add a *Water Act 1912* entitlement to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in this clause and the purpose existed prior to 1 July 2008, or
- (b) remove a *Water Act 1912* entitlement from Schedule 2, if:
 - (i) any access licence dealing results in water being extracted, under the access licence which replaced the *Water Act 1912* entitlement, from a different location, or
 - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
 - (iii) the access licence which replaced the *Water Act 1912* entitlement is surrendered or cancelled.
- (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences.

Schedule 1 Dictionary

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

drawdown refers to a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

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

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

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

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

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

individual daily extraction limit (IDEL) is described in clause 62 of this Plan.

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

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

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

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

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

registered plan for these water sources means the registered plan called The Hunter Unregulated and Alluvial Water Sources (WSP003) maintained by the Department.

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

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

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

runoff harvesting dam is a privately owned dam that captures surface or rainfall runoff.

Note. The taking of water from a runoff harvesting dam requires an access licence and a water supply work approval, except to the extent that the runoff harvesting dam is within an owner or an occupier's

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

harvestable rights entitlement under section 53 of the Act, in which case it will not require an access licence or water supply work approval.

stream order is defined by the Strahler stream ordering method.

Note. The Strahler stream ordering methods is explained as follows.

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

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

supplementary study Development of Access Rules for the Lower Williams River is a requirement of Hunter Water Corporation's current water licence. The study aims to determine appropriate entitlement and access rules to manage the taking of water from Seaham Weir Pool by Hunter Water Corporation. The outcomes of the study may be used to inform amendment of this Plan.

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

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

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

total daily extraction limit (TDEL) is described in clause 59 of this Plan.

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

water year means a year commencing 1 July.

Williams River Accreditation Scheme means the 'Water Use Accreditation Scheme' operated by the NSW Department of Primary Industries and assessed as adequate by the Department.

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists *Water Act 1912* licences from which access licences will be derived upon commencement of the Water Sharing Plan.

VERY LOW FLOW LICENCES		SURFACE WATER	
20SL007626	20SL029834	20SL046728	20SL060898
20SL012653	20SL030481	20SL046752	20SL060902
20SL013482	20SL033978	20SL047917	20SL060904
20SL014522	20SL034705	20SL047934	20SL060905
20SL014791	20SL035457	20SL047936	20SL060910
20SL015740	20SL037101	20SL047983	20SL060911
20SL016675	20SL037412	20SL048012	20SL060912
20SL018023	20SL037463	20SL048703	20SL060915
20SL019207	20SL037646	20SL048985	20SL060916
20SL019742	20SL037926	20SL048989	20SL060917
20SL019853	20SL037937	20SL050050	20SL060918
20SL020274	20SL038071	20SL050163	20SL060919
20SL021761	20SL040052	20SL050680	20SL060922
20SL022887	20SL040848	20SL051439	20SL060923
20SL022921	20SL042037	20SL060148	20SL060926
20SL023175	20SL044434	20SL060319	20SL060933
20SL024048	20SL044535	20SL060398	20SL060934
20SL024508	20SL044709	20SL060613	20SL060942
20SL024592	20SL045581	20SL060716	20SL060946
20SL028259	20SL045598	20SL060864	20SL060947
20SL028392	20SL045783	20SL060866	20SL060956
20SL029123	20SL046106	20SL060896	20SL060976
20SL029178	20SL046121	20SL060897	20SL060979
20SL061009	20SL061235	20SL061597	
20SL061032	20SL061314	20SL061598	
20SL061035	20SL061372	20SL061600	
20SL061060	20SL061382	20SL061602	
20SL061061	20SL061408	20SL061603	
20SL061062	20SL061471	20SL061606	
20SL061099	20SL061504	20SL061607	
20SL061112	20SL061509	20SL061613	
20SL061121	20SL061510	20SL061625	
20SL061128	20SL061514	20SL061629	
20SL061130	20SL061541	20SL061631	
20SL061134	20SL061546	20SL051567	
20SL061139	20SL061552	20SL051579	
20SL061144	20SL061555	20SL061009	
20SL061151	20SL061562	20SL061509	
20SL061166	20SL061564	20SL061510	
20SL061169	20SL061571		
20SL061187	20SL061585		
20SL061190	20SL061587		
20SL061199	20SL061595		
VERY LOW FLOW LICENCES		GROUNDWATER	
20BL028602	20BL166109		
20BL029479	20BL110726		
20BL104899	20BL134037		
20BL117731	20BL143716		

 Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

20BL018604 20BL150468 20BL150465 20BL150467 20BL166462	20BL118250 20BL118252 20BL118251 20BL018388 20BL018983 20BL106084		
LOCAL WATER UTILITY LICENCES			
Lower Goulburn	20SL060901	Hunter Alluvial	20BL130308 20BL130310 20BL130312 20BL130313 20BL130315 20BL128781 20BL128782 20BL128783 20BL128784
Pages	20SL030939	Dart	20BL010028 20BL010029 20BL017121 20BL018171 20BL019420 20BL122331

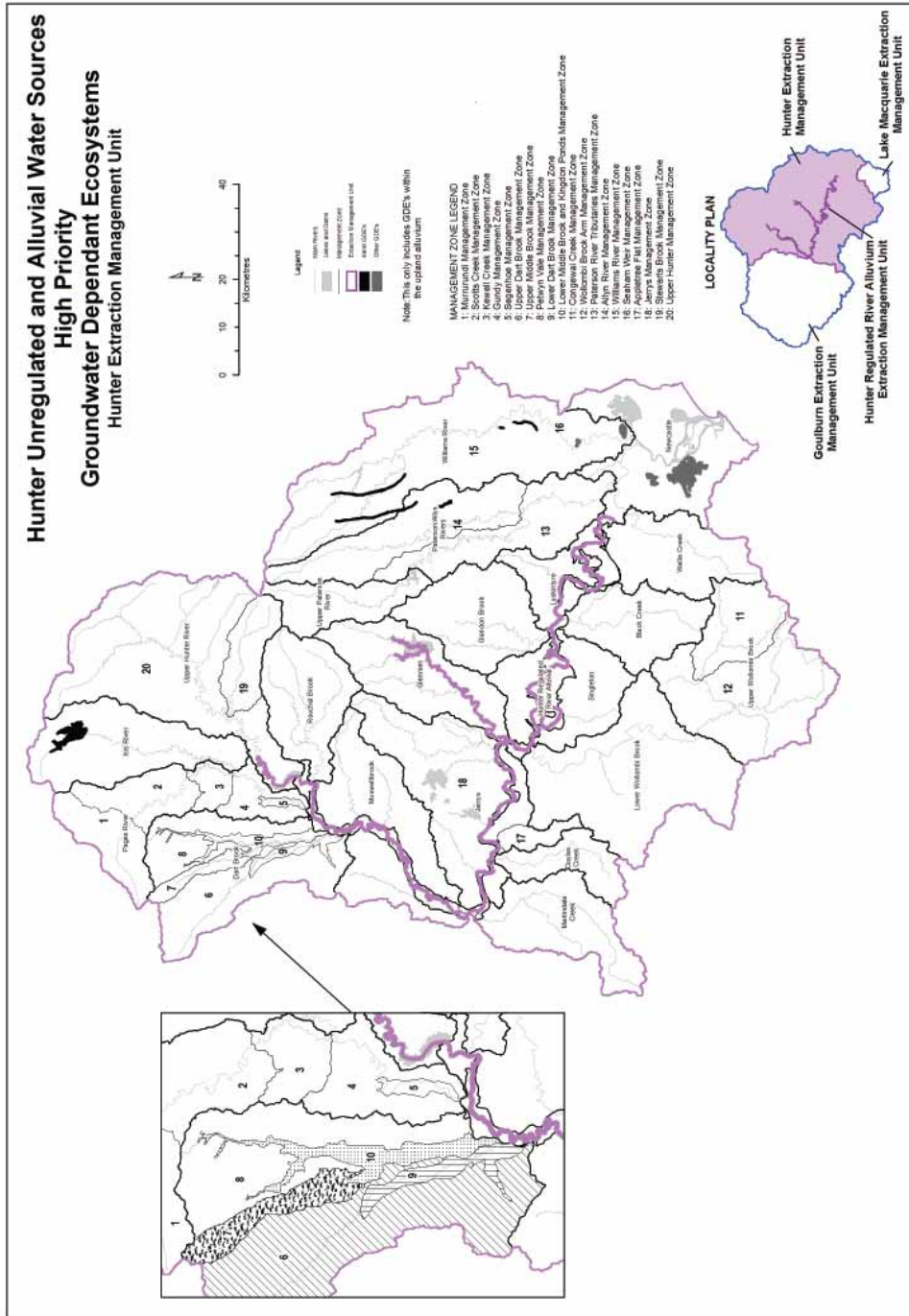
Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Schedule 3 Contamination sources in the Hunter Unregulated and Alluvial Water Sources

Contamination sources in these water sources include:

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

Schedule 4 High Priority Groundwater Dependent Ecosystems in the Hunter Unregulated and Alluvial Water Sources



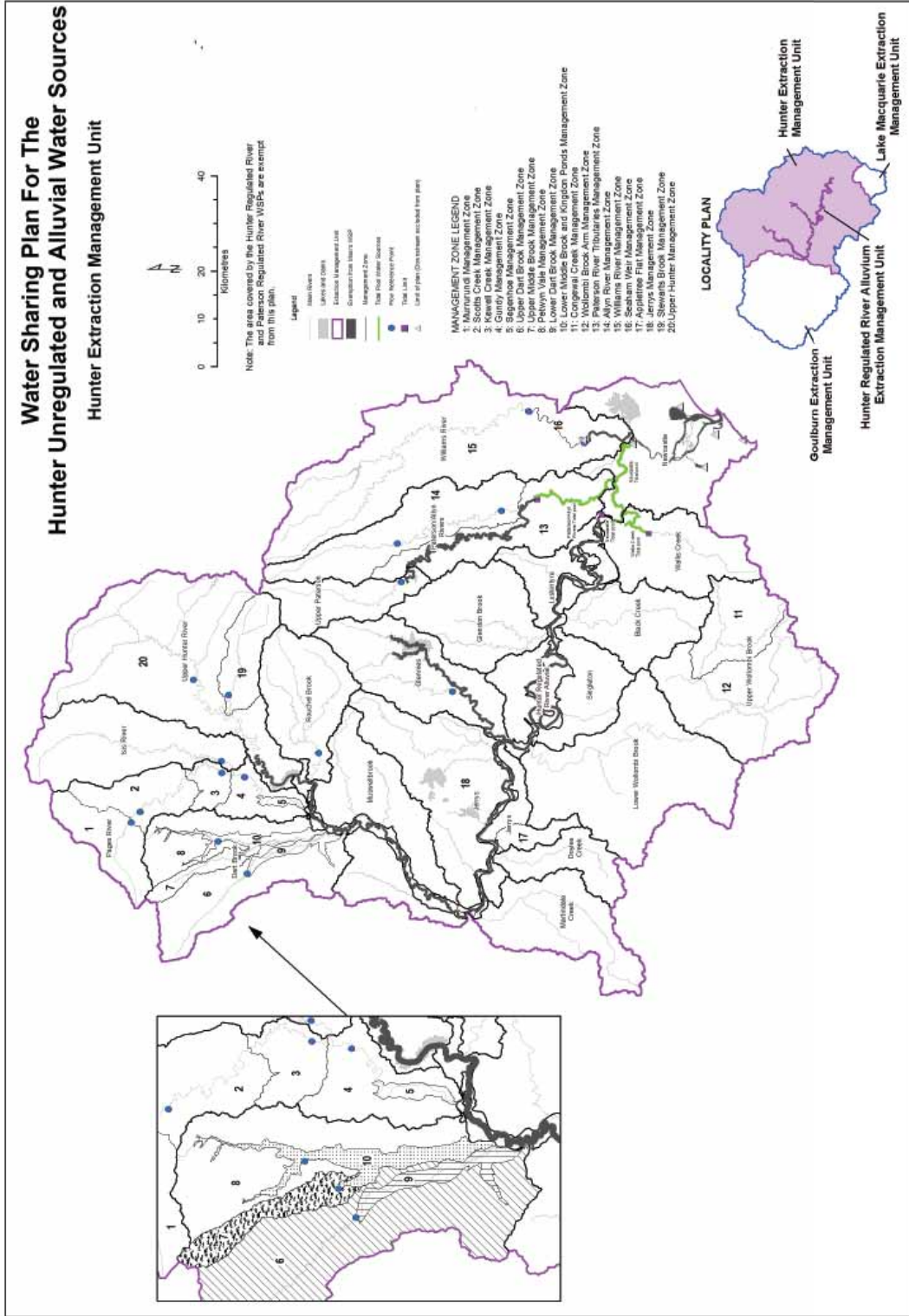
Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

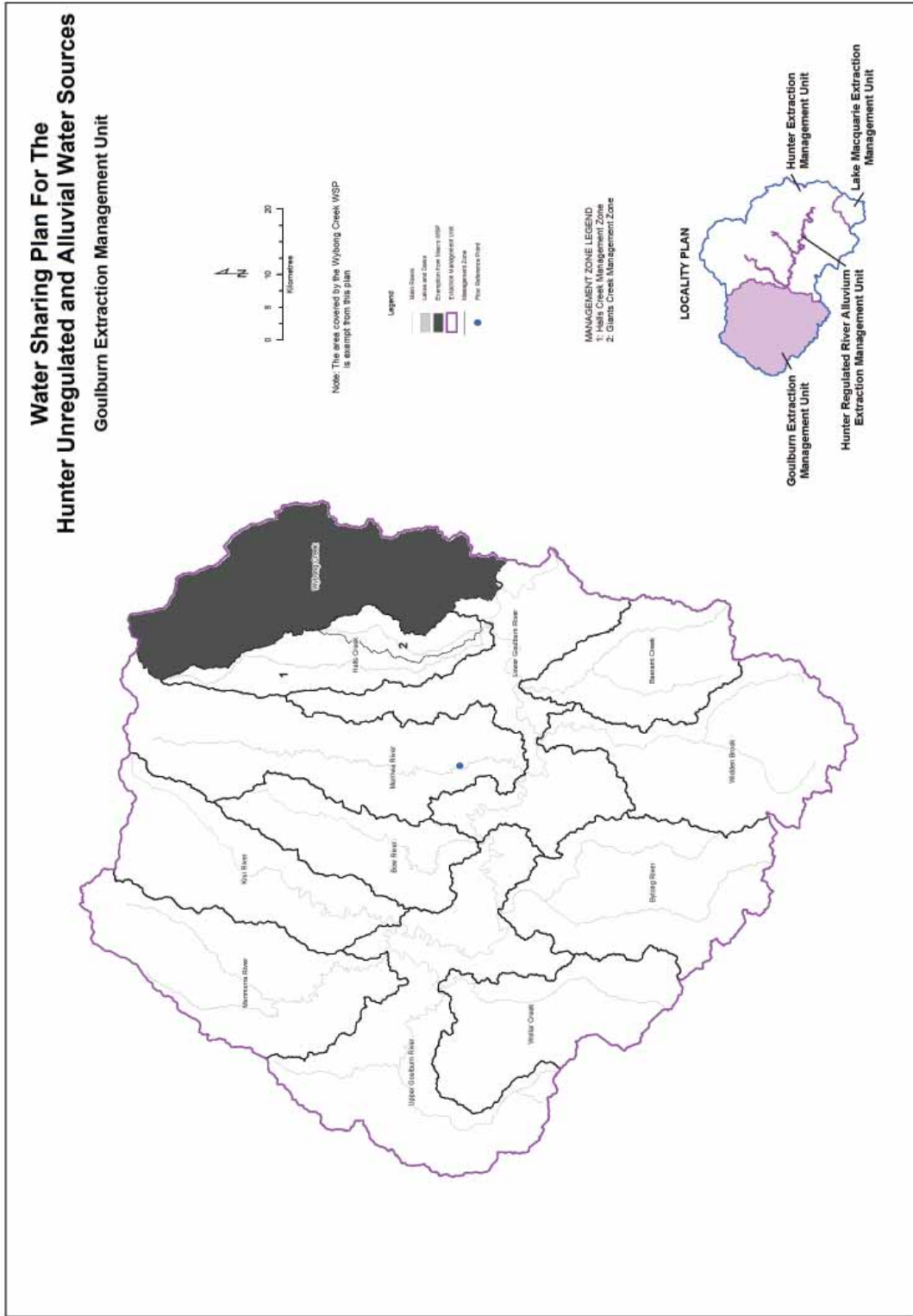
Note. High priority groundwater dependent ecosystems are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the DWE GDE Register and as a precautionary approach, will be considered by staff in the assessment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

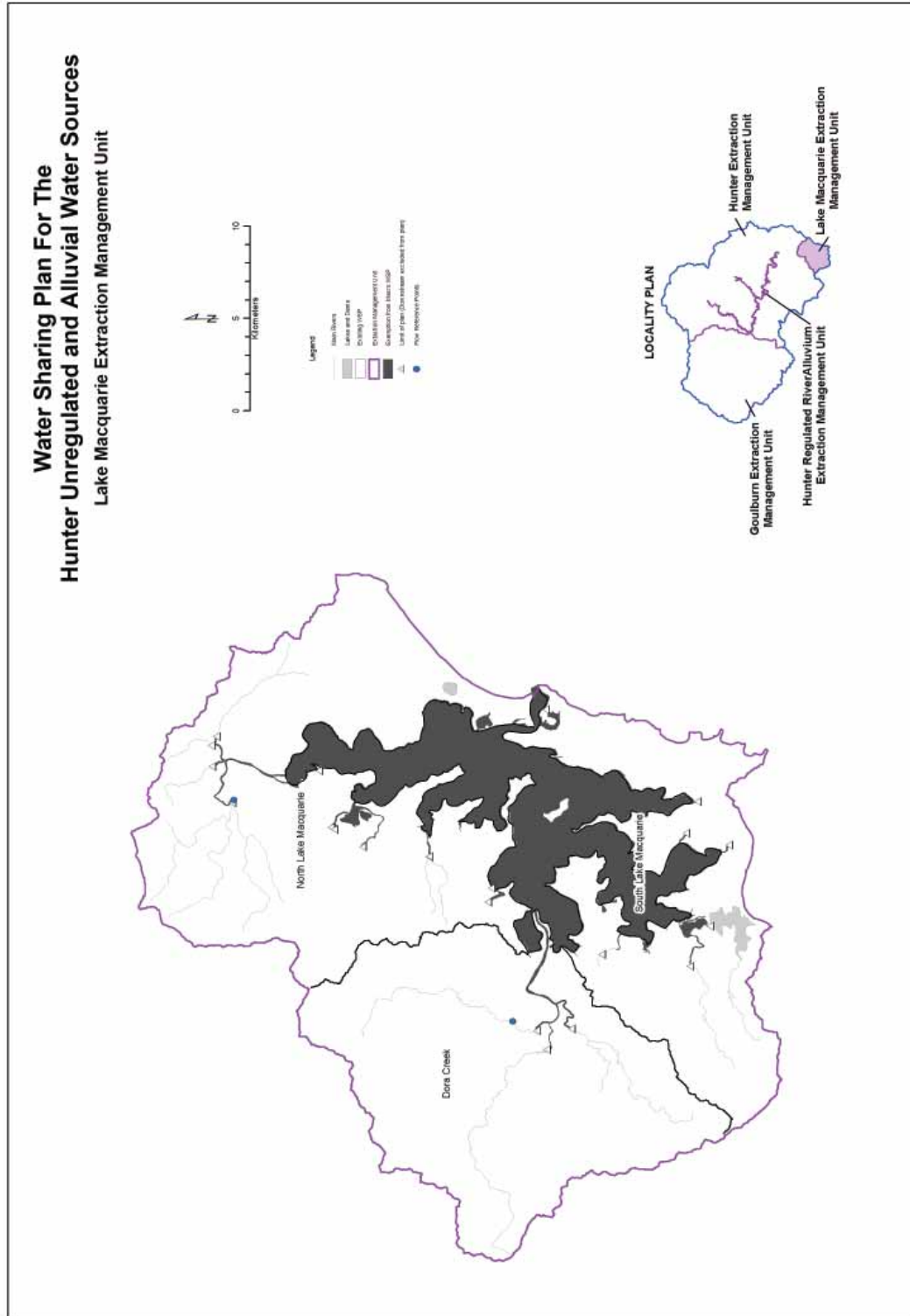
Map ID	GDE name	Latitude	Longitude	Location	Area
Karst ▲	Bandon Grove Limestone Member	6429022	366412	Williams River, Paterson/Allyn Rivers	1,485,584 m ²
Karst ▲	Timor Limestone Member	6493402	320195	Isis River	1,2007,467 m ²
Karst ▲	Verulam Oolite Member	6432662	370915	Williams River	909,483
Karst ▲	Bandon Grove Limestone Member	6425745	372733	Williams River	512,009
Karst ▲	unnamed	6414711	368630	Paterson/Allyn Rivers	540,599
Karst ▲	unnamed	6403010	384625	Williams River	37,536
Karst ▲	unnamed	6397829	385502	Williams River	356,685
Karst ▲	Timor Limestone Member	6496957	316830	Isis River	185,742
Coastal Wetlands	SEPP 14 Coastal Wetlands 828b	6371437	373944	Newcastle	1,823,967
Coastal Wetlands	SEPP 14 Coastal Wetlands 840	6364136	375350	Newcastle	20,629,627
Coastal Wetlands	SEPP 14 Coastal Wetlands 802c	6386983	381757	Williams River	213,942
Coastal Wetlands	SEPP 14 Coastal Wetlands 841	6363537	371926	Newcastle	161,954
Coastal Wetlands	SEPP 14 Coastal Wetlands 841a	6363977	370637	Newcastle	407,697
Coastal Wetlands	SEPP 14 Coastal Wetlands 804	6377493	383917	Williams River	1,994,618
Coastal Wetlands	SEPP 14 Coastal Wetlands 802d	6387255	380897	Williams River	48,357

Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Appendix 1 Hunter Unregulated and Alluvial Water Sources and Hunter, Hunter Regulated River Alluvium, Goulburn and Lake Macquarie Extraction Management Units







Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009

Appendix 2 Location of registered plans

Copies of registered plans in relation to this Plan may be inspected at:

Head Office
Department of Water and Energy
22-33 Bridge St
SYDNEY NSW 2000

Regional Office
Department of Water and Energy
Level 3, 26 Honeysuckle Drive
NEWCASTLE NSW 2300

District Office
Department of Water and Energy
Unit 2A, Alliance St
EAST MAITLAND NSW 2320

Newcastle City Council
282 King Street
NEWCASTLE NSW 2300

Maitland City Council
285-287 High Street
MAITLAND NSW 2230

Lake Macquarie City Council
126-138 Main Road
SPEERS POINT NSW 2284

Upper Hunter Shire Council
130 Liverpool Street
SCONE NSW 2337

Muswellbrook Shire Council
157 Maitland Street
MUSWELLBROOK NSW 2333

Singleton Shire Council
Civic Avenue
SINGLETON NSW 2330

WATER MANAGEMENT ACT 2000

Order Under Section 50

Making of a Ministers Plan

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

PURSUANT to section 50 of the Water Management Act 2000, I, PHILLIP COSTA, M.P., Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, make the Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009.

This Order takes effect from the 1 August 2009.

Dated this 14th day of July 2009.

PHILLIP COSTA, M.P.,
Minister for Water

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

under the

Water Management Act 2000

Pursuant to section 50 of the *Water Management Act 2000*, I, the Minister for Water, make the following Minister's plan.

PHILLIP COSTA, MP
Minister for Water

Contents

Part 1	Introduction.....	1
Part 2	Vision, objectives, strategies and performance indicators.....	6
Part 3	Basis for water sharing	8
Part 4	Environmental water provisions	20
Part 5	Basic landholder rights	23
Part 6	Bulk access regime	25
Part 7	Requirements for water under access licences	26
Part 8	Rules for granting access licences	30
Part 9	Rules for granting or amending water supply works approvals	32
	Division 1 General	32
	Division 2 Water supply works used to take water from the alluvial sediments in these water sources	33
Part 10	Limits to the availability of water.....	37
	Division 1 Long-term average annual extraction limit	37
	Division 2 Available water determinations	39
Part 11	Rules for managing access licences.....	41
	Division 1 General	41
	Division 2 Water allocation account management	41
	Division 3 Sharing surface water flows on a daily basis	42
	Division 4 Management of surface and groundwater connectivity	46
Part 12	Access licence dealing rules	48
Part 13	Mandatory conditions	58
	Division 1 Mandatory conditions on access licences	58
	Division 2 Mandatory conditions on water supply work approvals	62
Part 14	System operation rules.....	67
Part 15	Amendment of this Plan	68
	Schedule 1 Dictionary	73
	Schedule 2 Licences with access to very low flows	75
	Schedule 3 Contamination sources in the Lower North Coast Unregulated and Alluvial Water Sources	76
	Schedule 4 High priority groundwater dependent ecosystems	77
	Appendix 1 Lower North Coast Unregulated and Alluvial Water Sources and Manning and Great Lakes Extraction Management Units	80
	Appendix 2 Location of registered plans	82

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 1 Introduction

1 Name of this Plan

This Plan is the “Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009” (hereafter *this Plan*).

2 Nature and Status of this Plan

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

3 Date of commencement

This Plan commences on 1 August 2009.

4 Water sources to which this Plan applies

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

- (a) the Avon River Water Source,
- (b) the Lower Barrington/Gloucester Rivers Water Source,
- (c) the Upper Barrington River Water Source,
- (d) the Bowman River Water Source,
- (e) the Cooplacurripa River Water Source,
- (f) the Dingo Creek Water Source,
- (g) the Upper Gloucester River Water Source,
- (h) the Lower Barnard River Water Source,
- (i) the Manning Estuary Tributaries Water Source,

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

- (j) the Manning River Tidal Pool Water Source,

Note. This water source excludes alluvial groundwater.

- (k) the Lower Manning River Water Source,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (l) the Mid Manning River Water Source,
- (m) the Myall Creek Water Source,
- (n) the Nowendoc River Water Source,
- (o) the Rowleys River Water Source,
- (p) the Upper Barnard River Water Source,
- (q) the Upper Manning River Water Source,
- (r) the Myall Lakes Water Source,

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

- (s) the Myall River Water Source,
- (t) the Coolongolook River Water Source, and

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

- (u) the Wallamba River Water Source.

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

and shall be known as the Lower North Coast Unregulated and Alluvial Water Sources (hereafter *these water sources*).

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

- (2) These water sources are shown on the registered plan called The Lower North Coast Unregulated and Alluvial Water Sources (WSP001) held by the Department (hereafter the *registered plan for these water sources*).

Note. Copies of the registered plans for these water sources may be inspected at offices of the Department listed in Appendix 2.

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

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

- (4) These water sources do not include:

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

Note. This exclusion applies to the Manning River Tidal Pool Water Source and part of the Manning Estuary Tributaries Water Source.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (b) any water contained in the coastal sands in these water sources,
 - (c) any water contained in fractured rock aquifers and basement rocks in these water sources,
 - (d) the area of the Karuah River Water Source as defined in the Water Sharing Plan for the Karuah River Water Source 2003, and
 - (e) the area of land below the mangrove limit, except Khappinghat Creek in the Wallamba River Water Source and Myall Lakes in the Myall Lakes Water Source.
Note. The mangrove limit is defined in the dictionary.
- (5) These water sources are within part of the Lower North Coast Water Management Area.

5 Management zones

For the purpose of this Plan, the following water sources are divided into the following management zones and are shown on the registered plan for these water sources:

- (a) Upper Barrington River Water Source is divided into the:
 - (i) Upper Barrington River Headwaters Management Zone, and
 - (ii) Upper Barrington River Management Zone,
- (b) Bowman River Water Source is divided into the:
 - (i) Bowman River above Craven Creek Junction Management Zone,
 - (ii) Craven Creek Management Zone, and
 - (iii) Lower Bowman River Management Zone,
- (c) Cooplacurripa River Water Source is divided into the:
 - (i) Cooplacurripa River Headwaters Management Zone, and
 - (ii) Cooplacurripa River Management Zone,
- (d) Lower Barrington/Gloucester Rivers Water Source is divided into the:
 - (i) Lower Barrington River Upper Reaches Management Zone,
 - (ii) Lower Barrington River Management Zone, and
 - (iii) Lower Gloucester River Management Zone,
- (e) Upper Gloucester River Water Source is divided into the:
 - (i) Upper Gloucester River Headwaters Management Zone, and
 - (ii) Upper Gloucester River Management Zone,
- (f) Lower Barnard River Water Source is divided into the:
 - (i) Lower Barnard River Upper Reaches Management Zone, and

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (ii) Lower Barnard River Management Zone,
- (g) Manning Estuary Tributaries Water Source is divided into the:
 - (i) Landsdowne River Management Zone,
 - (ii) Dawson River Management Zone,
 - (iii) Cedar Party Creek Management Zone, and
 - (iv) Manning Estuary Tributaries Management Zone,
- (h) Nowendoc River Water Source is divided into the:
 - (i) Nowendoc River Headwaters Management Zone, and
 - (ii) Nowendoc River downstream of Cooplacurripa River Confluence Management Zone,
- (i) Rowleys River Water Source is divided into the:
 - (i) Rowleys River Headwaters Management Zone, and
 - (ii) Rowleys River Management Zone,
- (j) Upper Manning River Water Source is divided into the:
 - (i) Upper Manning River Headwaters Management Zone, and
 - (ii) Upper Manning River Management Zone,
- (k) Myall River Water Source is divided into the:
 - (i) Upper Myall River Management Zone,
 - (ii) Tidal Myall River Management Zone, and
 - (iii) Crawford River Management Zone,
- (l) Coolongolook River Water Source is divided into the:
 - (i) Wang Wauk River Management Zone,
 - (ii) Upper Coolongolook River Management Zone, and
 - (iii) Tidal Coolongolook River Management Zone, and
- (m) Wallamba River Water Source is divided into the:
 - (i) Khappinghat Creek Management Zone,
 - (ii) Upper Wallamba River Management Zone, and
 - (iii) Tidal Wallamba River Management Zone.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

6 Amendment of this Part

The Minister may amend this Part to:

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

Note. In instances where in-stream structures such as weirs are removed, this is likely to result in a change to the tidal limit of the water source, and a resultant change in the boundary of the water source and management zones, where applicable.

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

7 Interpretation

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 2 Vision, objectives, strategies and performance indicators

8 Vision, objectives, strategies and performance indicators

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

9 Vision

- (1) The vision of this Plan is to provide sustainable and integrated management of these water sources for the benefit of both present and future generations.
- (2) This Plan also recognises the following respect statements for Aboriginal values in these water sources:
 - (a) life-giving water is of extreme significance to Aboriginal culture for its domestic, traditional and spiritual values, and
 - (b) whilst water supplied for the environment will provide protection for native flora and fauna, water for fishing, food gathering and recreational activities, it is important that the community respects the spiritual significance of water to the Aboriginal people.

10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain or enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,
- (b) protect, preserve, maintain or enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) manage these water sources to ensure equitable sharing between users,
- (d) protect basic landholder rights,
- (e) provide opportunities for market based trading of access licences and water allocations within sustainability and system constraints,
- (f) provide sufficient flexibility in water account management to encourage responsible use of available water,
- (g) provide recognition of the connectivity between surface water and groundwater, and
- (h) adaptively manage these water sources.

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

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

11 Strategies

The strategies of this Plan are to:

- (a) establish environmental water rules,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

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

12 Performance indicators

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

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in groundwater extraction relative to the long-term average annual extraction limit,

Note. Current alluvial groundwater extraction within the plan area is limited.

- (d) change in local water utilities access,
- (e) change in, or maintenance of, ecological value of key water sources and their dependent ecosystems,
- (f) extent to which basic landholder rights requirements have been met,
- (g) extent to which major and local water utility requirements have been met,
- (h) extent to which native title rights requirements have been met,
- (i) change in economic benefits derived from water extraction and use, and
- (j) extent of recognition of spiritual, social, economic and customary values of water to Aboriginal people.

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 3 Basis for water sharing

13 Basis for water sharing

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

14 Climatic variability

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

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

15 Extraction management unit for these water sources

- (1) The availability of water for extraction from these water sources on a long-term average annual basis will be determined at the level of an extraction management unit.
- (2) The extraction management units for these water sources are the Manning Extraction Management Unit and the Great Lakes Extraction Management Unit, and are shown on the registered plan for these water sources.
- (3) The Manning Extraction Management Unit consists of the following water sources:
 - (a) Avon River Water Source,
 - (b) Lower Barrington/Gloucester Rivers Water Source,
 - (c) Upper Barrington River Water Source,
 - (d) Bowman River Water Source,
 - (e) Cooplacurripa River Water Source,
 - (f) Dingo Creek Water Source,
 - (g) Upper Gloucester River Water Source,
 - (h) Lower Barnard River Water Source,
 - (i) Manning Estuary Tributaries Water Source,
 - (j) Manning River Tidal Pool Water Source,
 - (k) Lower Manning River Water Source,
 - (l) Mid Manning River Water Source,
 - (m) Myall Creek Water Source,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (n) Nowendoc River Water Source,
 - (o) Rowleys River Water Source,
 - (p) Upper Barnard River Water Source, and
 - (q) Upper Manning River Water Source.
- (4) The Great Lakes Extraction Management Unit consists of the following water sources:
- (a) Myall Lakes Water Source,
 - (b) Myall River Water Source,
 - (c) Coolongolook River Water Source, and
 - (d) Wallamba River Water Source.

16 Flow reference points

- (1) For the purposes of this Plan all flows referred to in clause 17 (1) are estimated flows at the flow reference point(s) for each water source or management zone, and are shown on the registered plan for these water sources, or are as otherwise stated in this Plan.
- (2) The Minister may amend this Plan to add or remove flow reference points, including if there are any changes to flow classes under subclause 17 (2) of this Plan.
- (3) The Minister may amend the flow reference points in the Myall River, Coolongolook River, or the Wallamba River Water Sources, during the term of this Plan, based on the outcomes of further field verification or studies carried out under subclause 17 (2) (h) of this Plan.

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

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

17 Flow classes for these water sources

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

Note. Any restrictions specified in an order under section 324 of the Act, for these water sources, may be based on local Water User Association rostering arrangements.

Note. It is recognised that Water User Associations (WUAs) exist in many areas and play an important role in low flow rostering and sharing of water between users. Where appropriate the flow classes specified in this Plan reflect the existing sharing arrangements of these groups. It is intended that WUAs will have an ongoing role in water management and continue to assist in reducing the frequency of triggering the very low flow classes specified within this Plan.

Note. The following flow classes apply to all access licences extracting from surface water specified for each water source from the commencement date of this Plan, excluding those access licences to which clause 76 applies and access licences that nominate a work that is a runoff harvesting dam. They will also apply to all aquifer access licence holders taking water from alluvial aquifers within 40 metres of the high bank of the river from year six of this Plan, except where provided for under clause 67 of this Plan. For those aquifer access licences outside the 40 metres, the flow classes in clause 17 (1) will not apply.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (a) for the Avon River Water Source, as measured at the Gloucester River at Gloucester Gauging Station (908020):

Note. The Gloucester Gauging Station is located outside of the water source, within the Upper Gloucester River Water Source.

- (i) no Very Low Flow Class is established by this Plan,
- (ii) no A Class is established by this Plan, and
- (iii) B Class if when flows are greater than 23 ML/day,

Note. 23 ML/day corresponds to the estimated 50th percentile.

Note. Flow classes may be determined through studies as specified in clause 17 (2) (a). A gauging station is located in the Avon River Water Source (Avon River downstream of Waukivory Creek) but flows will be correlated to the Gloucester River Gauge until further gauging is undertaken on the Avon River.

- (b) for the Upper Barrington River Water Source, as measured at the Barrington River at the Forbesdale (Rocky Crossing) Gauging Station (208006):

Note. The Forbesdale Gauging Station is located outside of the water source, within the Lower Barrington/Gloucester Rivers Water Source and is commonly known as Rocky Crossing.

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 39 megalitres per day (hereafter **ML/day**) on a rising river, or equal to or less than 32 ML/day on a falling river, and

Note. 32 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 39 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 39 ML/day on a rising river, or greater than 32 ML/day on a falling river,

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a). The cease to pump level may be amended to a level no less than the 99th percentile (which corresponds to 23 ML/day) and no more than the 95th percentile (which corresponds to 61 ML/day).

- (c) for the Lower Barrington River Upper Reach Management Zone of the Lower Barrington/Gloucester Rivers Water Source, as measured at the Barrington River at the Forbesdale (Rocky Crossing) Gauging Station (208006):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 39 ML/day on a rising river, or equal to or less than 32 ML/day on a falling river,

Note. 32 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 39 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow and less than or equal to 373 ML/day, thereafter A Class is when flows are greater than 39

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

ML/day and less than or equal to 373 ML/day on a rising river, or greater than 32 ML/day and less than or equal to 373 ML/day on a falling river, and

- (iii) B class if when flows are greater than 373 ML/day,

Note. 373 ML/day corresponds to the estimated 50th percentile.

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a). The cease to pump may be amended to a level no less than the 99th percentile (which corresponds to 23 ML/day) and no more than the 95th percentile (which corresponds to 61 ML/day).

Note. The augmentation of the local water utility in this water source may trigger a review of the flow access rules specified within this Plan in accordance with clause 17 (2) (d).

- (d) for the Bowman River Water Source, as measured at the Gloucester River at the Doon Ayre Gauge (208003):

Note. The Doon Ayre Gauging Station is located outside of the water source, within the Lower Barrington/Gloucester Rivers Water Source.

- (i) for the first five years of this Plan, no Very Low Flow Class is established by this Plan, thereafter the Very Low Flow Class is when flows are equal to or less than 40 ML/day on a rising river, or equal to or less than 27 ML/day on a falling river, and

Note. 27 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 40 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of the Plan, no A Class is established by this Plan, thereafter A Class is when flows are greater than 40 ML/day on a rising river, or greater than 27 ML/day on a falling river,

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a) to a level no less than visible flow and no more than the 95th percentile (which corresponds to 68 ML/day).

- (e) for the Nowendoc River Water Source, as measured at the Nowendoc River at the Rocks Crossing Gauge (208005):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 64 ML/day on a rising river, or equal to or less than 61 ML/day on a falling river, and

Note. 61 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 64 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 64 ML/day on a rising river, or greater than 61 ML/day on a falling river,

- (f) for the Cooplacurripa River Water Source, as measured at the Nowendoc River at the Rocks Crossing Gauge (208005):

Note. The Rocks Crossing Gauging Station is located outside of the water source, within the Nowendoc River Water Source.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 64 ML/day on a rising river, or equal to or less than 61 ML/day on a falling river, and

Note. 61 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 64 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 64 ML/day on a rising river, or greater than 61 ML/day on a falling river,

- (g) for the Rowleys River Water Source, as measured at the Nowendoc River at the Rocks Crossing Gauge (208005):

Note. The Rocks Crossing Gauging Station is located outside of the water source, within the Nowendoc River Water Source.

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 64 ML/day on a rising river, or equal to or less than 61 ML/day on a falling river, and

Note. 61 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 64 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 64 ML/day on a rising river, or greater than 61 ML/day on a falling river,

- (h) for the Dingo Creek Water Source, as measured at the Dingo Creek at the Muniyaree Flat Gauge (208019):

- (i) for the first five years of this Plan, no Very Low Flow Class is established by this Plan, thereafter the Very Low Flow Class is when flows are equal to or less than the 97th percentile or 2 ML greater than the 98th percentile, whichever is the greater, on a rising river, or equal to or less than the 98th percentile on a falling river,

Note. The estimated 98th percentile (which is currently estimated to correspond to 2.6 ML/day) will be referred to as the cease to pump on a falling river, and the estimated 97th percentile (which is currently estimated to correspond to 3.0 ML/day), or 2 ML greater than the 98th percentile, whichever is the greater, will be referred to as the commence to pump on a rising river. Further gauging is required to establish the percentile flow values more accurately.

- (ii) for the first five years of this Plan, no A Class is established by this Plan, thereafter A Class is when flows are greater than the 97th percentile or 2 ML greater than the 98th percentile, whichever is the greater, and less than 92 ML/day on a rising river, or greater than the 98th percentile and less than 92 ML/day on a falling river, and

- (iii) B Class is when flows are equal or greater than 92 ML/day,

Note. 92 ML/day corresponds to the estimated 50th percentile.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a). The cease to pump may be amended to a level no less than visible flow and no more than the 95th percentile (which is currently estimated to correspond to around 4.4 ML/day). A review of the 50th percentile at year five of this Plan may provide a revised B Class flow as specified in clause 17 (2) (b).

Note. Management via a Water Users Association, or an alternative mechanism, to assist in limiting the taking of water below the gauging station, given that it is not located at the end of the water source, and is upstream of a number of extractors is important for the equitable implementation of the flow class.

Note. Flow classes may be amended under clause 17 (2) (g) of this Plan, following the installation of infrastructure at a point further downstream than existing infrastructure within the water source.

- (i) for the Lower Gloucester River Management Zone and the Lower Barrington River Management Zone of the Lower Barrington/Gloucester Rivers Water Source, as measured at the Gloucester River at the Doon Ayre Gauge (208003):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 40 ML/day on a rising river, or equal to or less than 27 ML/day on a falling river,

Note. 27 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 40 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow and less than 548 ML/day, thereafter A Class is when flows are greater than 40 ML/day and less than 548 ML/day on a rising river, or greater than 27 ML/day and less than 548 ML/day on a falling river, and

- (iii) B Class is when flows are equal or greater than 548 ML/day,

Note. 548 ML/day corresponds to the estimated 50th percentile.

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a). The cease to pump may be amended to a level no less than the 99th percentile (which corresponds to 13 ML/day) and no more than the 95th percentile (which corresponds to 68 ML/day). In addition, in the Lower Barrington River Management Zone an equivalent percentile flow level may be established if a new gauge is installed in this water source in accordance with clause 17 (2) (c).

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (d).

- (j) for the Upper Gloucester River Water Source, as measured at the Gloucester River at the Gloucester Gauge (908020):

- (i) for the first five years of this Plan, no Very Low Flow Class is established by this Plan, thereafter the Very Low Flow Class is when flows are equal to or less than the 97th percentile or 2 ML greater than the 98th percentile, whichever is the greater, on a rising river, or equal to or less than the 98th percentile on a falling river,

Note. The estimated 98th percentile (which is currently estimated to correspond to 1 ML/day) will be referred to as the cease to pump on a falling river, and the estimated 97th percentile will be referred to as the commence to pump on a rising river. Further gauging is required to establish the percentile flow values more accurately.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

(ii) for the first five years of this Plan, no A Class is established by this Plan, thereafter A Class is when flows are greater than the 97th percentile or 2 ML greater than the 98th percentile, whichever is the greater, and less than 73 ML/day on a rising river, or greater than the 98th percentile and less than 73 ML/day on a falling river, and

(iii) B Class is when flows are equal or greater than 73 ML/day,

Note. 73 ML/day corresponds to the current estimated 50th percentile of all days of flow.

Note. The specified cease and commence to pump levels may be amended through studies as specified in clause 17 (2) (a). The cease to pump may be amended to a level no less than visible flow and no more than the 95th percentile (which is currently estimated to correspond to 6.0 ML/day). A review of the 50th percentile at year five of this Plan may provide a revised B Class flow as specified in clause 17 (2) (b).

(k) for the Lower Barnard River Management Zone of the Lower Barnard River Water Source, as measured at the Barnard River at Mackay Gauge (208011):

(i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 34 ML/day on a rising river, or equal to or less than 32 ML/day on a falling river, and

Note. 32 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 34 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

(ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 34 ML/day on a rising river, or greater than 32 ML/day on a falling river,

(l) for the Myall Creek Water Source, as measured at the Barnard River at Mackay Gauge (208011):

Note. The Mackay Gauging Station is located outside of the water source, within the Lower Barnard River Water Source.

(i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 34 ML/day on a rising river, or equal to or less than 32 ML/day on a falling river, and

Note. 32 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 34 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

(ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 34 ML/day on a rising river, or greater than 32 ML/day on a falling river,

(m) for the Manning Estuary Tributaries Water Source, no flow classes are established by this Plan,

Note. Flow classes may be determined based on the outcome of studies carried out under clause 17 (2) (a) of this Plan.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (n) for the Manning River Tidal Pool Water Source, no flow classes are established by this Plan,

Note. Flow classes may be established based on the outcome of studies carried out under clause 17 (2) (e) of this Plan. Separate management zones may also be created within the water source allowing for differing access rules for users above and below Abbots Falls, which has traditionally been viewed as the tidal limit.

- (o) for the Lower Manning River Water Source, as measured at the Manning River at Killawara Gauge (208004):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 137 ML/day on a rising river, or equal to or less than 98 ML/day on a falling river,

Note. 98 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 137 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow and less than 1,566 ML/day, thereafter A Class is when flows are greater than 137 ML/day and less than 1,566 ML/day on a rising river, or greater than 98 ML/day and less than 1,566 ML/day on a falling river, and

- (iii) B Class is when flows are equal or greater than 1,566 ML/day,

Note. 1,566 ML/day corresponds to the estimated 50th percentile.

Note. The specified cease and commence to pump levels may be amended based on the outcome of studies carried out under clause 17 (2) (a). The cease to pump may be amended to a level no less than the 99th percentile (which corresponds to 54 ML/day) and no more than the 95th percentile (which corresponds to 225 ML/day).

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (d).

Note. Flow classes may be amended under clause 17 (2) (g) of this Plan, following the installation of infrastructure at a point further downstream than existing infrastructure within the water source.

- (p) for the Mid Manning River Water Source, as measured at the Manning River at Killawara Gauge (208004):

Note. The Killawarra Gauging Station is located outside of the water source, within the Lower Manning River Water Source.

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 137 ML/day on a rising river, or equal to or less than 98 ML/day on a falling river,

Note. 98 ML/day corresponds to the estimated 98th percentile, and is referred to as the cease to pump on a falling river, and 137 ML/day corresponds to the estimated 97th percentile, and is referred to as the commence to pump on a rising river

- (ii) for the first five years of this Plan, A Class is when there is a visible flow and less than 1,566 ML/day, thereafter A Class is when flows are greater than 137 ML/day
-

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

and less than 1,566 ML/day on a rising river, or greater than 98 ML/day and less than 1,566 ML/day on a falling river, and

- (iii) B Class is when flows are equal or greater than 1,566 ML/day,

Note. 1,566 ML/day corresponds to the estimated 50th percentile.

Note. The specified cease and commence to pump levels may be amended based on the outcome of studies carried out under clause 17 (2) (a). The cease to pump may be amended to a level no less than the 99th percentile (which corresponds to 54 ML/day) and no more than the 95th percentile (which corresponds to 225 ML/day).

- (q) for the Lower Barnard River Upper Reaches Management Zone of the Lower Barnard River Water Source, as measured at the Barnard River at the Measuring Weir Gauge (208027):

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 13 ML/day on a rising river, or equal to or less than 11 ML/day on a falling river,

Note. 11 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 13 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow and less than or equal to the 80th percentile flow, thereafter A Class is when flows are greater than 13 ML/day and less than or equal to the 80th percentile flow on a rising river, or greater than 11 ML/day and less than or equal to the 80th percentile flow on a falling river, and

- (iii) B Class if when flows are greater than the 80th percentile flow,

Note. Major utility access licences extracting in this water source may only extract from B class flows. This is indicated as part of the mandatory conditions of this Plan and reflects current licenced operating procedures.

- (r) for the Upper Barnard River Water Source, as measured at the Barnard River at the Measuring Weir Gauge (208027):

Note. The Measuring Weir Gauging Station is located outside of the water source, within the Lower Barnard River Water Source.

- (i) for the first five years of this Plan, the Very Low Flow Class is when there is no visible flow, thereafter the Very Low Flow Class is when flows are equal to or less than 13 ML/day on a rising river, or equal to or less than 11 ML/day on a falling river, and

Note. 11 ML/day corresponds to the estimated 95th percentile, and is referred to as the cease to pump on a falling river, and 13 ML/day corresponds to the estimated 94.5th percentile, and is referred to as the commence to pump on a rising river.

- (ii) for the first five years of this Plan, A Class is when there is a visible flow, thereafter A Class is when flows are greater than 13 ML/day on a rising river, or greater than 11 ML/day on a falling river,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (s) for the Upper Manning River Water Source, as measured at the Manning River at Leslies Bridge Gauge (208029):

- (i) for the first five years of this Plan, no Very Low Flow Class is established by this Plan, thereafter the Very Low Flow Class is when flows are equal to or less than the 97th percentile on a rising river, or equal to or less than the 98th percentile on a falling river, and

Note. The estimated 98th percentile (which is currently estimated to correspond to 14 ML/day) will be referred to as the cease to pump on a falling river, and the estimated 97th percentile (which is currently estimated to correspond to 17 ML/day) will be referred to as the commence to pump on a rising river. Further gauging is required to establish the percentile flow values more accurately.

- (ii) for the first five years of the Plan, no A Class is established by this Plan, thereafter A Class is when flows are greater than the 97th percentile on a rising river, or greater than the 98th percentile on a falling river,

Note. The specified cease and commence to pump levels may be amended based on the outcome of studies carried out under clause 17 (2) (a). The cease to pump may be amended to a level no less than visible flow and no more than the 95th percentile (which is currently estimated to correspond to 22 ML/day).

- (t) for the Myall Lakes Water Source, no flow classes are established by this Plan,
- (u) for the Upper Myall River Management Zone and the Tidal Myall River Management Zone of the Myall River Water Source, as measured at the end of the freshwater tributaries:

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The Myall River Water Source also has a mandatory condition which only permits extraction from the river where the flow occurring for the first 24 hours after flows have exceeded the Very Low Flow Class has passed.

Note. The specific measurement points for these management zones will be at the Markwell River Bridge on Markwell Road, 2.5km north of Bulahdelah for the Upper Myall River Management Zone, and other specific sites for each tributary as required. These may be amended during the term of this Plan in line with clause 17 (2) (h).

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (d).

- (v) for the Crawford River Management Zone of the Myall River Water Source, as measured at the upstream end of the weir pool:

- (i) the Very Low Flow Class is when there is no visible flow, and
- (ii) A Class is when there is a visible flow,

Note. The Myall River Water Source also has a mandatory condition which only permits extraction from the river where the flow occurring for the first 24 hours after flows have exceeded the Very Low Flow Class has passed.

Note. The specific measurement points for this management zone it will be a site upstream of the Crawford River weir pool and other specific sites for each tributary as required. These may be amended during the term of this Plan in line with clause 17 (2) (h).

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Note. The augmentation of the local water utility in this water source may trigger review of the flow access rules specified within this Plan in accordance with clause 17 (2) (d).

- (w) for the Coolongolook River Water Source, as measured at the end of the freshwater tributaries (Coolongolook River and Wang Wauk River):
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow, and

Note. The Coolongolook River Water Source also has a mandatory condition which only permits extraction from the river where the flow occurring for the first 24 hours after flows have exceeded the Very Low Flow Class has passed.

Note. The specific measurement points for this water source will be at the Coolongolook Rivers Locketts Crossing on the Locketts Crossing Road, 1.5km south of Coolongolook for the Coolongolook River Management Zone, and other specific sites for each tributary as required. These may be amended during the term of this Plan in line with clause 17 (2) (h).

- (x) for the Wallamba River Water Source, as measured at the end of the freshwater tributary (Wallamba River):
 - (i) the Very Low Flow Class is when there is no visible flow, and
 - (ii) A Class is when there is a visible flow.

Note. The Wallamba River Water Source also has a mandatory condition which only permits extraction from the river where the flow occurring for the first 24 hours after flows have exceeded the Very Low Flow Class has passed.

Note. The specific measurement points for this water source will be at Dargavilles Crossing on the Dargavilles Road, 2km west of Nabiac for the Upper Wallamba River Management Zone, and other specific sites for each tributary as required. These may be amended during the term of this Plan in line with clause 17 (2) (h).

Note. The Upper Wallamba River Management Zone of the Wallamba River Water Source may have its flow classes amended, as set out under clause 17 (2) (f) of this Plan.

- (2) The Minister may amend subclause (1) to establish a new or additional flow class or flow classes in:
 - (a) the Upper Barrington River, the Upper Gloucester River, the Bowman River, the Lower Barrington/Gloucester Rivers, the Dingo Creek, the Lower Manning River, the Mid Manning River, the Upper Manning River, the Avon River and Manning Estuary Tributaries Water Sources, after year five of this Plan and before the completion of the term of this Plan, based on the outcome of field verification and the review of relevant studies carried out under clauses 86 (1) and 86 (2) of this Plan,
 - (b) the Dingo Creek, the Upper Gloucester River, and the Upper Manning Water Sources, after year five of this Plan, based on sufficient data collection to enable determination of cease to pump and commence to pump levels, and review of B Class flows at the 50th percentile,
 - (c) the Lower Barrington River Management Zone of the Lower Barrington/Gloucester Rivers Water Source, after year five of this Plan, based on installation of an appropriate gauging station and sufficient data collection to enable determination of cease to pump and commence to pump levels,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (d) the Lower Barrington/Gloucester Rivers, the Lower Manning River or the Myall River Water Sources during the term of this Plan, based on augmentation of the local water utility,
- (e) the Manning River Tidal Pool Water Source, during the term of this Plan, following the outcome of a study carried out under clause 87 of this Plan to determine the appropriate location for the installation of a salinity probe, or other relevant infrastructure, and assessment of the users and extraction within the water source,

Note. It is recognised that tidal pool water sources are different systems from those upstream. Tidal influences and salinity may impact on the ability of users to extract water generally more than instantaneous flow levels. Flow levels are used to manage upstream water sources, however, in tidal pool water sources different management options such as salinity levels may also be considered.

- (f) the Upper Wallamba River Management Zone of the Wallamba River Water Source, after year five of this Plan, to specify the Very Low Flow Class as being when flows are at or below the 95th percentile flow, and A Class as being when flows are greater than the 95th percentile flow, following the installation of appropriate infrastructure within the water source,
- (g) the Lower Manning River Water Source and/or the Dingo Creek Water Source, during the term of this Plan, following the installation of infrastructure at a point further downstream than existing infrastructure within the water source,

Note. The location of flow reference points can have a significant effect on the resulting water access and the resultant streamflow protection. The existing gauges within these water sources are located upstream of the end of the water source resulting in a number of access licences taking water from the river/creek below the gauge. These extractions are not factored into the triggering of flow classes, and may take water from the flows reserved for environmental or basic landholder right extraction. Options to address this may include the movement of existing gauges to a point further downstream in the water source, or to introduce rationing provisions for those users downstream of the existing gauge linked to gauge trigger levels to ensure sharing of water downstream.

- (h) the Wallamba River Water Source, the Coolongolook River Water Source and the Myall River Water Source, during the term of this Plan, based on the outcome of further field verification or studies of the flow reference point within these water sources, and
 - (i) any water source where management zones are added or amended during the term as per clause 6 of this Plan.
- (3) The Minister may amend this Plan to amend the existing flow classes or establish new or additional flow classes based on the introduction of a Flow Accreditation Scheme to a water source.

Note. It is recognised that management of extractions is only one component of river management and many landholders are carrying out on-farm activities to achieve environmental outcomes.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 4 Environmental water provisions

18 Environmental water provisions

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

19 Planned environmental water

- (1) Planned environmental water is identified and established in these water sources as follows:
 - (a) water volume in excess of the respective long-term average annual extraction limit established in clause 44 of this Plan may not be taken and used for any purpose in these water sources, thereby protecting a proportion of river flows for fundamental ecosystem needs from increases in long-term water extraction,
 - (b) for all water sources, excluding the Myall Lakes Water Source, the water remaining in the water source after taking water to meet basic landholder rights and for access licences in accordance with the rules identified in subclause (3), and
 - (c) for the Myall Lakes Water Source, the water remaining in the water source after taking water to meet basic landholder rights.
- (2) The planned environmental water established in subclause (1) (a) for these water sources is maintained by the rules in clause 47 that limit the availability of water for extraction under access licences, thereby protecting a proportion of natural river flows for fundamental ecological needs from increases in long-term water extraction.
- (3) The planned environmental water established in subclause (1) (b) is maintained as follows:
 - (a) in management zones or water sources with a Very Low Flow Class, the holders of access licences, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, are not permitted to take water when flows are within the Very Low Flow Class,
 - (b) in all water sources, excluding the Manning River Tidal Pool, the Avon River, the Bowman River, the Upper Gloucester River, the Upper Manning River, the Manning Estuary Tributaries and the Dingo Creek Water Sources from year six of this Plan, and excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is permitted only where it complies with the flow conditions of the authorised water supply works or in the absence of such condition:
 - (i) if there is a visible flow in the river in the downstream vicinity of the water supply work, or

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (ii) where water is being taken from a pool, a visible inflow and outflow to and from that pool,
- (c) in the Myall River Water Source, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is not permitted within a 24 hour period after flows have exceeded the Very Low Flow Class at the end of the fresh water tributaries (for example Myall River and Crawford River),
- (d) in the Coolongolook River Water Source, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is not permitted within a 24 hour period after flows have exceeded the Very Low Flow Class at the end of the fresh water tributaries (for example Wang Wauk River and Coolongolook River),
- (e) in the Upper Wallamba River Management Zone and the Tidal Wallamba River Management Zone of the Wallamba River Water Source, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is not permitted within a 24 hour period after flows have exceeded the Very Low Flow Class at the end of the fresh water tributaries (for example Wallamba River),
- (f) in the Khappinghat Creek Management Zone of the Wallamba River Water Source, excluding access licences listed in Schedule 2, domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence under clause 76 (8), access licences taking water from the alluvial sediments in these water sources that are not subject to the mandatory conditions under clause 67 of this Plan, and access licences that nominate a runoff harvesting dam, notwithstanding all other rights and conditions, the taking of water from a river by a nominated water supply work is not permitted within a 24 hour period after flows have exceeded the Very Low Flow Class at the pump site, and
- (g) in all flows in the Myall Lakes Water Source, the application of Part 8, clause 35 (2) and Part 14 prohibits the extraction of water in this water source under a water access licence.

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

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (4) Following the establishment of a flow class or flow classes within any water source under clauses 17 (2) and 17 (3) of this Plan, the Minister may amend subclauses (1), (2) and (3) to identify, establish and maintain planned environmental water in the relevant water source.
- (5) The Minister may amend subclause 19 (3) in accordance with clause 88 of this Plan, within five years of commencement of this Plan, to identify pools in the rivers in the Dingo Creek Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and any other water sources where applicable, that require special protection and establish initial pool control levels at key sites, so that, notwithstanding all other rights and conditions, the taking of water from a designated pool is not permitted below a specified level.
- (6) Before undertaking amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and the water users in the water source, for the purpose of establishing the pool control levels referred to in subclause (5) in accordance with clause 89 (4) of this Plan.

20 Adaptive environmental water

- (1) The holder of an access licence in these water sources may request that the Minister impose an adaptive environmental water condition in respect of the access licence.
- (2) An access licence may be granted in these water sources, pursuant to sections 8C or 8D of the Act.
- (3) If an adaptive environmental water condition on an access licence in these water sources requires the water to be left in these water source for environmental purposes, then the Minister may establish Total Daily Extraction Limits under clause 58 (4) of this Plan in the relevant water source or management zone.

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

Part 5 Basic landholder rights

21 Basic landholder rights

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

22 Domestic and stock rights

- (1) At the commencement of this Plan the water requirements of holders of domestic and stock rights within these water sources are estimated to total 10.81 megalitres per day (hereafter *ML/day*) and are distributed as follows:
 - (a) 0.67 ML/day in the Avon River Water Source,
Note. This estimate includes domestic and stock rights for both aquifer and unregulated users.
 - (b) 0.86 ML/day in the Lower Barrington/Gloucester Rivers Water Source,
Note. This estimate includes domestic and stock rights for both aquifer and unregulated users.
 - (c) 0.3 ML/day in the Upper Barrington River Water Source,
 - (d) 0.24 ML/day in the Bowman River Water Source,
 - (e) 0.42 ML/day in the Cooplacurripa River Water Source,
 - (f) 0.66 ML/day in the Dingo Creek Water Source,
 - (g) 0.39 ML/day in the Upper Gloucester River Water Source,
Note. This estimate includes domestic and stock rights for both aquifer and unregulated users.
 - (h) 0.53 ML/day in the Lower Barnard River Water Source,
 - (i) 2.95 ML/day in the Manning Estuary Tributaries Water Source,
Note. This estimate includes domestic and stock rights for both aquifer and unregulated users.
 - (j) 0.19 ML/day in the Manning River Tidal Pool Water Source,
 - (k) 0.6 ML/day in the Lower Manning River Water Source,
 - (l) 0.26 ML/day in the Mid Manning River Water Source,
 - (m) 0.21 ML/day in the Myall Creek Water Source,
 - (n) 0.71 ML/day in the Nowendoc River Water Source,
 - (o) 0.33 ML/day in the Rowleys River Water Source,
 - (p) 0.38 ML/day in the Upper Barnard River Water Source,
 - (q) 0.35 ML/day in the Upper Manning River Water Source,
 - (r) 0.11 ML/day in the Myall Lakes Water Source,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (s) 0.39 ML/day in the Myall River Water Source,
 - (t) 1.11 ML/day in the Coolongolook River Water Source, and
 - (u) 0.3 ML/day in the Wallamba River Water Source.
- (2) This Plan recognises that the exercise of domestic and stock rights may increase during the term of this Plan.

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

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

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

23 Native title rights

- (1) At the commencement of this Plan there are no native title rights in these water sources and therefore the water requirements for native title rights total 0 ML/year.
- (2) This Plan recognises that the exercise of native title rights may increase during the term of this Plan.

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

24 Harvestable rights

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 6 Bulk access regime

25 Bulk access regime

- (1) This Part is made in accordance with section 20 (1) (e) of the Act.
- (2) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources having regard to:
 - (a) the environmental water provisions established under Part 4 of this Plan,
 - (b) the requirements for basic landholder rights identified under Part 5 of this Plan, and
 - (c) the requirements for water for extraction under access licences identified under Part 7 of this Plan.
- (3) The bulk access regime established in subclause (2):
 - (a) recognises the effect of climate variability on the availability of water as provided for under Part 3 of this Plan,
 - (b) establishes rules according to which access licences are granted as provided for in Part 8 of this Plan,
 - (c) recognises and is consistent with limits to the availability of water as provided for in Part 10, Division 1 of this Plan,
 - (d) establishes rules according to which available water determinations are to be made as provided for in Part 10, Division 1 of this Plan,
 - (e) establishes rules according to which access licences are managed as provided for in Parts 10 and 11 of this Plan, and
 - (f) establishes rules with respect to the priorities according to which access licences are to be adjusted as a consequence of any reduction in the availability of water as provided for in Part 10 of this Plan.

Part 7 Requirements for water under access licences

26 Requirements for water under access licences

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

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

27 Share component of domestic and stock access licences

It is estimated that at the time of commencement of this Plan, the share components of domestic and stock access licences authorised to extract water from these water sources will total 98 megalitres per year (hereafter *ML/year*), distributed as follows:

- (a) 12 ML/year in the Avon River Water Source,
- (b) 39.5 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 0 ML/year in the Upper Barrington River Water Source,
- (d) 8 ML/year in the Bowman River Water Source,
- (e) 0 ML/year in the Cooplacurripa River Water Source,
- (f) 10 ML/year in the Dingo Creek Water Source,
- (g) 3 ML/year in the Upper Gloucester River Water Source,
- (h) 0 ML/year in the Lower Barnard River Water Source,
- (i) 5 ML/year in the Manning Estuary Tributaries Water Source,
- (j) 0 ML/year in the Manning River Tidal Pool Water Source,
- (k) 6 ML/year in the Lower Manning River Water Source,
- (l) 0 ML/year in the Mid Manning River Water Source,
- (m) 0 ML/year in the Myall Creek Water Source,
- (n) 5 ML/year in the Nowendoc River Water Source,
- (o) 0 ML/year in the Rowleys River Water Source,
- (p) 0 ML/year in the Upper Barnard River Water Source,
- (q) 0 ML/year in the Upper Manning River Water Source,
- (r) 0 ML/year in the Myall Lakes Water Source,
- (s) 4.5 ML/year in the Myall River Water Source,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (t) 0 ML/year in the Coolongolook River Water Source, and
- (u) 5 ML/year in the Wallamba River Water Source.

28 Share component of local water utility access licences

It is estimated that at the time of commencement of this Plan, the share components of local water utility access licences authorised to extract water from these water sources will total 15,666 ML/year, distributed as follows:

- (a) 570 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (b) 12,500 ML/year in the Lower Manning River Water Source,
- (c) 221 ML/year in the Myall River Water Source,
- (d) 3000 ML/year in the Manning River Tidal Pool Water Source,
- (e) 375 ML/year in the Manning Estuary Tributaries Water Source, and
- (d) 0 ML/year in all other water sources.

29 Share component of major utility access licences

It is estimated that at the time of commencement of this Plan, the share components of major utility access licences authorised to extract water from the Lower Barnard River Water Source will total 30,000 ML/year.

Note. Macquarie Generation holds this entitlement to water which is pumped by the Barnard Scheme into the Hunter River system to Jerrys Plains where Macquarie Generation's power stations are located. Accounting provisions as specified at clause 54 of this Plan ensure an average annual diversion of no more than 20,000 ML/yr.

30 Share component of unregulated river access licences

It is estimated that at the time of commencement of this Plan, the share components of unregulated river access licences authorised to extract water from these water sources will total 46,500 unit shares, distributed as follows:

- (a) 1,985 unit shares in the Avon River Water Source,
- (b) 10,301.5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 944 unit shares in the Upper Barrington River Water Source,
- (d) 2,249 unit shares in the Bowman River Water Source,
- (e) 811 unit shares in the Cooplacurripa River Water Source,
- (f) 5,143 unit shares in the Dingo Creek Water Source,
- (g) 6,569 unit shares in the Upper Gloucester River Water Source,
- (h) 1,369 unit shares in the Lower Barnard River Water Source,
- (i) 1,968.5 unit shares in the Manning Estuary Tributaries Water Source,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (j) 1,176 unit shares in the Manning River Tidal Pool Water Source,

Note. Prior to the commencement of this Plan licencing of the taking of water within the tidal pool area was not required. While there are some water users in this area that are already licenced there are likely to be a number of water users who will be identified through a licencing process targeting tidal pool areas to be undertaken by the Department. Entitlement issued to those unlicenced users who have historically not been required to be licenced is likely to be based on a history of extraction. No entitlement will be issued for any new extractions in this area outside of those specified in Part 8 of this Plan.

- (k) 7,339 unit shares in the Lower Manning River Water Source,
 (l) 632 unit shares in the Mid Manning River Water Source,
 (m) 57 unit shares in the Myall Creek Water Source,
 (n) 1,153 unit shares in the Nowendoc River Water Source,
 (o) 257 unit shares in the Rowleys River Water Source,
 (p) 274 unit shares in the Upper Barnard River Water Source,
 (q) 2,219 unit shares in the Upper Manning River Water Source,
 (r) 0 unit shares in the Myall Lakes Water Source,
 (s) 225 unit shares in the Myall River Water Source,
 (t) 374 unit shares in the Coolongolook River Water Source, and
 (u) 1,454 unit shares in the Wallamba River Water Source.

Note. The total share components for unregulated river access licences specified in the clause above include total share components for unregulated river (subcategory "Aboriginal community development") access licences.

31 Share component of unregulated river (high flow) access licences

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

- (a) 0 unit shares in the Dingo Creek Water Source,
 (b) 0 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
 (c) 0 unit shares in the Upper Gloucester River Water Source,
 (d) 0 unit shares in the Lower Manning River Water Source,
 (e) 0 unit shares in the Mid Manning River Water Source, and
 (f) 0 unit shares in the Avon River Water Source.

Note. The Dingo Creek Water Source, the Lower Barrington/Gloucester Rivers Water Source, the Upper Gloucester River Water Source, the Lower Manning River Water Source, the Mid Manning River Water Source and the Avon River Water Sources are the only water sources within this Plan area which have

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

been identified as suitable for unregulated river (high flow) access licences. This Plan allows for a specified amount of unregulated river access licences to be converted to the unregulated river (high flow) access licences. However, at the commencement of this Plan, there are no existing access licences of this category, hence the 0 unit shares indicated.

32 Share component of aquifer access licences

It is estimated that at the time of commencement of this Plan, the share components of aquifer access licences authorised to extract water from these water sources will total 212 unit shares, distributed as follows:

- (a) 20 unit shares in the Avon River Water Source,
- (b) 5 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
- (c) 187 unit shares in the Manning Estuary Tributaries Water Source, and
- (d) 0 unit share in all other water sources.

Note. The total share components for aquifer access licences specified in these water sources could be higher as a result of additional share components for unidentified aquifer access licences in the alluvial groundwater.

33 Changes to total share components

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

- (a) the granting, surrender or cancellation of access licences,
- (b) the granting, surrender or cancellation of access licences through a dealing under Part 13 of this Plan,
- (c) the variation of local water utility licences under section 66 of the Act, and
- (d) any changes due to the volumetric conversion of *Water Act 1912* entitlements that are currently non-volumetric.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 8 Rules for granting access licences

34 Rules for granting access licences

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

- (a) an access licence that may be granted in accordance with a dealing, and

Note. Dealings include the conversion of unregulated river access licences to unregulated river high flow access licences as specified in clause 71 of this Plan.

- (b) an unregulated river (subcategory "Aboriginal community development") access licence, to take water from B Class flows only, provided that the grant of any such access licence will cause no more than minimal harm to the water source at the water source level impact assessment and provided that the total share component of all unregulated river (subcategory "Aboriginal community development") access licence in the water sources listed below do not exceed:

- (i) 500 ML/year in the Dingo Creek Water Source,
- (ii) 500 ML/year in the Lower Manning River Water Source,
- (iii) 500 ML/year in the Lower Barrington/Gloucester Rivers Water Source,
- (iv) 500 ML/year in the Upper Gloucester Water Sources, and
- (v) 300 ML/year in the Mid Manning River Water Source.

Note. Approval for granting of an unregulated river (subcategory "Aboriginal community development") access licence will be subject to assessment of the application in regard to the level of impact of the proposed extraction. This may include consideration of the potential impact on high flow (e.g. flows greater than the 50th percentile flow) values, and any potential impact on the water source as a whole.

Note. An unregulated river (subcategory "Aboriginal community development") access licence will not be fully commercial. Allocations under these licences will be able to be traded to non-Aboriginal people however the licence itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase fully commercial licences.

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

- (3) An access licence of the subcategory "Aboriginal cultural" shall only be granted if the application does not exceed 10 ML/year.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (4) A specific purpose access licence shall only be granted if the share or extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.

Note. Any new access licence granted in these water sources may be subject to specific mandatory conditions as set out in Part 13 of this Plan.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 9 Rules for granting or amending water supply works approvals

Division 1 General

35 Granting or amending water supply works approvals

- (1) This Part is made in accordance with sections 21 (b) and 21 (e) of the Act.
- (2) A water supply work approval shall not be granted under section 95 of the Act or amend under section 107 of the Act, where the water supply work to be completed or used is located within the Myall Lakes Water Source, or upstream of the high priority groundwater dependent ecosystem identified in Schedule 4 of this Plan in the Lower Manning River Water Source.

36 Runoff harvesting dams

- (1) A water supply work approval for a runoff harvesting dam in these water sources shall not be granted if the dam capacity exceed the volume equivalent to the share component for the access licence proposing to nominate the work.
- (2) If the share component of an access licence which nominates a water supply work which is a runoff harvesting dam is reduced either by the Minister, or on application of the access licence holder, or by a dealing under Part 12 of this Plan, the Minister shall amend the water supply work approval for the runoff harvesting dam to impose a condition requiring the dam to be modified so as to reduce its capacity, consistent with the reduction in share component of the access licence.

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

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

37 In-river dams

A water supply work approval for a new in-river dam within these water sources on a 3rd order or higher order stream shall not be granted in the Lower Manning River, the Lower Barrington/Gloucester Rivers, the Bowman River, the Upper Barrington River, the Upper Gloucester River, the Myall River, the Myall Lakes, the Coolongolook River, the Wallamba River, the Rowleys River, the Cooplacurripa River, the Nowendoc River, the Myall Creek, the Upper Barnard River, the Lower Barnard River, the Upper Manning River and the Mid Manning River Water Sources.

Note. Stream order is defined in the Dictionary.

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

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

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

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

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

39 Rules for granting or amending water supply works approvals

(1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:

- (a) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources nominated by another access licence,
- (b) 200 metres of a water supply work being constructed or used to take water from the alluvial sediments in these water sources for basic landholder rights,
- (c) 300 metres from the property boundary,
- (d) 100 metres from a water supply works being constructed or used to take water from alluvial sediments in these water sources by a local water utility or a major utility, or
- (e) 400 metres of a Departmental observation or monitoring bore.

Note. The distance conditions in this clause apply to new or amended approvals. That is, when the applicant wants to construct a new water supply work being used to take water from the alluvial sediments in these water sources, and add it to an existing approval. The distance conditions also apply when the licence holder wants to nominate new or different works on the licence.

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

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

Note. Replacement bore is defined in the Dictionary.

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (3) Where the distance restrictions specified in subclause (1) cannot be met, a water supply work approval may be granted provided:
- (a) a hydrogeological study undertaken by the applicant, and assessed as adequate by the Department, demonstrates that the water supply work will have no more than minimal impacts on the existing licenced taking of water from the water source,
 - (b) all potentially affected persons in the near vicinity of the water supply work, holding an access licence or having a right under the Act to take water, have been notified by the applicant, and
- Note.** These persons may include neighbouring access licence, approval holders or other persons having a right to take water in the near vicinity of the water supply work.
- (c) any approval granted contains conditions setting out a process for remediation in the event that any more than minimal impact on existing extraction from the water source occurs in the future.
- Note.** In some water sources the general size of properties means that the application of exclusion distances would result in no new or replacement bores being able to be installed. Applicants must apply to the Department for special consideration in these instances.
- (4) The Minister may amend this Plan to alter the distance restriction in specified in this clause or add additional restrictions, after year 5 of this Plan or if a temporary water restriction order is made in these water sources under section 324 (2) of the Act.

40 Rules for granting or amending water supply works approvals near contamination sources

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where a water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a contamination source as listed in Schedule 3, unless the applicant can demonstrate to the Minister's satisfaction, that:
 - (i) a lesser distance will result in no more than minimal harm to the water source, and
 - (ii) the taking of water will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health, or
 - (b) a greater distance than in subclause (a), as determined by the Minister, to ensure that no more than minimal harm will occur to the water source, and that extraction will not impact on the environment or cause a threat to public health as confirmed by the Minister for Health.
- (2) A water supply work approval shall not be granted for a new water supply work to be constructed or used to take water from the alluvial sediments in these water sources for any purpose, except basic landholder rights, which is between 100 metres and 500 metres of a contamination source listed in Schedule 3, unless the applicant provides evidence, to the Minister's satisfaction, that no drawdown of groundwater within 100 metres of the respective contamination source will occur.

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (3) The distance restrictions specified in subclauses (1) and (2) do not apply to:
- (a) a water supply work to be constructed or used for monitoring, environmental management purposes or remedial works, or
 - (b) an application for a replacement bore.

Note. Replacement bore is defined in the Dictionary.

- (4) The Minister may amend this Plan to include or remove a contamination source from Schedule 3, based on the results of a site inspection or any other relevant information provided to the Minister.
- (5) Subclauses (1) and (2) may be applied by the Minister in relation to contamination sources not in Schedule 3, based on the results of a site inspection or other relevant information provided to the Minister.

41 Rules for granting or amending water supply works approvals near sensitive environmental areas

- (1) A water supply work approval shall not be granted under section 95 of the Act, amended under section 107 of the Act, or amended under section 71W of the Act, where the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is located within:
- (a) 100 metres of a high priority groundwater dependent ecosystem, excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for basic landholders rights only, or
 - (b) 200 metres of a high priority groundwater dependent ecosystems excluding high priority karst environment groundwater dependent ecosystems, listed in and shown on the maps in Schedule 4, for water supply works nominated by an access licence, or
 - (c) 500 metres of a high priority karst environment groundwater dependent ecosystem, listed in and shown on the maps in Schedule 4, or
 - (d) 40 metres of the top of the high bank of any third order or above stream, or lagoon, or
 - (e) 40 metres of first and second order stream, unless the water supply work to be constructed or used to take water from the alluvial sediments in these water sources is drilled into the underlying parent material, and the slotted intervals of the works commences deeper than 30 metres.

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

- (2) The distance restrictions specified in subclause (1) do not apply to:
- (a) a water supply work which is constructed or used for extracting water from alluvial sediments in these water sources for monitoring, environmental management purposes or remedial works, or
 - (b) a water supply work which is constructed or used for taking water from the alluvial sediments in these water sources that is part of a bore network which is nominated by a

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

major utility access licence, a local water utility access licence or an access licence of subcategory "town water supply".

- (3) Where the distance restrictions specified in subclauses (1) (a) and (1) (b) cannot be met, a water supply work approval may be granted provided:
 - (a) a hydrogeological study undertaken by the applicant, and assessed as adequate by the Department, and
 - (b) the applicant providing evidence that no drawdown of the groundwater at the outside edge of the perimeter of the groundwater dependent ecosystem in Schedule 4.
- (4) The restrictions specified in subclause (1) (e) on the drilling into the underlying parent material and the depth of slotted intervals may be amended if the applicant can demonstrate, to the satisfaction of the Department, that the water supply work to be constructed or used to take water from the alluvial sediments in these water sources will have no more than minimal impact on base flows in the stream.
- (5) Subclause 1 (d) and 1 (e) do not apply to a new water supply work which is constructed or used to take water from the alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act.
- (6) The Minister may amend this Plan to:
 - (i) alter the exclusion distances in subclause (1), during the term of this Plan, based on further studies of groundwater ecosystem dependency, or
 - (ii) include a new identified high priority groundwater dependent ecosystem in Schedule 4 during the term of this Plan, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister,
 - (iii) delete a high priority groundwater dependent ecosystem from Schedule 4 identified as not having groundwater dependency, based on further studies of groundwater ecosystem dependency caused to be undertaken by the Minister.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 10 Limits to the availability of water

Division 1 Long-term average annual extraction limit

42 Limits to the availability of water

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

43 Extraction management units for these water sources

The availability of water to be taken from these water sources and the management of the long-term average annual extraction of water limit in these water sources will be undertaken in the Manning and Great Lakes Extraction Management Units (hereafter *these Units*).

44 Long-term average annual extraction limit

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

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

45 Variation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for one or more of these Units may vary following the granting, cancellation or modification of access licences under the Act or through a dealing under Part 12 of this Plan.
- (2) The long-term average annual extraction limit for an extraction management unit may vary following the purchase and cancellation of an access licence in the extraction management unit.
- (3) The long-term average annual extraction limit for the Manning and Great Lakes Extraction Management Units may vary upon the conversion of access licences from unregulated river access licence to an unregulated river (high flow) access licence.
- (4) The variation in subclause (3) will result in the long-term average annual extraction limit being reduced by the amount of the cancelled share component of the unregulated river access licence and increased by the amount of the share component of the granted unregulated river (high flow) access licence.

46 Assessment of the long-term average annual extraction limit

- (1) This clause applies from the third year of this Plan.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (2) The total water extracted pursuant to basic landholder rights and access licences in these Units will be assessed each water year to determine if the long-term average annual extraction limit established by clause 44 for each extraction management unit has been exceeded.
- (3) The assessment referred to in subclause (2) is to be based on a comparison of the water extracted in the current water year in these Units, against the average extraction within these Units over the preceding 2 water years.

47 Compliance with the long-term average annual extraction limits

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

- (1) If the assessment in clause 46 determines that the long-term average annual extraction limit for any extraction management unit in these water sources established under clause 44 has been exceeded by 5% or greater, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be reduced as necessary to return total water extraction under basic landholder rights and access licences in the respective extraction management unit to the long-term average annual extraction limit.
- (2) If the assessment in clause 46 determines that the long-term average annual extraction limit for any extraction management unit in these water sources is less than 95% of the respective long-term average annual extraction limit established for any extraction management unit in these water sources under clauses 44, then the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences, and aquifer access licences, for the water sources in the respective extraction management unit for the following water year shall be increased as necessary to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to increase to the long-term average annual extraction limit.
- (3) Any reduction or increase to the available water determination made under Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences shall be the same.
- (4) Any reduction or increase to the available water determinations made Division 2 of this Part for unregulated river access licences, unregulated river (high flow) access licences and aquifer access licences, in these water sources under this clause may be repeated for the subsequent two water years, if necessary, to allow total water extraction under basic landholder rights and access licences in the respective extraction management unit to return to the long-term average annual extraction limit.
- (5) For the purposes of auditing compliance against the long-term average annual extraction limit established under clause 44, the taking of water pursuant to an access licence that has been committed as adaptive environmental water where the access licence has been granted under section 8C of the Act shall not be accounted for as extraction under subclause (1).

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Division 2 Available water determinations

48 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as megalitres per year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) No available water determination made after the first year of this Plan is to exceed 100% of access licence share component, or 1 megalitre per unit share of access licence share component.

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

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

49 Available water determinations for domestic and stock access licences

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

50 Available water determinations for local water utility access licences

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

51 Available water determinations for major utility access licences

An available water determination shall be made at the commencement of each water year for major utility access licences in these water sources and should, where possible, be for 100% of access licence share components.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

52 Available water determinations for unregulated river access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres per unit share of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river access licences in these water sources and should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 47.

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

- (1) The available water determination made at the commencement of the first year of this Plan, for unregulated river (high flow) access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for unregulated river (high flow) access licences in these water sources should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 47.

54 Available water determinations for aquifer access licences

- (1) The available water determination made at the commencement of the first year of this Plan, for aquifer access licences in these water sources, should be equal to 2 megalitres per unit of access licence share component.
- (2) The available water determination made at the commencement of each subsequent water year for aquifer access licences in these water sources should, where possible, be equal to 1 megalitre per unit share of access licence share component, or such lower amount resulting from clause 47.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 11 Rules for managing access licences

Division 1 General

55 Rules for managing access licences

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

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

Division 2 Water allocation account management

56 Individual access licence account management rules

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

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

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

- (2) Where a water supply work is being used both to take water for basic landholder rights and an access licence(s), the water is to be accounted on the basis that an annual volume equal to the basic landholder right for the water year will be the first volume regarded as being taken and all other water taken in that year will be accounted as extraction pursuant to the respective access licence(s).
- (3) The maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources in any 3 consecutive water years may not exceed a volume equal to:
 - (a) the sum of water allocations accrued under the access licence from available water determinations in those years,
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (4) Notwithstanding subclause (3), the maximum volume that may be taken under a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

licences in these water sources in the first 3 water years of this Plan may not exceed a volume equal to:

- (a) 3 times the access licence share component (for access licences with share components expressed as megalitres per year), or 3 megalitres per unit share of access licence share component (for access licences with share components expressed as a number of unit shares),
 - (b) plus any water allocations assigned from another access licence under section 71T of the Act, in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act, in those years, and
 - (d) minus any water allocations assigned to another access licence under section 71T of the Act, in those years.
- (5) The maximum water allocation that can be carried over in the accounts of a domestic and stock, local water utility, unregulated river, unregulated river (high flow) and aquifer access licences in these water sources from one water year to the next shall be equal to:
- (a) 100% of access licence share component, for access licences with share components expressed as megalitres per year, or
 - (b) 1 megalitre per unit share of access licence share component, for access licences with share components expressed as a number of unit shares.
- (6) If water that, pursuant to an access licence in these water sources is committed as adaptive environmental water to be left in a water source for environmental purposes, then the water allocation taken under that access licence shall be assumed to be 100% of the available water determination made in Division 2 Part 10 of this Plan.
- (7) The maximum volume that may be taken under a major utility access licence in the Lower Barnard River Water Source shall be equal to 100,000 ML over any five consecutive water years.

Note. The five year rolling average accounting period will commence from 1 July 2009 in line with revised licence conditions. This ensures that the annual average extraction will not exceed 20,000 ML/yr. Extractions are limited to a maximum annual diversion of 30,000 ML as specified in clause 28 of this Plan.

Note. The maximum volume that may be taken under a major utility access licence as specified in subclause 56 (7) may be amended during the term of this Plan as outlined in clause 84.

Division 3 Sharing surface water flows on a daily basis

57 Sharing surface water flows on a daily basis

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

58 Establishment and assignment of total daily extraction limits

- (1) At the commencement of this Plan, total daily extraction limit (hereafter *TDELs*) have not been established in the Upper Barrington River, the Bowman River, the Cooplacurripa River, the Lower Barnard River, the Manning Estuary Tributaries, the Myall Creek, the Nowendoc River, the Rowleys River, the Upper Barnard River, the Upper Manning River, the Myall Lakes, the Myall River, the Coolongolook River or the Wallamba River Water Sources.
-

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (2) This Plan establishes and assigns TDELs for unregulated river (high flow) access licences in B Class flows in the following water sources:
 - (a) 19.6 ML/day for B Class flows in the Dingo Creek Water Source,
 - (b) 3.3 ML/day for B Class flows in the Mid Manning River Water Source,
 - (c) 37.7 ML/day for B Class flows in the Lower Manning River Water Source,
 - (d) 51.6 ML/day for B Class flows in the Lower Barrington/Gloucester Rivers Water Source,
 - (e) 14.2 ML/day for B Class flows in the Upper Gloucester River Water Source, and,
 - (f) 2.3 ML/day for B Class flows in the Avon River Water Source.
- (3) Following the conversion of an unregulated river access licence to an unregulated river (high flow) access licence under clause 71 of this Plan, the Minister may amend subclause (2) to establish a TDEL for A Class in the relevant water source or management zone.
- (4) Following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes, then the Minister may establish TDELs in the relevant water source or management zone.

Note. TDELs referred to in subclauses (3) and (4) will not be established unless enabling management systems are in place. This includes monitoring and measurement systems which allow for accurate measurement of flows and extraction.

59 Unassigned TDEL

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

60 Granting of unassigned TDEL

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

61 Individual daily extraction limits for access licences

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established or assigned to access licences in these water sources.
- (2) During the term of this Plan, the Minister may amend this Plan to establish and assign *IDELs* for:
 - (i) unregulated river (high flow) access licences in B Class flows in the Avon River, the Dingo Creek, the Mid Manning River, the Lower Manning River, the Lower Barrington/Gloucester Rivers and the Upper Gloucester River Water Sources, and
 - (ii) any other access licence in these water sources for which TDELs are established and assigned.
- (3) Notwithstanding subclause (2), when the volume of share component converted to unregulated river (high flow) access licences reach the values specified in (a) to (e) below, the Minister may

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

amend this Plan to assign IDELs to individual unregulated river (high flow) access licences in the respective water source:

- (a) 890 unit shares in the Dingo Creek Water Source,
 - (b) 150 unit shares in the Mid Manning River Water Source,
 - (c) 1,720 unit shares in the Lower Manning River Water Source,
 - (d) 2,350 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
 - (e) 650 unit shares in the Upper Gloucester River Water Source, and,
 - (f) 210 unit shares in the Avon River Water Source.
- (4) Where IDELs are established under subclauses (2) and (3), the IDEL is to be assigned in the same proportion as the TDEL for the access licence bears to the sum of all share components of access licences of that category, in the respective water source.
 - (5) Notwithstanding subclause (4), where an access licence contains more restrictive conditions than other access licences of the same category in the water source, then any IDEL resulting from subclause (4) shall be adjusted to reflect as far as possible the more restrictive conditions.

62 Adjustment to TDELS and IDELS

- (1) The TDELS established in this Plan may be adjusted, following:
 - (a) the imposition of new adaptive environmental water conditions that require water to be left in a water source, or
 - (b) the removal of adaptive environmental water conditions that required water to be left in a water source.
- (2) Where an IDEL is assigned under clause 61 and an adaptive environmental water condition requiring water to be left in the water source is:
 - (a) imposed on an access licence, then the TDEL established under clause 58 may be decreased by the IDEL on the access licence so committed and clauses 58 and 61 adjusted accordingly, or
 - (b) removed from an access licence, then the TDEL established under clause 58 will be increased by the IDEL on the access licence so uncommitted and clause 58 and 61 adjusted accordingly.

63 Administrative arrangements for managing access to daily flows (approved group)

This Plan allows for the group management of access licences in these water sources which have been assigned an IDEL, subject to the following rules:

- (a) all access licences (except local water utility access licences) in these water sources which are assigned an IDEL shall be included in a group (hereafter *approved group*),
- (b) an approved group shall have a group combined IDEL, being the sum of the IDELS assigned to all access licences in the approved group. The daily extraction of water by all access licences in an approved group must not exceed the group combined IDEL. The

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- daily extraction of water under all access licences within an approved group will be assessed as a whole against the group combined IDEL,
- (c) the Minister may, by notice in writing, remove one or more access licences from an approved group, if:
 - (i) the daily extraction of water by an approved group exceeds the group combined IDEL, or
 - (ii) the Minister is of the opinion that a holder of an access licence within an approved group has caused the combined group IDEL to be exceeded,
 - (d) the daily extraction of water pursuant to an access licence which is not in an approved group must not exceed the IDEL assigned to the access licence,
 - (e) the group combined IDEL shall be reduced by the amount of the IDEL assigned to any access licence which is removed from the approved group,
 - (f) an access licence holder may, by request made in writing to the Minister, apply to have their access licence removed from an approved group. If the Minister consents to the removal of an access licence from an approved group, the access licence will be removed from the approved group,
 - (g) the holder of an access licence which has been assigned an IDEL and which is not in an approved group, may make a written request to the Minister to:
 - (i) form a new approved group, or
 - (ii) be included in an approved group,
 - (h) the Minister may:
 - (i) consent or refuse a request to form a new approved group,
 - (ii) consent or refuse to allow an access licence to be included in an approved group,
 - (iii) consent or refuse a request for an access licence to be removed from one approved group and included in a new approved group,
 - (i) where the Minister consents to a new approved group, a new approved group will be formed and will be subject to the rules contained in this clause,
 - (j) where an access licence is added to an approved group, the group combined IDEL shall be increased by the amount of IDEL assigned to the access licence,
 - (k) an access licence may not be in more than one approved group at any time,
 - (l) any part of the IDEL of an access licence which is committed to the environment pursuant to an adaptive environmental water condition:
 - (i) shall not be included in an approved group, or
 - (ii) where the IDEL is already included in an approved group, shall be removed from the approved group.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

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

- (1) This Part may be amended for the purpose of enabling the sharing of surface water flows on a daily basis.
- (2) Any such amendment may include, but need not be limited to:
 - (a) the establishment or modification of TDELS in these water sources,
 - (b) the establishment or modification of IDELS for access licences in these water sources,
 - (c) the establishment or modification of approved groups and rules to govern the operation of those groups, with respect to TDELS or IDELS in these water sources,
 - (d) the imposition, removal or modification of mandatory conditions, or
 - (e) to provide for the amendment of the share component or the extraction component of one or more access licences in these water sources pursuant to section 68A of the Act.

65 Accreditation Scheme in these water sources

The Minister may amend this Plan to establish an accreditation scheme in one or more of these water sources.

Note. An accreditation scheme is defined in the Dictionary.

66 Access to the Very Low Flow Class in these water sources

Access to the Very Low Flow Class in these water sources is limited to access licences, as specified in clause 76 of this Plan.

Note. Clause 92 provides for amendments to Schedule 2.

Division 4 Management of surface and groundwater connectivity

67 Access licences which nominated water supply works which may be used to take water from alluvial sediments in these water sources

- (1) Except for an aquifer access licence referred to in subclause (2), all aquifer access licences in these water sources which nominate a water supply work which may be used to take water from the alluvial sediments in these water sources, which is located at or less than 40 metres from the top of the high bank of a river, shall, from year six of this Plan, be subject to the same mandatory condition(s) imposed under clause 75 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (2) Any aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence to an aquifer access licence, under Part 12 of this Plan, shall be subject to the same to mandatory condition(s) imposed under clause 75 of this Plan on an unregulated river access licence in the same water source or management zone as the aquifer access licence.
- (3) A local water utility access licence which nominates a new water supply work which may be used to take water from the alluvial sediments in these water sources, which is at or less than 40 metres from the top of the high bank of a river, shall be subject to the same mandatory

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

condition(s) imposed under clause 75 of this Plan on an unregulated river access licence in the same water source or management zone as the local water utility access licence.

- (4) A mandatory condition imposed on an unregulated river access licence under clause 75 of this Plan which requires a visible flow at the pump site shall, for the purposes of an aquifer access licence or a local water utility access licence to which this clause applies, be taken to mean a visible flow in the river immediately adjacent to the water supply work nominated by the aquifer access licence or the local water utility access licence.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 12 Access licence dealing rules

68 Access licence dealing rules

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

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

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

Note. An unregulated river (subcategory "Aboriginal community development") access licence is not fully commercial. Allocations under these licences will be able to be traded to non-Aboriginal people however the licence itself can only be traded amongst Aboriginal people, and as such will remain in the Aboriginal community for the life of the licence. These licences will not be able to be converted to any other category of licence. Aboriginal communities, enterprises and individuals are encouraged to seek financial assistance from funding bodies to purchase fully commercial licences.

69 Rules relating to constraints within these water sources

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

nominates a water supply works which may be used to take water from the alluvial sediments in these water source, which is located more than 40 metres from the top of the bank of a river to a water supply works which may be used to take water from the alluvial sediments in these water source, which is located within 40 metres from the top of the bank of a river,

- (d) the dealing involves an assignment of access rights under section 71Q of the Act, or an allocation assignment from an access licence under section 71T of the Act in:
- (i) either the Upper Wallamba River Management Zone or the Tidal Wallamba River Management Zone of the Wallamba River Water Source to another access licence in the Khappinghat Creek Management Zone of the Wallamba River Water Source,
 - (ii) the Manning Estuary Tributaries Water Source, to another access licence in a different management zone,
 - (iii) the Rowleys River Management Zone to an access licence in the Rowleys River Headwater Management Zone of the Rowleys River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Rowleys River Headwater Management Zone,
 - (iv) the Upper Gloucester River Management Zone to an access licence in the Upper Gloucester Headwater Management Zone of the Upper Gloucester River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Upper Gloucester Headwater Management Zone,
 - (v) the Cooplacurripa River Management Zone to an access licence in the Cooplacurripa River Headwater Management Zone of the Cooplacurripa River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Cooplacurripa River Headwater Management Zone,
 - (vi) the Nowendoc River Management Zone to an access licence in the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Nowendoc River Headwaters Management Zone,
 - (vii) the Lower Barnard River Management Zone to an access licence in the Lower Barnard River Upper Reaches Management Zone of the Lower Barnard River Water Source, where it would result in the total share component of all access licences excluding the major utility share component, exceeding 10 ML in the Lower Barnard River Upper Reaches Management Zone,
 - (viii) the Upper Manning River Management Zone to an access licence in the Upper Manning River Headwaters Management Zone of the Upper Manning River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Upper Manning River Headwaters Management Zone,
 - (ix) the Upper Barrington River Management Zone to an access licence in the Upper Barrington River Headwaters Management Zone of the Upper Barrington River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Upper Barrington River Headwaters Management Zone,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (x) the Craven Creek Management Zone to or from an access licence in the Bowman Creek above Craven Creek Junction Management Zone in the Bowman River Water Source,
 - (xi) the Lower Bowman River Management Zone to or from an access licence in either the Craven Creek Management Zone or the Bowman Creek above Craven Creek Junction Management Zone in the Bowman River Water Source, and
 - (xii) the Lower Manning River Water Source, from an access licence downstream to an access licence upstream of the high priority groundwater dependent ecosystem identified in Schedule 4,
- (e) the dealing involves an access licence that currently nominates a water supply works:
- (i) in either the Upper Wallamba River Management Zone or the Tidal Wallamba River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Khappinghat Creek Management Zone of the Wallamba River Water Source,
 - (ii) in the Manning Estuary Tributaries Water Source, being amended under section 71W of the Act to nominate a water supply work in a different management zone,
 - (iii) in the Rowleys River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Rowleys River Headwater Management Zone of the Rowleys River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Rowleys River Headwater Management Zone,
 - (iv) in the Upper Gloucester River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Upper Gloucester Headwater Management Zone of the Upper Gloucester River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Upper Gloucester Headwater Management Zone,
 - (v) in the Cooplacurripa River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Cooplacurripa River Headwater Management Zone of the Cooplacurripa River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Cooplacurripa River Headwater Management Zone,
 - (vi) in the Nowendoc River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source, where it would result in the total share component of all access licences exceeding 10 ML in the Nowendoc River Headwaters Management Zone,
 - (vii) in the Lower Barnard River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Lower Barnard River Upper Reaches Management Zone of the Lower Barnard River Water Source, where it would result in the total share component of all access licences, excluding the major utility share component, exceeding 10ML in the Lower Barnard River Upper Reaches Management Zone,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (viii) in the Upper Manning River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Upper Manning River Headwaters Management Zone of the Upper Manning River Water Source, where it would result in the total share component of all access licences exceeding 10ML in the Upper Manning River Headwaters Management Zone,
 - (ix) in the Upper Barrington River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Upper Barrington River Headwaters Management Zone of the Upper Barrington River Water Source, where it would result in the total share component of all access licences exceeding 10ML in the Upper Barrington River Headwaters Management Zone,
 - (x) in the Craven Creek Management Zone being amended under section 71W of the Act to nominate a water supply work in the Bowman Creek above Craven Creek Junction Management Zone or in the Bowman Creek above Craven Creek Junction Management Zone being amended under section 71W of the Act to nominate a water supply work in the Craven Creek Management Zone of the Bowman River Water Source,
 - (xi) in the Lower Bowman River Management Zone being amended under section 71W of the Act to nominate a water supply work in the Craven Creek Management Zone or the Bowmans Creek above Craven Creek Junction Management Zone of the Bowman River Water Source, and
 - (xii) in the Lower Manning River Water Source, downstream of the high priority groundwater dependent ecosystem identified in Schedule 4 being amended under section 71W of the Act to nominate a water supply work upstream of the high priority groundwater dependent ecosystem identified in Schedule 4, and
- (f) the dealing involves an access licence that nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, which is located more than 40 metres from the top of the bank of a river being amended under section 71W of the Act to nominate a water supply work which may be used to take water from the alluvial sediment in these water sources which is located within 40 metres from the top of the bank of a river.
- (3) The Minister may amend this Plan, during the term of this Plan, to amend the dealing rules to limit dealings within the Manning River Tidal Pool Water Source in association with the development of access rules for this water source.
 - (4) The Minister may amend this Plan to amend the dealing rules to permit no net dealings between specific management zones within the Bowman Creek Water Source following further studies and/or field verification.

70 Rules for change of water source

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

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (2) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves a change of water source from one extraction management unit to another extraction management unit.
- (3) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources if the dealing would result in the total extraction pursuant to access licences which nominate a water supply works which may be used to take water from the alluvial sediments in these water sources, plus basic landholder rights extraction requiring a temporary water restriction order to be made under section 324 (2) of the Act.
- (5) Unless the application is for a replacement water supply work which may be used to take water from the alluvial sediments in these water sources that is part of a bore network for a local water utility or town water supply or a new water supply works which may be used to take water from alluvial sediments in these water sources required as part of a dealing involving the conversion of an unregulated river access licence to an aquifer access licence under section 71O of the Act and clause 72 of this Plan, consent to a nominated work under section 71W, is not to be granted in these groundwater sources, if it would result in a water supply work which may be used to take water from the alluvial sediments in these water sources being authorised to extract water within 40 metres of the top of the high bank of a river.
- (6) Dealings under section 71R and 71W of the Act to change the water source to which an access licence applies are prohibited in these water sources, unless the dealing involves a change of water source from:
 - (a) the Lower Barrington/Gloucester Rivers, the Rowleys River, the Upper Barrington River, the Upper Barnard River, the Upper Manning River, the Mid Manning River, the Lower Barnard, the Dingo Creek, the Nowendoc River, the Cooplacurripa River, the Myall Creek, the Bowman River, the Upper Gloucester River and the Avon River Water Sources into the Lower Manning River Water Source,
 - (b) the Lower Manning River Water Source into the Lower Barrington/Gloucester Rivers Water Source, the Rowleys River Management Zone of the Rowleys River Water Source, the Upper Barrington River Management Zone of the Upper Barrington River Water Source, the Upper Manning River Management Zone of the Upper Manning River Water Source, the Mid Manning River Water Source, the Lower Barnard River Water Source, the Dingo Creek Water Source, Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source, the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Avon River Water Source, and the dealing causes the sum of all access licence share components in the water sources or management zones to exceed the sum of all access licence share components for the respective water sources or management zone at the commencement of this Plan,
 - (c) the Rowleys River and the Cooplacurripa River Water Sources into the Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source,
 - (d) the Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source into the Rowleys River Management Zone of the

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- Rowleys River Water Source and the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, and the dealing causes the sum of all access licence share components in the management zone to exceed the sum of all access licence share components in the respective management zone at the commencement of this Plan,
- (e) the Upper Barnard River, the Upper Manning River, the Lower Barnard River and the Myall Creek Water Sources into the Mid Manning River Water Source,
 - (f) the Mid Manning River Water Source into the Upper Manning River Management Zone of the Upper Manning River Water Source and the Lower Barnard Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan,
 - (g) the Upper Barnard River and the Myall Creek Water Sources into the Lower Barnard River Water Source,
 - (h) the Avon River, the Bowman River, the Upper Barrington River and the Upper Gloucester River Water Sources into the Lower Barrington/Gloucester Rivers Water Source,
 - (i) the Lower Barrington/Gloucester Rivers Water Source into the Avon River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Upper Barrington River Management Zone of the Upper Barrington River Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan,
 - (j) the Lower Barnard Water Source into either the Upper Barnard River and the Myall Creek Water Sources, and would not result in the sum of all share component exceeding 10 ML in total for all dealings within the Upper Barnard or the Myall Creek Water Sources,
 - (k) the Lower Manning River Water Source into the Manning River Tidal Pool Water Source,
 - (l) the Manning River Tidal Pool Water Source into the Lower Manning River Water Source, and
 - (m) the Manning Estuary Tributaries Water Source into the Lower Manning River Water Source, the Lower Barrington/Gloucester Rivers Water Source, the Rowleys River Management Zone of the Rowleys River Water Source, the Upper Barrington River Management Zone of the Upper Barrington River Water Source, the Upper Manning River Management Zone of the Upper Manning River Water Source, the Mid Manning River Water Source, the Lower Barnard River Water Source, the Dingo Creek Water Source, Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source, the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Avon River Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan.

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (7) An access licence with a share component specifying a water source in these water sources may be cancelled and a new access licence issued in another water source outside these water sources only if:
- (a) the new access licence issued is in a water source that is within the Manning or Great Lakes Extraction Management Unit, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (8) An access licence with a share component specifying a water source outside of these water sources may be cancelled and a new licence issued in a water source in these water sources only if:
- (a) the access licence cancelled is in a water source that is within the Manning or Great Lakes Extraction Management Unit, and
 - (b) the access licence dealing rules in the other surface water source permit such a dealing.
- (9) The share component on any access licence issued under this clause is to be equal to the cancelled access licence share component.
- (10) The extraction component of any cancelled access licence is not to be carried over to the new access licence.
- (11) The Minister may amend this Plan, during the term of this Plan, to amend the dealing rules regarding dealings into and/or out of the Manning River Tidal Pool Water Source in association with the development of access rules for this water source.

Note. This may result in no net dealings being permitted into the Manning River Tidal Pool if such a review determines that such dealing rules would be appropriate.

71 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71O of the Act.
- (2) Conversion of an access licence of one category to an access licence of another category is permitted only if the conversion is from:
- (a) an unregulated river access licence to an aquifer access licence,
 - (b) an unregulated river access licence to a major utility access licence in the Lower Barnard River Water Source, Upper Barnard River Water Source or the Myall Creek Water Source, or
 - (c) an unregulated river access licence to an unregulated river (high flow) access licence in the Dingo Creek, the Mid Manning River, the Lower Manning, the Lower Barrington/Gloucester Rivers, the Upper Gloucester River or the Avon River Water Sources.

Note. In the Dingo Creek and Mid Manning River Water Sources, while initial assessment of these water sources did not identify high risk to instream values a precautionary approach was taken, noting that the systems were under high hydrological stress. Allowing for conversion of access to high flows in these water sources was seen as a method to assist in the reduction of hydrologic stress by reducing extraction pressure between users and allowing more equitable sharing of water in periods of low flow.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (3) For any conversion of an access licence under subclauses 2 (a), 2 (b) and 2(c) the access licence being converted shall be cancelled and a new licence issued.
- (4) The share component on an access licence issued under subclauses 2 (a) and 2 (b) is to be equal to the cancelled access licence share component.
- (5) The volume of share component on an access licence issued under subclause 2 (c) is to be equal to 2.5 times the cancelled access licence share component.
- (6) The Plan establishes the following limits for the total amount of all access licence share component that may be converted to unregulated river (high flow) access licences under subclause 2 (c):
 - (a) 1,227.2 unit shares in the Dingo Creek Water Source,
 - (b) 120 unit shares in the Mid Manning River Water Source,
 - (c) 2,552.8 unit shares in the Lower Manning Water Source,
 - (d) 3,566.8 unit shares in the Lower Barrington/Gloucester Rivers Water Source,
 - (e) 836.8 unit shares in the Upper Gloucester River Water Source, and
 - (f) 168 unit shares in the Avon River Water Source.

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

72 Rules for interstate access licence transfer and assignments of water allocation

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

73 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act.
- (2) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited if the dealing involves a change of water source from one extraction management unit to another extraction management unit.
- (3) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited if the dealing involves an unregulated river (high flow) access licence.
- (4) Dealings under section 71T that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of the water sources are prohibited in these water sources if the dealing would result in the total extraction under

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

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

- (5) Dealings under section 71T of the Act that result in water allocation assignments to or from an access licence in one of these water sources to or from an access licence in another of these water sources are prohibited unless the dealing involves a change of water source from:
- (a) the Lower Barrington/Gloucester Rivers, the Rowleys River, the Upper Barrington River, the Upper Barnard River, the Upper Manning River, the Mid Manning River, the Lower Barnard, the Dingo Creek, the Nowendoc River, the Cooplacurripa River, the Myall Creek, the Bowman River, the Upper Gloucester River and the Avon River Water Sources into the Lower Manning River Water Source,
 - (b) the Lower Manning River Water Source into the Lower Barrington/Gloucester Rivers Water Source, the Rowleys River Management Zone of the Rowleys River Water Source, the Upper Barrington River Management Zone of the Upper Barrington River Water Source, the Upper Manning River Management Zone of the Upper Manning River Water Source, the Mid Manning River Water Source, the Lower Barnard River Water Source, the Dingo Creek Water Source, Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source, the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Avon River Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan,
 - (c) the Rowleys River and the Cooplacurripa River Water Sources into the Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source,
 - (d) the Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source into the Rowleys River Management Zone of the Rowleys River Water Source and the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, and the dealing causes the sum of all access licence share components in the management zone to exceed the sum of all access licence share components in the respective management zone at the commencement of this Plan,
 - (e) the Upper Barnard River, the Upper Manning River, the Lower Barnard River and the Myall Creek Water Sources into the Mid Manning River Water Source,
 - (f) the Mid Manning River Water Source into the Upper Manning River Management Zone of the Upper Manning River Water Source and the Lower Barnard Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan,
 - (g) the Upper Barnard River and the Myall Creek Water Sources into the Lower Barnard River Water Source,
 - (h) the Avon River, the Bowman River, the Upper Barrington River and the Upper Gloucester River Water Sources into the Lower Barrington/Gloucester Rivers Water Source,

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (i) the Lower Barrington/Gloucester Rivers Water Source into the Avon River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Upper Barrington River Management Zone of the Upper Barrington River Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan,
 - (j) the Lower Barnard Water Source into either the Upper Barnard River and the Myall Creek Water Sources, if the dealing would result in the sum of all share component exceeding 10 ML in total for all dealings within the Upper Barnard or Myall Creek Water Sources,
 - (k) the Lower Manning River Water Source into the Manning River Tidal Pool Water Source,
 - (l) the Manning River Tidal Pool Water Source into the Lower Manning River Water Source, and
 - (m) the Manning Estuary Tributaries Water Source into the Lower Manning River Water Source, the Lower Barrington/Gloucester Rivers Water Source, the Rowleys River Management Zone of the Rowleys River Water Source, the Upper Barrington River Management Zone of the Upper Barrington River Water Source, the Upper Manning River Management Zone of the Upper Manning River Water Source, the Mid Manning River Water Source, the Lower Barnard River Water Source, the Dingo Creek Water Source, Nowendoc River downstream of Cooplacurripa River Confluence Management Zone of the Nowendoc River Water Source, the Cooplacurripa River Management Zone of the Cooplacurripa River Water Source, the Bowman River Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and the Avon River Water Source, and the dealing causes the sum of all access licence share components in the water source or management zone to exceed the sum of all access licence share components in the respective water source or management zone at the commencement of this Plan.
- (6) Dealings that assign water allocations to or from an access licence inside one of these water sources to or from a water source outside these water sources, but inside the respective Manning or Great Lakes Extraction Management Units, are permitted only if the access licence dealing rules in the other water source permit such a dealing.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 13 Mandatory conditions

Division 1 Mandatory conditions on access licences

74 Mandatory conditions on all access licences

- (1) This Division is made in accordance with sections 17 (c) and 20 (2) (e) of the Act.
- (2) All access licences in these water sources must have mandatory conditions to give effect to the following:
 - (a) water must not be taken pursuant to an access licence otherwise than:
 - (i) by means of a water supply work nominated on the access licence, as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (ii) in accordance with the conditions specified on the water supply work approval for the nominated water supply work,
 - (iii) in accordance with the IDEL (if any) assigned to the access licence under Part 11 Division 3 of this Plan, or, if the access licence is in an approved group at any time, in accordance with the group combined IDEL for the approved group at that time,

Note. IDELs are covered in Part 11 Division 3 of this Plan.

Note. Approved groups are established in Part 11 Division 3 of this Plan.
 - (b) water must not be taken pursuant to an access licence in excess of the volume of water allocated to, or assigned to, or recredited to the water allocation account for that access licence,
 - (c) the water allocation account management rules in Division 2 of Part 11 of this Plan,
 - (d) any other conditions required to implement the provisions of this Plan.

75 Mandatory conditions relating to the taking of water

- (1) Subject to subclause (2), in these water sources, water must not be taken pursuant to an access licence, if any of the following apply:
 - (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when the Very Low Flow Class applies in the water source specified on the access licence, subject to clause 76 of this Plan,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the water source in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.

- (2) Subclause (1) does not apply to:
- (a) major utility access licences in the Lower Barnard River Upper Reaches Management Zone of the Upper Barnard River Water Source,
Note. See subclause (3) below.
 - (b) unregulated river (high flow) access licences,
Note. See subclause (4) below.
 - (c) unregulated river (subcategory “Aboriginal community development”) access licences,
Note. See subclause (4) below.
 - (d) aquifer access licences in these water sources,
Note. See subclause (5) below.
 - (e) local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources,
Note. See subclause (6) below.
 - (f) access licences which nominate a water supply work which is a runoff harvesting dam, but only in relation to water taken using the runoff harvesting dam,
 - (g) access licences which nominate a water supply work which is an in-river dam, but only if the in-river dam is passing or releasing the amount of all inflows into the in-river dam,
- (3) All major utility access licences in the Lower Barnard River Upper Reaches Management Zone of the Upper Barnard River Water Source must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) when the A Class specified in clause 17 (1) (q) (iii) applies,
 - (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool,
- (4) All unregulated river (high flow) access licences and unregulated river (subcategory “Aboriginal community development”) access licences in these water sources must have a mandatory condition specifying that water must not be taken, if any of the following apply:
- (a) if flow classes are established in the water source specified on the access licence under clause 17 (1) of this Plan, when flows in the water source are below B Class, subject to clause 76 of this Plan,
-

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (b) if the access licence replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source specified on the access licence are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (c) when there is no visible flow in the immediate downstream vicinity of the nominated water supply work taking water pursuant to the access licence, or, where the nominated water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool.
- (5) All aquifer access licences in these water sources must have mandatory conditions to give effect to clause 67 of this Plan.
 - (6) All local water utility access licences in these water sources which nominate a new water supply work which may be constructed or used to take water from the alluvial sediments in these water sources, must have a mandatory condition to give effect to clause 67 (4) of this Plan.

76 Mandatory conditions for access to the Very Low Flow Class

- (1) This clause only applies to:
 - (a) an access licence which replaces a *Water Act 1912* entitlement listed in Schedule 2 of this Plan, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan,
 - (b) a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence which replaces a *Water Act 1912* entitlement that allowed water to be taken in the Very Low Flow Class, if the access licence specifies a water source in which flow classes are established under clause 17 (1) of this Plan.
- (2) Subject to subclause (3), a local water utility access licence to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence:
 - (a) for the purposes of town water supply only, and
 - (b) only until major augmentation to the utility’s water supply work(s) has taken place.
- (3) An access licences held by the local water utility for Bootawa Dam (*Water Act 1912* Licence SL022548) to which this clause applies must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence for the purposes of town water supply only.

Note. The purpose of allowing for very low flow access to continue on some structures held by local water utilities is to provide for the continuing use of storages to supply town water supply.

- (4) For the purposes of subclause (2), major augmentation includes anything which enhances or increases the local water utility’s capacity to take water to meet town water supply requirements as a result of demand for water exceeding the sustainable yield of the utility’s existing infrastructure, for example, a larger pump, a larger storage facility, a larger pipe, or a secondary or additional water source.
- (5) An access licence to which this clause applies, other than a local water utility access licence, a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence, must have a mandatory condition specifying that water may be taken when the Very

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Low Flow Class applies in the water source specified on the access licence, for any of the following purposes only:

- (a) fruit washing,
 - (b) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (c) poultry watering and misting, or
 - (d) cleaning of enclosures used for intensive animal production for the purpose of hygiene.
- (6) The maximum daily volume that may be taken under subclause (5) must:
- (a) be the minimum required to satisfy the purpose,
 - (b) be specified on each access licence, and
 - (c) not exceed 20 kilolitres per day.
- (7) Once specified under subclause (6) (b), the maximum daily volume must not be increased.
- (8) For the first three years of this Plan only, a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence to which this clause applies, must have a mandatory condition specifying that water may be taken when the Very Low Flow Class applies in the water source specified on the access licence, for domestic consumption only.

Note. Domestic consumption is defined in section 52 of the Act.

77 Mandatory conditions on domestic and stock access licences

In addition, all domestic and stock access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence for the purposes of domestic consumption or stock watering.

Note. Domestic consumption and stock watering are defined in section 52 of the Act.

78 Mandatory conditions on aquifer access licences

In addition, all aquifer access licences in these water sources must have a mandatory condition which specifies that water must only be taken from an aquifer in these water sources.

79 Mandatory conditions on Aboriginal cultural and Aboriginal community development access licences

- (1) In addition, all access licences of the subcategory “Aboriginal cultural” in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for personal, domestic or communal purposes, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.
- (2) In addition, all unregulated river (subcategory “Aboriginal community development”) access licences in these water sources must have a mandatory condition which specifies that water must only be taken pursuant to the access licence by Aboriginal persons or Aboriginal communities for commercial purposes.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

80 New access licences granted in these water sources

- (1) In addition, the following new access licences granted in these water sources must have a mandatory condition specifying that water must not be taken unless flows exceed a level or flow class which is specified on the access licence:
 - (a) a new local water utility access licence granted pursuant to section 66 (3) or (4) of the Act,
 - (b) a major utility (subcategory “Urban water”) access licence granted pursuant to Part 8 of this Plan, which specifies a water source in which B Class is not established under clause 17 (1) of this Plan,
 - (c) a new unregulated river (subcategory “Aboriginal community development”) access licence granted pursuant to Part 8 of this Plan, which specifies a water source in which B Class is not established under clause 17 (1) of this Plan.
- (2) In addition, the following new access licences granted in these water sources, pursuant to Part 8 of this Plan, must have a mandatory condition which specifies that water must not be taken when flows in the water source specified on the access licence are below B Class:
 - (a) a new local water utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (b) a new major utility access licence, which specifies a water source in which B Class is established under clause 17 (1) of this Plan,
 - (c) an access licence of the subcategory “Aboriginal Community Development”, which specifies a water source in which B Class is established under clause 17 (1) of this Plan, or
 - (d) an access licence with a zero share component, which specifies a water source in which B Class is established under clause 17 (1) of this Plan.

Division 2 Mandatory conditions on water supply work approvals

81 Mandatory conditions on all water supply work approvals (except works taking water from the alluvial sediments)

- (1) All water supply work approvals which authorise the construction or use of a water supply work in these water sources, other than a water supply work approval which authorises the construction or use of a water supply works to take water from the alluvial sediments in these water sources, must have mandatory conditions to give effect to the following:
 - (a) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
 - (b) when required by the Minister by notice in writing:

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister,
- (c) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (d) the water supply work must not be used to take water, if any of the following apply:
- (i) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a cease to pump limit, when flows in the water source are equal to or less than the cease to pump limit (if any) specified on that *Water Act 1912* entitlement,
 - (ii) when there is no visible flow in the water source in the immediate downstream vicinity of the water supply work or, where the water supply work is taking water from a pool, when there is no visible inflow and outflow to and from that pool, and
- (e) any other conditions required to implement the provisions of this Plan.
- (2) A water supply work approval which authorises the construction or use of a water supply work which is an in-river dam in these water sources must include a mandatory condition requiring the in-river dam to pass or release such flows as the Minister determines to be appropriate.
- (3) A water supply work approval which authorises the construction or use of a water supply work which is nominated on a major utility access licence in these water sources, including all subcategories of major utility access licences, must have mandatory conditions to give effect to the release rules for major utility storages specified in Part 14 of this Plan.
- (4) A new water supply work approval granted pursuant to clause 39 (3) must have a mandatory condition to give effect to clause 39 (3) (c) of this Plan.
- (5) A water supply work approval which authorises the construction or use of a water supply work which is a runoff harvesting dam in these water sources must, if the share component of the access licence that nominates the water supply work is reduced, be amended to impose a mandatory condition to give effect to clause 36 (2) of this Plan.

82 Mandatory conditions on approvals for water supply works taking water from the alluvial sediments in these water sources

A water supply work approval which authorises the construction or use of a water supply work to take water from the alluvial sediments in these water sources must have mandatory conditions to give effect to the following:

- (a) the approval holder must not construct the work, or cause or allow the work to be constructed, unless the construction is carried out by a person holding a current driller's

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

licence issued pursuant to the *Water Act 1912* or the *Water Management Act 2000*, which is of a class that allows construction of the work to be constructed,

- (b) the approval holder must ensure that the construction of the work complies with:
 - (i) the construction standards prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as may be amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any standards or requirements, in accordance with those standards or requirements (if any) specified by the Minister,
 - (iii) must prevent contamination between aquifers through appropriate construction,
- (c) the approval holder must ensure that any work which is decommissioned or abandoned complies with:
 - (i) the 'minimum requirements for decommissioning bores' prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2003, ISBN 1 9209 2009 9, as amended from time to time, or any standards which supersede those standards,
 - (ii) if the Minister has specified any other standards or requirements, in accordance with the standards or requirements (if any) specified by the Minister,
- (d) within 2 months of the decommissioning or abandonment of the work, the approval holder must notify the Minister that the work has been decommissioned or abandoned in accordance with subclause (c),
- (e) any new or replacement bore to take water for basic landholder rights must be constructed to a sufficient depth to ensure that access to water is not unacceptably impacted by other authorised extractions,
- (f) the approval holder must, within 2 months of completion of the construction of the work, or within 2 months after the issue of the approval if the work is existing, submit to the Department the following:
 - (i) the completed approved form,
 - (ii) details of the location of the work on a copy of the lot and deposited plan, its GPS reference, and the respective distance(s) of the work from the property boundaries,
 - (iii) if the Minister has requested any water analysis and/or pumping tests to be carried out, details of the water analysis and/or pumping tests as required by the Minister,
- (g) if, during the construction of the work, saline or contaminated water is encountered above the production aquifer, the approval holder must:
 - (i) notify the Department,
 - (ii) ensure that such water is sealed off by:
 - (1) inserting casing to a depth sufficient to exclude the saline or contaminated water from the work,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (2) if specified by the Minister, placing an impermeable seal between the casing(s) and the walls of the work from the bottom of the casing to ground level as specified by the Minister,
- (iii) if the Minister has specified any other requirements, comply with the requirements (if any) specified by the Minister,
- (h) the approval holder must supply to the Minister on request, and to the required standard, a report pertaining to the quality of any water obtained from the work,
- (i) the work must be constructed within 3 years of the approval being granted,
- (j) the water supply work must not be used to take water otherwise than pursuant to the conditions of an access licence which nominates the water supply work as a work by means of which water credited to the water allocation account for the access licence may be taken from the water source specified on the access licence, unless otherwise allowed pursuant to the Act,
- (k) when required by the Minister by notice in writing:
 - (i) metering equipment must be installed and maintained for use in connection with the water supply work,
 - (ii) metering equipment must be operated and maintained in a proper and efficient manner,
 - (iii) if the Minister has specified that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with that type, standard or other criteria (if any) specified by the Minister.
- (l) when required by the Minister by notice in writing, the approval holder must provide details of water extraction, property water management infrastructure and cropping to the Minister, within the time period specified and to the standard specified in the notice,
- (m) if the water supply work approval replaces a *Water Act 1912* entitlement which contained a limit(s) on the amount of water that may be taken through the work, the water supply work must not be used to take more water than the limit(s) (if any) contained on the *Water Act 1912* entitlement,
- (n) any other conditions required to implement the provisions of this Plan.

83 Mandatory conditions for existing water supply works taking water from the alluvial sediments in these water sources

- (1) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within 500 metres of a contamination source identified in this Plan, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.
 - (2) In addition, a water supply work approval which authorises the use of an existing water supply work to take water from the alluvial sediments in these water sources which is located within
-

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

the distance criteria specified in clauses 39, 40 or 41, must have a mandatory condition which specifies an annual extraction limit, being the maximum amount of water that may be taken through the water supply work each year, which is the equivalent amount of the share component of the access licence that nominates the water supply work as at the commencement of this Plan.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 14 System operation rules

84 Rules for major utility storages

- (1) In the Lower Barnard River Water Source up to 30,000 ML/year may be diverted from the Barnard River Dam provided that:
 - (a) releases obtain a minimum of either:
 - (i) the 80th percentile flow in the Barnard River at the gauging weir downstream of the junction of the Barnard River and Orham Creek, or
 - (ii) the inflow to the Dam,
 - (b) the maximum volume taken is equal to 100,000 ML over any five consecutive water years, in accordance with clause 56 (7) of this Plan,
 - (c) releases of water are not required to be made when Barnard River Dam is spilling at a rate that equals or exceeds the minimal flow release requirement referred to in subclause (a), and
 - (d) the Minister may suspend or alter the release requirements under subclause (a) for the purpose of an emergency or maintenance activity that has the potential to temporarily affect the flow volume or behaviour of water for periods of more than 24 hours.
- (2) Based on the outcomes of the 'Studies into Barnard Losses' to be undertaken by Macquarie Generation, in consultation with the Department, and assessment of implementation of release rules, if the estimated volume of water reaching Jerrys Plains does not meet the shortfall from the Hunter System for the major utility to operate at 80% capacity factor through the worst drought on record (1936-46), then the Minister will amend this Plan to increase accordingly the Barnard long-term average annual diversion as specified in clause 56 (7) and/or the maximum annual diversion as specified in clause 84 (1).

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Part 15 Amendment of this Plan

85 Amendment of this Plan

- (1) This Plan may be amended as specified in this Plan, pursuant to section 45 of the Act.
- (2) Any amendment to this Plan, that is authorised by a provision of this Plan, which results in a variation to the bulk access regime, is an amendment authorised by this Plan for the purposes of section 87 (2) (c) of the Act.

86 Amendment of very low flow provisions

- (1) The Minister may amend this Plan to amend the Very Low Flow Classes and the bottom of A Classes established in clauses 17 (1) (b), (c), (d), (h), (i), (j), (o), (p) and (s) following field verification and the review of relevant studies.
- (2) Any amendment made under subclause (1) should not result in the Very Low Flow Class being:

Note. Visible flow was chosen as the lower limit of the bounds of change taking into account submissions during the public exhibition period in the Dingo Creek, Bowman Creek, Upper Manning and Upper Gloucester River Water Sources. The 99th percentile was chosen as the lower limit of the bounds of change taking into account submissions by Water User Associations during the targeted consultation period in the Lower Manning, Mid Manning, Upper Barrington, and Lower Barrington/Gloucester River Water Sources. This approach was used to ensure equity between water sources and to take into account the cumulative relationship between water sources. Science will be the basis for the setting of the CTP levels and water users should be aware that this figure may be set as high as the 95th percentile if the science supports this.

- (a) less than visible flow or greater than 95th percentile in the Dingo Creek Water Source,

Note. Further data collection is required before flow levels can be determined more accurately. The estimated 95th percentile corresponds to around 3 to 10 ML/day of flows.

- (b) less than 54 ML/day or greater than 225 ML/day in the Lower Manning and Mid Manning River Water Sources,

Note. 54 ML/day corresponds to the estimated 99th percentile and 225 ML/day corresponds to the estimated 95th percentile.

- (c) less than visible flow or greater than 95th percentile in the Upper Gloucester River Water Source,

Note. Further data collection is required before flow levels can be determined more accurately. The estimated 95th percentile corresponds to around 4.5 to 7.5 ML/day of flows.

- (d) less than 23 ML/day or greater than 61 ML/day in the Upper Barrington River Water Source and Lower Barrington Upper Reaches Management Zone of the Lower Barrington/Gloucester Rivers Water Source,

Note. 23 ML/day corresponds to the estimated 99th percentile and 61 ML/day corresponds to the estimated 95th percentile.

- (e) less than 13 ML/day or greater than 68 ML/day in the Lower Barrington River Management Zone and the Lower Gloucester River Management Zone of the Lower Barrington/Gloucester Rivers Water Source,

 Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Note. 13 ML/day corresponds to the estimated 99th percentile and 68 ML/day corresponds to the estimated 95th percentile.

- (f) less than visible flow or greater than 68 ML/day in the Bowman River Water Source,

Note. 68 ML/day corresponds to the estimated 95th percentile.

- (g) less than visible flow or greater than the 95th percentile in the Upper Manning River Water Source, and

Note. Further data collection is required before flow levels can be determined more accurately. The estimated 95th percentile corresponds to around 22 ML/day of flows.

- (h) greater than visible flow at the end of the water source in the Avon River Water Source and Manning Estuary Tributaries Water Source.

Note. Visible flow at the end of the water source is the highest level of management initially proposed for these water sources and will form the upper bound of change for any amendment of the flow classes. Provision for pool protection through inflow/outflow rules are the environmental water provisions form the lower bound of change.

- (3) For the purpose of such amendments, the field verification in subclause (1) is to be undertaken by year five of this Plan where possible, and no later than year ten of this Plan.

- (4) The field verification should assess the degree to which the objectives of clause 10 (a) and (b) of this Plan are met.

- (5) In preparing the field verification:

- (a) consultation with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority, and representatives of interest groups and water users should be undertaken, as required, and

Note. Interest groups may include representatives of local Water User Associations, Landcare or environment groups, local industry and commerce representatives, Aboriginal groups, local government etc.

- (b) a report should be prepared documenting:

- (i) the methodology adopted

- (ii) the hypotheses tested,

- (iii) the field results and conclusions in terms of the degree to which the objectives in clause 10 (a) and (b) are met,

- (iv) the consideration of relevant studies including, but not limited to:

- (a) studies completed by Midcoast Water in relation to estuarine flow requirements, and

Note. Other studies being completed by individuals or organisations will also be considered, such as work being carried out by Great Lakes Shire Council in relation to Wallis, Smiths and Myall Lakes, and their tributaries.

- (b) modelling to show if percentiles derived for estuary needs should be applied to upstream catchments,
-

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (v) any Aboriginal cultural values or sites which may need to be protected by a specific flow regime,
- (vi) the flow level recommended to meet the objectives, and
- (vii) the socio-economic impacts of the recommended changes to the flow levels.

87 Amendment of tidal pool provisions

- (1) The Minister may amend this Plan to:

- (i) establish or modify flow classes, or
- (ii) amend access licence dealing rules,

in the Manning River Tidal Pool Water Source, following review of the study referred to in clause 17 (2) (e) and the determination of licence entitlements.

- (2) The Minister should cause the development of access rules, and review of dealing rules in subclause (1) to be undertaken by year five of this Plan where possible, and no later than year ten of this Plan.

- (3) In developing the access rules and reviewing the dealing rules:

- (a) consultation with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority and representatives of interest groups and water users should be undertaken, as required, and

Note. Interest groups may include representatives of local Water User Associations, Landcare or environment groups, local industry and commerce representatives, Aboriginal groups, local government etc.

- (b) a report should be prepared to be used by the agencies and stakeholders specified in subclause (a) documenting:

- (i) the methodology adopted,
- (iii) the field results and conclusions in terms of the degree to which the objectives in clause 10 (a) and 9 (b) are met,
- (iv) the field results and conclusions in regard to whether to adopt access rules based on salinity levels, inflows from upstream water sources or other management approaches, including consideration of:
 - (a) the homogeneity of the tidal pool indicating whether rules apply across the water source or whether specific rules may apply to management zones or areas within the water source,
 - (b) the suitability of sites for measurement of flow or salinity levels,
 - (c) the significance of extraction on salinity levels, if required,
 - (d) ecosystem requirements, and

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

- (e) where access rules are based on upstream hydrology, the Very Low Flow Class should be consistent with the bounds of change specified in clause 88 (2), that is, less than 99th percentile or greater than the 95th percentile.
- (v) the proposed access and dealing rules recommended to meet the objectives,
- (vi) the consideration of relevant studies including the outcomes of low flow verification studies undertaken in clause 86 (5), and
- (vii) the socio-economic impacts of the recommended rules.

88 Amendment of pool protection provisions

- (1) The Minister may amend this Plan to establish pool control levels and key sites for the Dingo Creek Water Source, the Upper Gloucester River Management Zone of the Upper Gloucester River Water Source and any other water source where appropriate.
- (2) For the purpose of such amendments, a study to identify pool control levels and key sites should be undertaken as soon as practicable, but before year six of this Plan.
- (3) The study should assess whether the pool control levels and key sites are required and whether they meet the objective specified in clause 10 (a) of this Plan, and specifically considering:
 - (a) the suitability of the location of the key sites used in assessing pool health upstream of the site,
 - (b) the drawdown of the water levels from the pool upstream of the key site during periods of extraction, and
 - (c) the significance of the pools that are impacted by the drawdown.
- (4) In preparing the study:
 - (a) consultation with the Department of Environment and Climate Change, the Department of Primary Industries, the relevant Catchment Management Authority and representatives of interest groups and water users should be undertaken, as required, and

Note. Interest groups may include representatives of local Water User Associations, Landcare or environment groups, local industry and commerce representatives, Aboriginal groups, local government etc.
 - (b) a report should be prepared to be used by the agencies and stakeholders specified in subclause (a) documenting:
 - (i) the methodology adopted
 - (ii) the hypotheses tested,
 - (iii) the field results and conclusions in terms of the degree to which the objective in clause 10 (a) is met,
 - (iv) the pool control levels and key sites recommended to meet the objective, and
 - (v) the socio-economic impacts of the recommended changes to the pool controls.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Note. Changes to the geomorphology of reaches of the Upper Gloucester River and Dingo Creek Water Sources has led to conditions whereby flow may cease in some sections of the river despite levels at the reference site being above the cease to pump.

89 Amendments due to floodplain harvesting

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

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

90 Amendments for alluvial aquifers downstream of the tidal limit

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

91 Amendments for stormwater harvesting

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

92 Amendments in relation to Schedule 2 (Very Low Flow)

The Minister may amend this Plan to:

- (a) add a *Water Act 1912* entitlement to Schedule 2, but only if the taking of water under that entitlement was for a purpose referred to in this clause and the purpose existed prior to 1 July 2008, or
- (b) remove a *Water Act 1912* entitlement from Schedule 2, if:
 - (i) any access licence dealing results in water being extracted, under the access licence which replaced the *Water Act 1912* entitlement, from a different location, or
 - (ii) an alternative water supply is obtained that satisfies the requirement(s) for water for the purposes listed in this clause, or the purpose no longer exists, or
 - (iii) the access licence which replaced the *Water Act 1912* entitlement is surrendered or cancelled.
- (c) amend or remove Schedule 2 to this Plan, following an assessment which determines that the requirement for access to water in the Very Low Flow Class under this clause is no longer required generally or for specific access licences.

Schedule 1 Dictionary

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

accreditation scheme means the "Water Use Accreditation Scheme" operated by the NSW Department of Primary Industries and assessed as adequate by the Department

drawdown refers to a lowering of the level to which water will rise in cased bores. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

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

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

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

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

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

individual daily extraction limit (IDEL) is described in clause 61 of this Plan.

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

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

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

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

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

registered plan for these water sources means the registered plan called The Lower North Coast Unregulated and Alluvial Water Sources (WSP001) maintained by the Department.

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

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

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

runoff harvesting dam is a privately owned dam that captures surface or rainfall runoff.

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

stream order is defined by the Strahler stream ordering method.

Note. The Strahler stream ordering methods is explained as follows.

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

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

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

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

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

total daily extraction limit (TDEL) is described in clause 58 of this Plan.

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

water year means a year commencing 1 July.

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Schedule 2 Licences with access to very low flows

Schedule 2 currently lists *Water Act 1912* licences from which access licences will be derived upon commencement of the Water Sharing Plan.

VERY LOW FLOW ACCESS LICENCES

20SL021370	20SL033839	20SL060028	20SL060246
20SL021476	20SL034011	20SL060029	20SL060251
20SL021507	20SL034799	20SL060057	20SL060256
20SL021509	20SL035247	20SL060093	20SL060258
20SL021559	20SL035393	20SL060108	20SL060294
20SL021660	20SL035645	20SL060110	20SL060305
20SL021717	20SL036378	20SL060126	20SL060307
20SL021964	20SL040731	20SL060127	20SL060308
20SL023478	20SL041763	20SL060131	20SL060320
20SL024073	20SL043052	20SL060143	20SL060323
20SL024444	20SL044477	20SL060173	20SL060333
20SL024596	20SL049302	20SL060200	20SL060356
20SL026774	20SL050162	20SL060217	20SL060361
20SL027211	20SL050357	20SL060230	20SL060363
20SL027959	20SL050676	20SL060235	20SL060367
20SL028376	20SL051915	20SL060236	20SL060376
20SL031506	20SL060015	20SL060237	20SL060400
20SL031541	20SL060023	20SL060240	20SL060409
20SL031823	20SL060027	20SL060242	20SL060415

20SL060439	20SL061087
20SL060443	20SL061089
20SL060561	20SL061094
20SL060564	20SL061096
20SL060574	20SL061119
20SL060575	20SL061127
20SL060578	20SL061133
20SL060646	20SL061142
20SL060647	20SL061145
20SL060760	20SL061176
20SL060764	20SL061183
20SL060840	20SL061453
20SL060865	20SL061591
20SL060873	20SL061611
20SL060879	20SL061632
20SL060925	20SL021737
20SL060927	20SL061102
20SL060989	20SL061119
20SL061075	20SL061127

LOCAL WATER UTILITY ACCESS LICENCES

Lower Manning	20SL018032	Myall River	20SL022558
	20SL022548		
	20SL046844		
Manning Estuary	20SL022548	Lower	20SL060565
Tributaries	20SL029347	Barrington/Gloucester	20SL045139
Manning Tidal Pool	20SL029347		

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

Schedule 3 Contamination sources in the Lower North Coast Unregulated and Alluvial Water Sources

Contamination sources in these water sources include:

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

Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009

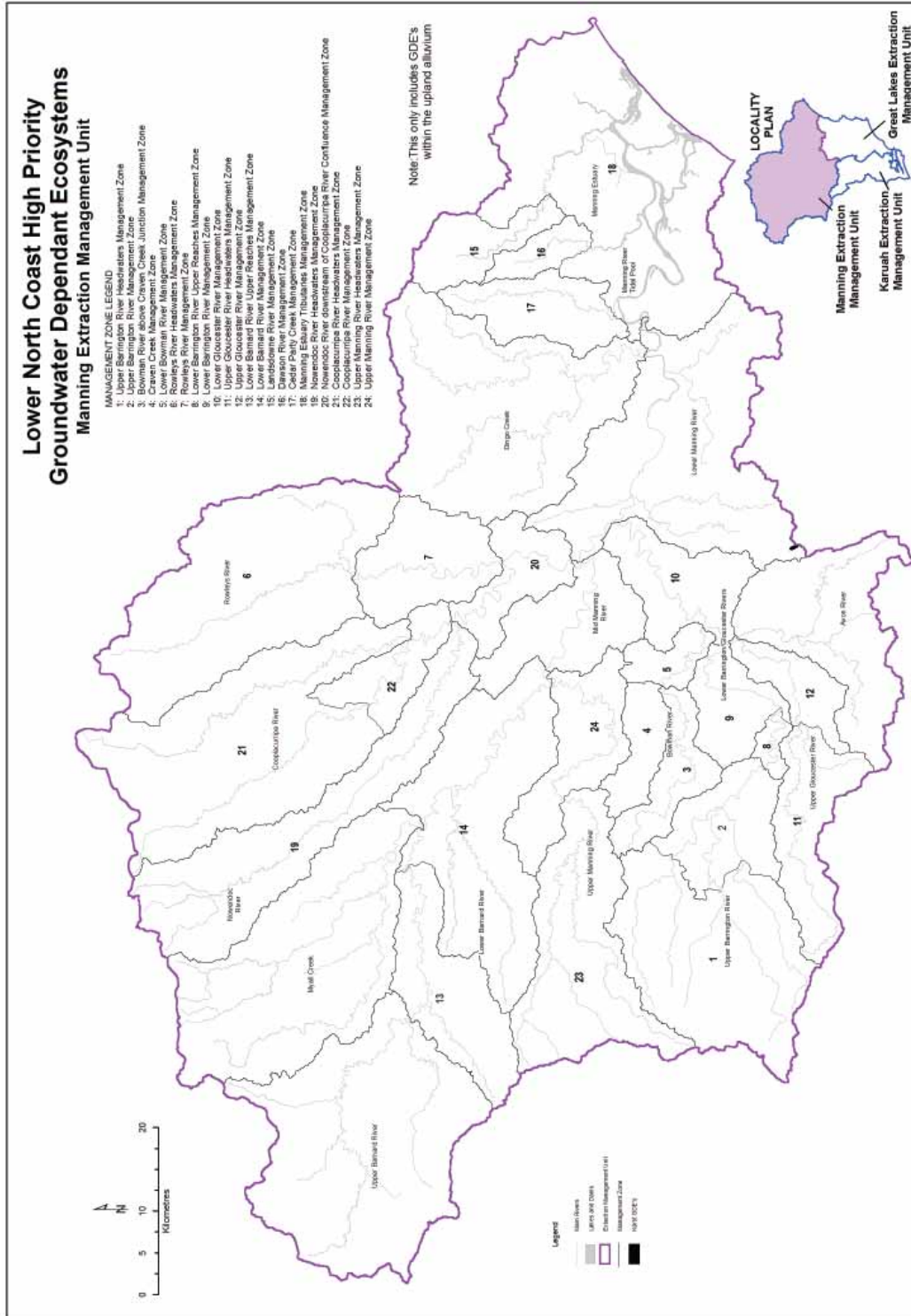
Schedule 4 High priority groundwater dependent ecosystems

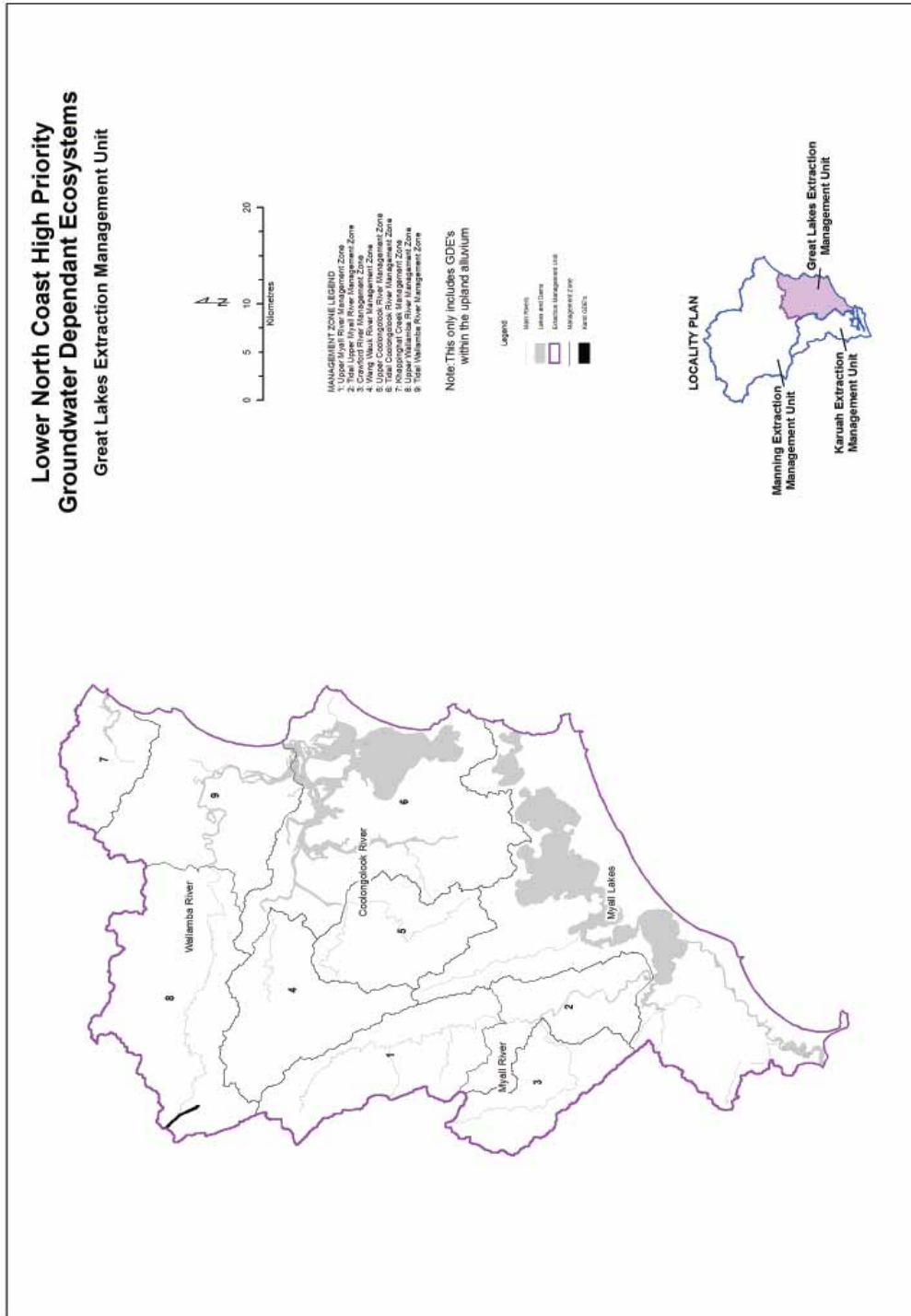
The following high priority groundwater dependent ecosystems are identified at the commencement of this Plan:

Map ID	GDE name	Latitude	Longitude	Location	Area
Karst ▲	Gloucester Caves	6452760	413389	Lower Manning River Water Source	233,067 m ²
Karst ▲	Gloucester Caves	6450661	414989	Wallamba River Water Source	448,413 m ²

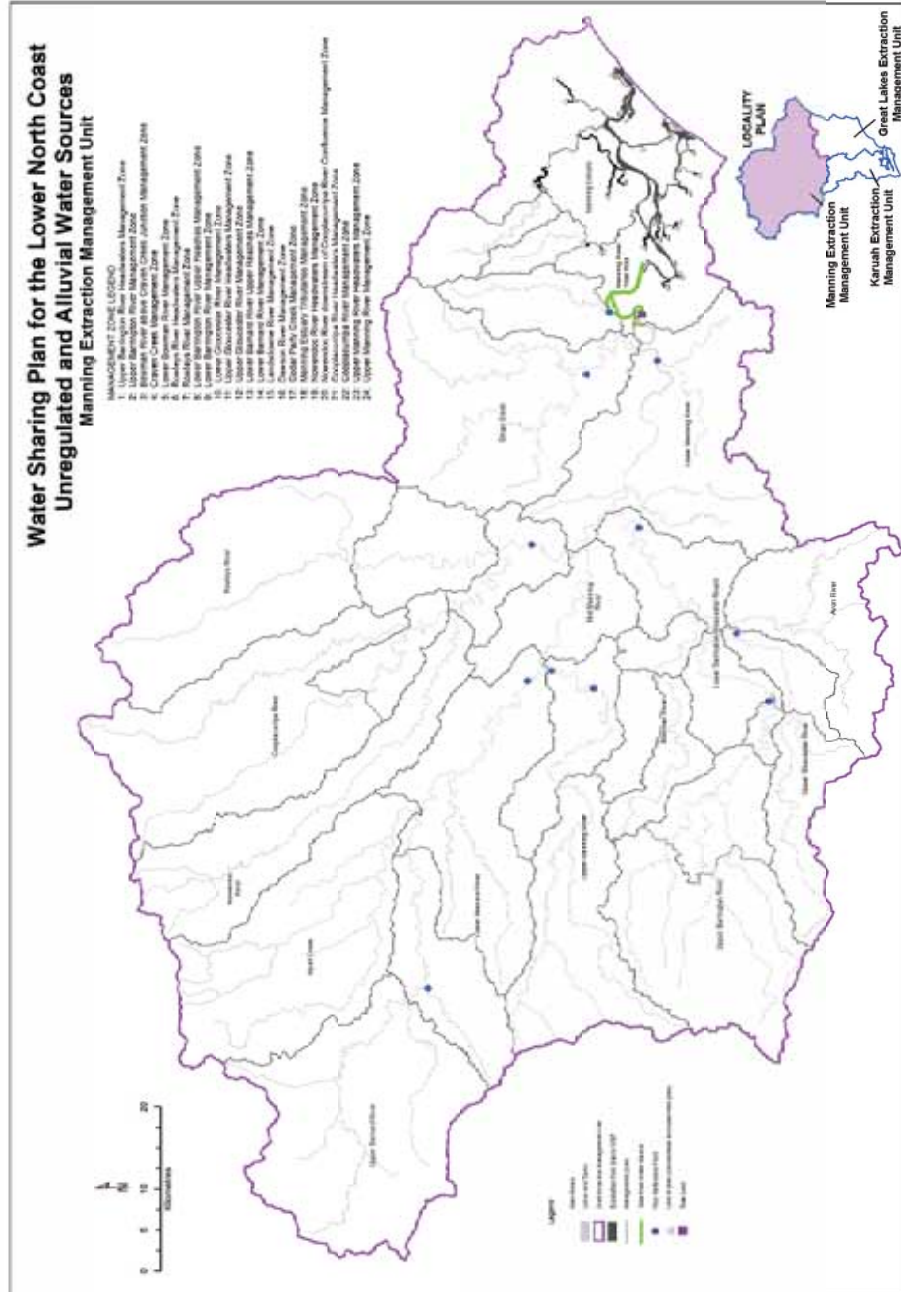
Note. High priority groundwater dependent ecosystems are currently under investigation and some of these may be identified during the term of this Plan. The full list of potential GDEs will be identified on the DWE GDE Register and as a precautionary approach, will be considered by staff in the assessment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

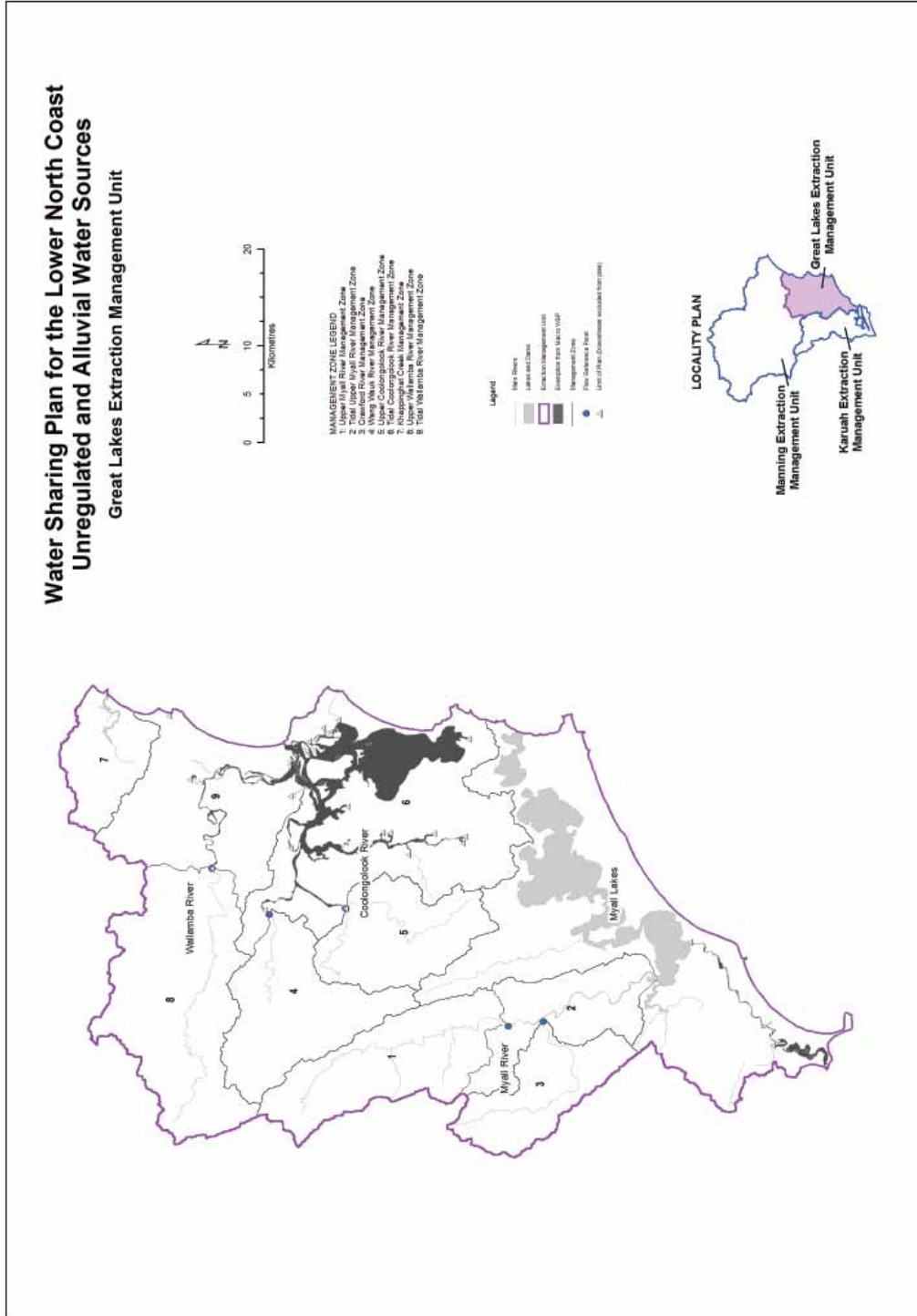
The actual area of these high priority groundwater dependent ecosystems is shown to scale in the following maps.





Appendix 1 Lower North Coast Unregulated and Alluvial Water Sources and Manning and Great Lakes Extraction Management Units





Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2008

Appendix 2 Location of registered plans

Copies of the registered plans for these water sources may be inspected at:

Department of Water and Energy
10 Valentine Ave
PARRAMATTA NSW 2150

Department of Water and Energy
Level 3, 26 Honeysuckle Drive
NEWCASTLE NSW 2302

Department of Lands
98 Victoria Street
TAREE NSW 2430



WATER MANAGEMENT ACT 2000
Order under section 45(1)(a)

AMENDMENT TO MANAGEMENT PLAN
Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003

Pursuant to section 45(1)(a) of the *Water Management Act 2000*, I, PHILLIP COSTA, MP, Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, amend the Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003 in the manner set out in Schedule 1.

This Order takes effect from the date it is published in the *NSW Government Gazette*.

Dated this 14th day of July, 2009.

PHILLIP COSTA, MP
Minister for Water

Schedule 1

[1] Clause 35 Long term average extraction limit

Omit clause 35. Insert instead:

35 Long-term average annual extraction limit

- (1) For this unit there will be separate long-term average annual extraction limits applying to extractions under:
 - (a) basic landholder rights and access licences, other than those local water utility or any future major utility access licences held by Gosford and Wyong Councils, and
 - (b) local water utility or any future major utility access licences held by Gosford and Wyong Councils (hereafter *the local water utility long-term average annual extraction limit*).
- (2) The long-term average annual extraction limit established under subclause (1) (a) is equal to the total of:

- (a) the sum of share components of access licences in the Jilliby Jilliby Creek Water Source at the commencement of the Water Sharing Plan for Jilliby Jilliby Creek Water Source 2003, excluding local water utility or any future major utility entitlements held by Gosford and/or Wyong Councils,
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Jilliby Jilliby Creek Water Source at the commencement of the Water Sharing Plan for Jilliby Jilliby Creek Water Source 2003,
 - (c) the sum of share components of access licences not held by Gosford and Wyong Councils, that have been issued for the purposes of stormwater harvesting in the Unit, and
 - (d) the sum of share components of access licences granted under clause 19 of the Regulation in all water sources, excluding local water utility or any future major utility access licences granted to Gosford and/or Wyong Councils.
- (3) The local water utility long-term average annual extraction limit established under subclause (1) (b) is equal to 36,750 ML/year minus:
- (a) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in the Gosford Extraction Management Unit, and
 - (b) the long-term average annual extraction under local water utility or any future major utility access licences held by Gosford City Council and/or Wyong Shire Council in any groundwater source, where the groundwater taken is not being passed through Mardi Water Treatment Plant.

Note: Water flowing from Hunter Water Corp to Gosford/Wyong Councils will be accounted against the local water utility LTAEL in the Tuggerah Lakes EMU. Water transferred from Gosford/Wyong Councils to Hunter Water Corporation will be accounted against the major utility LTAEL in the Hunter EMU.

Note. The 36,750 ML/year figure is based on demand projections to 2013. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources and this Plan will need to be reviewed to determine their appropriateness in line with the new operations.

Note. Any groundwater extraction that is being passed through Mardi Water Treatment Plant will effectively be counted as surface water extraction against the LTAEL.

- (4) After commencement of releases from Tillegra Dam or after 1 July 2013, whichever occurs sooner, the local water utility long-term average annual extraction limits established under subclause (3) for this Unit will be reviewed, taking into consideration:
- (a) instream habitat and estuary requirements, and
 - (b) local water utility long-term demand requirements.

- (5) The Minister may, amend the local water utility long-term average annual extraction limit specified in subclause (3) in accordance with the outcomes of the review specified in subclause (4).
- (6) The Minister may amend subclause (1) (b) and the local water utility long-term average annual extraction limit specified in subclause (3) following the granting of access licences to Gosford or Wyong Councils for the purpose of stormwater harvesting.
- (7) The Minister may amend the local water utility long-term average annual extraction limit specified in subclauses (3) in accordance with the outcomes of the review specified in clause 36A (10) of this Plan.

[2] Clause 36 variation of the long term average extraction limit.

Omit clause 36. Insert instead:

36 Variation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for this extraction management unit may be varied by the Minister following the purchase and cancellation of an access licence in the extraction management unit.
- (2) The long-term average annual extraction limit for this extraction management unit may be varied by the Minister if dealings under Part 11 of this Plan result in issuing or cancellation of access licences in the respective extraction management unit.

[3] Insert new clause

36A Compliance with the long-term average annual extraction limit

- (1) In this Unit the total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, will be monitored each water year to determine if there is any growth in volumes extracted above the long-term average annual extraction limit established under clause 35 (2), based on comparison of the extraction limit against the average extraction within this Unit over that year and the preceding 2 years.
- (2) For the purposes of auditing extraction against the long-term average annual extraction limit established under clause 35 (2), the taking of water pursuant to an access licence that has been committed as adaptive environmental water pursuant to section 8C of the Act, shall not be accounted for as extraction under subclause (1).
- (3) For water sources in this Unit, if the 3 year average of total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, exceeds the long-term average annual extraction limit established under clause 35 (2) by 5% or greater, then the available water determinations made for unregulated river access licences under clause 37 (8) for the following water year shall be reduced by an amount that is assessed as necessary by the

Minister to return subsequent total water extractions under basic landholder rights and access licences, other than those held by Gosford and Wyong Councils, in this Unit to the long-term average annual extraction limit.

- (4) For water sources in this Unit if the 3 year average of total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, is less than 95% of the long-term average annual extraction limit established in clause 35 (2), the available water determinations made for unregulated river access licences under clause 37 (8) for the following water year for unregulated river access shall be increased to such an extent as to allow total water extraction under basic landholder rights and access licences in this Unit to increase to the respective long-term average annual extraction limit.

Note. The effect of this subclause and clause 37 (8) is that available water determinations for unregulated river access licences can never be greater than 1 ML per unit share, except for the available water determinations made for the first year of the Plan. Therefore this allows for adjustment back towards 1 ML per unit share if a previous growth in use response under 36A(3) resulted in extractions significantly below the LTAAEL.

- (5) Any reduction or increase to the available water determinations made under clause 37 (8) for unregulated river access licences in the Ourimbah Creek Water Source as a result of subclause (3) or (4) shall be equivalent to the corresponding reduction or increase made to available water determinations for unregulated river access licences in the Wyong River Water Source, Tuggerah Lakes Water Source and the Jilliby Jilliby Creek Water Source and should be repeated for each of the subsequent two water years.
- (6) The average annual volume of water taken under all local water utility or any future major utility access licences, held by Gosford City Council and Wyong Council, in any 10 consecutive water years in this Unit may not exceed a volume equal to the respective long-term average annual extraction limit specified in clause 35 (3).
- (7) In this Unit the total water taken under local water utility or any future major utility licences held by Gosford City Council and Wyong Shire Councils will be monitored each water year to determine if there is any growth above the local water utility long-term average annual extraction limit established under clause 35 (3), based on a comparison of the long-term average annual extraction limit against the average annual amount of water taken within this Unit over a rolling ten year period commencing from the start of this Plan, except where subclause (8) applies.
- (8) If the long-term average annual extraction limit specified in clause 35 (3) is amended under clause 35 (5) then growth in the 'water taken' above the respective local water utility long-term average annual extraction limit specified in clause 35 (3) shall be determined based on a comparison of the extraction limit against the average water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council within the Tuggerah Lakes Extraction Management Unit over a rolling ten year period commencing from the water year in which the amendment was made.

Note. The effect of subclause (8) is if a new long-term average annual extraction limit for the local water utility is required after Tillegra Dam is built within the term of this Plan then a new ten year rolling accounting period will commence.

- (9) For the purpose of assessing growth above the local water utility long-term average annual extraction limit the water taken in the Tuggerah Lakes Extraction Management Unit under local water utility or any future major utility licences within these water sources will be determined as:
 - (a) the water passing the outlet of Mardi Water Treatment Plant minus any water passing the boundary meter from Gosford/Wyong Councils to Hunter Water Corporation, plus
 - (b) any water passing the boundary meter from Hunter Water Corporation to Gosford/Wyong Councils, plus
 - (c) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.
- (10) If monitoring of the water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council indicates growth above the local water utility long-term average annual extraction limit as specified in clause 35 (3), then a review shall be undertaken which considers:
 - (a) the Councils' urban water supply requirements, and
 - (b) the impacts associated with an increase to the respective local water utility long-term average annual extraction limit..
- (11) The Minister may amend this clause to take account of access licences issued for the purpose of stormwater harvesting.

[4] Clause 37 Available water determinations

Omit clause 37. Insert instead:

37 Available water determinations

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

- (4) The available water determination made at the commencement of each water year for domestic and stock access licences in these water sources shall provide an allocation of 100% of share components, except where the available water determination is made under subclause (5).
- (5) The available water determination made at the commencement of the first year of this Plan, for domestic and stock access licences in these water sources should be 200% of those licences share components.
- (6) The available water determination made at the commencement of each water year for local water utility access licences in these water sources should be 100% of those licences share components.
- (7) If major utility access licences are established in these water sources the available water determination made at the commencement of each water year for major utility access licences should be 100% of those licences share components.
- (8) The available water determination made at the commencement of each water year for unregulated river access licences in these water sources should be equal to 1 megalitre multiplied by the number of unit shares in the share component, or such lower amount as results from clause 36A (3) except where the available water determination is made under subclause (9).
- (9) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres multiplied by the number of unit shares in the share component.

Note. The effect of this clause and clause 37 (4) is that available water determinations for unregulated river access licences can never be greater than 1 ML per unit share, except for the available water determination made for the first year of the Plan.

[5] Clause 39 Water allocation account management

Omit clause 39. Insert instead:

Insert instead:

39 Individual access licence account management rules

- (1) Water taken from this water source, excluding that taken by local water utility or any future major utility access licences, in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:
 - (a) the water allocations accrued under the licence in those years,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71 G of the Act in those years,
 - (c) plus any water allocations reccredited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocation assigned to another licence, by a water allocation assignment under section 71 G of the Act in those years.

- (2) Notwithstanding subclause (1), water taken under an access licence from this water source, excluding local water utility or major utility access licences, in the first 3 water accounting years of this Plan may not exceed a volume consisting of:
 - (a) 3 times the share component of the access licences,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71 T of the Act in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocation assigned to another licence, by a water allocation assignment under section 71 T of the Act in those years.
- (3) Water allocation in the accounts of local water utility or major utility access licences shall not be permitted to be carried over from one water year to the next.

[6] Clause 40 Water allocation accounts

Omit clause 40.

[7] Clause 41 Accrual of water accounts

Omit clause 41.

[8] Clause 42 Annual accounting for water extraction

Omit clause 42.

[9] Clause 43 Three year accounting for water extraction

Omit clause 43.

[10] Clause 61 Mandatory conditions on access licences

Insert additional clause (3).

- (3) All local water utility access or any future major utility access licences in this water source must have a mandatory condition specifying that water must not be taken if it were to cause the respective local water utility long term average annual extraction limit as specified in clause 35 to be exceeded.



WATER MANAGEMENT ACT 2000
Order under section 45(1)(a)

AMENDMENT TO MANAGEMENT PLAN
Water Sharing Plan for the Ourimbah Creek Water Source 2003

Pursuant to section 45(1)(a) of the *Water Management Act 2000*, I, PHILLIP COSTA, MP, Minister for Water, with the concurrence of the Minister for Climate Change and the Environment, being satisfied it is in the public interest to do so, do, by this Order, amend the Water Sharing Plan for the Ourimbah Creek Water Source 2003 in the manner set out in Schedule 1.

This Order takes effect from the date it is published in the *NSW Government Gazette*.

Dated this 14th day of July, 2009.

PHILLIP COSTA, MP
Minister for Water

Schedule 1

[1] Clause 35 Long term average extraction limit

Omit clause 35. Insert instead:

35 Long-term average annual extraction limit

- (1) For this unit there will be separate long-term average annual extraction limits applying to extractions under:
 - (a) basic landholder rights and access licences, other than those local water utility licences held by Gosford and Wyong Councils, and
 - (b) local water utility access licences held by Gosford and Wyong Councils (hereafter *the local water utility long-term average annual extraction limit*).
- (2) The long-term average annual extraction limit established under subclause (1) (a) is equal to the total of:

- (a) the sum of share components of access licences in the Ourimbah Creek Water Source at the commencement of the Water Sharing Plan for Ourimbah Creek Water Source 2003, excluding local water utility entitlements held by Gosford and Wyong Councils,
 - (b) an estimate of annual extraction of water under domestic and stock rights and native title rights in the Ourimbah Creek Water Source at the commencement of the Water Sharing Plan for Ourimbah Creek Water Source 2003,
 - (c) the sum of share components of access licences not held by Gosford and Wyong Councils, that have been issued for the purposes of stormwater harvesting in the Unit, and
 - (d) the sum of share components of access licences granted under clause 19 of the Regulation in all water sources, excluding local water utility access licences granted to Gosford and Wyong Councils.
- (3) The local water utility long-term average annual extraction limit established under subclause (1) (b) is equal to 36,750 ML/year minus:
- (a) the long-term average annual extraction under local water utility access licences held by Gosford City Council and Wyong Shire Council in the Gosford Extraction Management Unit, and
 - (b) the long-term average annual extraction under local water utility access licences held by Gosford City Council and Wyong Shire Council in any groundwater source, where the groundwater taken is not being passed through Mardi Water Treatment Plant.

Note: Water flowing from Hunter Water Corporation to Gosford/Wyong Councils will be accounted against the local water utility LTAAEL in the Tuggerah Lakes EMU. Water transferred from Gosford/Wyong Councils to Hunter Water Corporation will be accounted against the major utility LTAAEL in the Hunter EMU.

Note. The LTAAEL of 36,750 ML/year is based on demand projections to 2013. This is the expected date that releases will commence from Tillegra Dam and upgrade works will be finalised for Grahamstown Dam. At this time operation of the water supply system will vary and a number of relevant plan provisions within the Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources and this Plan will need to be reviewed to determine their appropriateness in line with the new operations.

Note. Any groundwater extraction that is being passed through Mardi Water Treatment Plant will effectively be counted as surface water extraction against the LTAAEL.

- (4) After commencement of releases from Tillegra Dam or after 1 July 2013, whichever occurs sooner, the local water utility long-term average annual extraction limits established under subclause (3) for this Unit will be reviewed, taking into consideration:
- (a) instream habitat and estuary requirements, and
 - (b) local water utility long-term demand requirements.

- (5) The Minister may, amend the local water utility long-term average annual extraction limit specified in subclause (3) in accordance with the outcomes of the review specified in subclause (4).
- (6) The Minister may amend subclause (1) (b) and the local water utility long-term average annual extraction limit specified in subclause (3) following the granting of access licences to Gosford or Wyong Councils for the purpose of stormwater harvesting.
- (7) The Minister may amend the local water utility long-term average annual extraction limit specified in subclauses (3) in accordance with the outcomes of the review specified in clause 36A (10) of this Plan.

[2] Clause 36 variation of the long term average extraction limit.

Omit clause 36. Insert instead:

36 Variation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for this extraction management unit may be varied by the Minister following the purchase and cancellation of an access licence in the extraction management unit.
- (2) The long-term average annual extraction limit for this extraction management unit may be varied by the Minister if dealings under Part 11 of this Plan result in issuing or cancellation of access licences in the respective extraction management unit.

[3] Insert new clause

36A Compliance with the long-term average annual extraction limit

- (1) In this Unit the total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, will be monitored each water year to determine if there is any growth in volumes extracted above the long-term average annual extraction limit established under clause 35 (2), based on comparison of the extraction limit against the average extraction within this Unit over that year and the preceding 2 years.
- (2) For the purposes of auditing extraction against the long-term average annual extraction limit established under clause 35 (2), the taking of water pursuant to an access licence that has been committed as adaptive environmental water pursuant to section 8C of the Act, shall not be accounted for as extraction under subclause (1).
- (3) For water sources in this Unit, if the 3 year average of total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, exceeds the long-term average annual extraction limit established under clause 35 (2) by 5% or greater, then the available water determinations made for unregulated river access licences under clause 37 (8) for the following water year shall be reduced by an amount that is assessed as necessary by the

Minister to return subsequent total water extractions under basic landholder rights and access licences, other than those held by Gosford and Wyong Councils, in this Unit to the long-term average annual extraction limit.

- (4) For water sources in this Unit if the 3 year average of total water extractions under basic landholder rights and access licences, other than local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council, is less than 95% of the long-term average annual extraction limit established in clause 35 (2), the available water determinations made for unregulated river access licences under clause 37 (8) for the following water year for unregulated river access shall be increased to such an extent as to allow total water extraction under basic landholder rights and access licences in this Unit to increase to the respective long-term average annual extraction limit.

Note. The effect of this subclause and clause 37 (8) is that available water determinations for unregulated river access licences can never be greater than 1 ML per unit share, except for the available water determinations made for the first year of the Plan. Therefore this allows for adjustment back towards 1 ML per unit share if a previous growth in use response under 36A(3) resulted in extractions significantly below the LTAAEL.

- (5) Any reduction or increase to the available water determinations made under clause 37 (8) for unregulated river access licences in the Ourimbah Creek Water Source as a result of subclause (3) or (4) shall be equivalent to the corresponding reduction or increase made to available water determinations for unregulated river access licences in the Wyong River Water Source, Tuggerah Lakes Water Source and the Jilliby Jilliby Creek Water Source and should be repeated for each of the subsequent two water years.
- (6) The average annual volume of water taken under all local water utility access licences, held by Gosford City Council and Wyong Council, in any 10 consecutive water years in this Unit may not exceed a volume equal to the long-term average annual extraction limit specified in clause 35 (3).
- (7) In this Unit the total water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Councils will be monitored each water year to determine if there is any growth above the local water utility long-term average annual extraction limit established under clause 35 (3), based on a comparison of the long-term average annual extraction limit against the average annual amount of water taken within this Unit over a rolling ten year period commencing from the start of this Plan, except where subclause (8) applies.
- (8) If the long-term average annual extraction limit specified in clause 35 (3) is amended under clause 35 (5) then growth in the 'water taken' above the respective local water utility long-term average annual extraction limit specified in clause 35 (3) shall be determined based on a comparison of the extraction limit against the average water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council within the Tuggerah Lakes Extraction Management Unit over a rolling ten year period commencing from the water year in which the amendment was made.

Note. The effect of subclause (8) is if a new long-term average annual extraction limit for the local water utility is required after Tillegra Dam is built within the term of this Plan then a new ten year rolling accounting period will commence.

- (9) For the purpose of assessing growth above the local water utility long-term average annual extraction limit the water taken in the Tuggerah Lakes Extraction Management Unit under local water utility or major utility licences within these water sources will be determined as:
- (a) the water passing the outlet of Mardi Water Treatment Plant minus any water passing the boundary meter from Gosford/Wyong Councils to Hunter Water Corporation, plus
 - (b) any water passing the boundary meter from Hunter Water Corporation to Gosford Wyong Councils, plus
 - (c) water taken by any other local water utility infrastructure nominated by Gosford and Wyong Water Supply Authority and agreed to by the Minister.
- (10) If monitoring of the water taken under local water utility or any future major utility access licences held by Gosford City Council and Wyong Shire Council indicates growth above the local water utility long-term average annual extraction limit as specified in clause 35 (3), then a review shall be undertaken which considers:
- (a) the Councils' urban water supply requirements, and
 - (b) the impacts associated with an increase to the respective local water utility long-term average annual extraction limit.
- (11) The Minister may amend this clause to take account of access licences issued for the purpose of stormwater harvesting.

[4] Clause 37 Available water determinations

Omit clause 37. Insert instead:

37 Available water determinations

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) All available water determinations in these water sources shall be expressed as either:
 - (a) a percentage of the share component for all access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for all access licences where share components are specified as a number of unit shares.
- (3) An available water determination for each category of access licence in these water sources should be made at the commencement of each water year.
- (4) The available water determination made at the commencement of each water year for domestic and stock access licences in these water sources shall provide an allocation of 100% of share components, except where the available water determination is made under subclause (5).

- (5) The available water determination made at the commencement of the first year of this Plan, for domestic and stock access licences in these water sources should be 200% of those licences' share components.
- (6) The available water determination made at the commencement of each water year for local water utility access licences in these water sources should be 100% of those licences' share components.
- (7) If major utility access licences are established in these water sources the available water determination made at the commencement of each water year for major utility access licences should be 100% of those licences share components.
- (8) The available water determination made at the commencement of each water year for unregulated river access licences in these water sources should be equal to 1 megalitre multiplied by the number of unit shares in the share component, or such lower amount as results from clause 36A (3) except where the available water determination is made under subclause (9).
- (9) The available water determination made at the commencement of the first year of this Plan, for unregulated river access licences in these water sources, should be equal to 2 megalitres multiplied by the number of unit shares in the share component.

[5] Clause 39 Water allocation account management

Omit clause 39. Insert instead:

39 Individual access licence account management rules

- (1) Water taken from this water source, excluding that taken by local water utility access licences, in any 3 consecutive water accounting years under an access licence may not exceed a volume consisting of:
 - (a) the water allocations accrued under the licence in those years,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71 G of the Act in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act in those years, and
 - (d) minus any water allocation assigned to another licence, by a water allocation assignment under section 71 G of the Act in those years.
- (2) Notwithstanding subclause (1), water taken under an access licence from this water source, excluding local water utility access licences, in the first 3 water accounting years of this Plan may not exceed a volume consisting of:
 - (a) 3 times the share component of the access licences,
 - (b) plus any water allocations assigned from another licence by a water allocation assignment under section 71 T of the Act in those years,
 - (c) plus any water allocations recredited in accordance with section 76 of the Act in those years, and

- (d) minus any water allocation assigned to another licence, by a water allocation assignment under section 71 T of the Act in those years.
- (3) Water allocation in the accounts of local water utility or major utility access licences shall not be permitted to be carried over from one water year to the next.

[6] Clause 40 Water allocation accounts

Omit clause 40.

[7] Clause 41 Accrual of water accounts

Omit clause 41.

[8] Clause 42 Annual accounting for water extraction

Omit clause 42.

[9] Clause 43 Three year accounting for water extraction

Omit clause 43.

[10] Clause 61 Mandatory conditions on access licences

Insert additional clause (3).

- (3) All local water utility access or any future major utility access licences in this water source must have a mandatory condition specifying that water must not be taken if it were to cause the respective local water utility long term average annual extraction limit as specified in clause 35 to be exceeded.

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Asset Maintenance – Carpet Cleaning
- Asset Maintenance – Cleaning Operations
- Asset Maintenance – Fire Protection Equipment
- Asset Maintenance – Fire Safety Systems Inspection
- Asset Maintenance – Pest Management
- Asset Maintenance – Waste Management,

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, competency outcome/s and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au/html/cibs/417.htm>

Notice is also given that the recognised traineeship vocation of Asset Maintenance is now repealed.

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association
pursuant to Section 54A

THE incorporation of Kelly's Place Children's Centre Inc (Y0492720), cancelled on 3 October 2008, is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 17th day of July 2009.

ROBERT HAYES,
A/g Manager,
Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Reinstatement of Cancelled Association
Pursuant to Section 54A

The incorporation of Leeton Motor Cycle Club Inc. (Y0656616) cancelled on 11 July 2008 is reinstated pursuant to section 54A of the Associations Incorporation Act 1984.

Dated: 22nd day of July 2009.

ROBERT HAYES,
A/g Manager,
Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of incorporation pursuant to section 54

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 54 of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

- Abermain Landcare Incorporated – Inc9876792
- Adorers of the Holy Eucharist Bossley Park Incorporated – Inc9876475
- Australasian Fetal Medicine Fund Incorporated – Inc9874342
- Australian Affiliated Soccer Referees Federation Northern New South Wales Division Inc – Y1115703
- Australian Herb Growers Industry Association Incorporated – Inc9876406
- The Australian Mangeshian Society Incorporated – Inc9874833
- Australian Muslim Doctors Association Incorporated – Inc9887685
- Bowraville Aboriginal Preschool Incorporated – Inc9883339
- City of Sydney Singers Inc – Y1528621
- Club 200 Incorporated – Inc9884520
- Endometriosis Association Of N.S.W. Inc – Y1577016
- Lachlan Valley Model Railway Club Incorporated – Inc9876883
- New England & North West Regional Council of Adult and Community Education Incorporated – Y1739947
- Palm Christian Life Online Incorporated – Inc9887858
- Parents and Citizens Association - Australian Islamic College of Sydney Incorporated – Inc9888057
- Tenterfield Chamber of Commerce Inc – Y1109646
- Think First Australasia Incorporated – Inc9876982
- Union & Juventud Incorporated – Y2416336

Dated: 16 July 2009.

ROBERT HAYES,
A/g Manager,
Financial Analysis,
Registry of Co-operatives and Associations,
Office of Fair Trading,
Department of Commerce

CO-OPERATIVES ACT 1992

Notice under Section 601AB of the Corporations Act 2001 as applied by Section 325 of the Co-Operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice:

Australian Rice Growers Co-operative Limited

Dated this twenty-second day of July 2009.

R. HAYES,
Delegate of the Registrar of Co-Operatives

**CRIMES (ADMINISTRATION OF SENTENCES)
ACT 1999**

Marie Bashir, Governor

I, Professor MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to sections 225 (4) and 226 (4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamations published in the *New South Wales Government Gazette* of 1 July 2005 and 31 August 2007, which declared the Metropolitan Periodic Detention Centre to be a correctional centre and a periodic detention centre.

This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 15th day of July 2009.

By Her Excellency's Command,

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

GOD SAVE THE QUEEN!

**EDUCATION ACT 1990
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land
for Public School

THE Minister for Education and Training, with the approval of Her Excellency the Governor, declares by delegate that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Education Act.

Dated at Sydney, this 22nd day of July 2009.

R. MILLOTT,
Delegate of the Minister for Education and Training

SCHEDULE

All that piece or parcel of land situated at Kellyville in the Parish of Castle Hill, County Cumberland and Local Government area of Baulkham Hills and being an area of 1.47 hectares and comprising part of Lot 12, DP 247442 being Lot 501, DP 1130020.

Excluding:

1. BK 2587 No 211 Right of Carriageway appurtenant to the land above described affecting the piece of land shown as Right of Way 20.115 wide in DP 247442.
2. BK 2589 No. 212 Covenant
3. easement for transmission line affecting the piece of land in the plan hereon created by notification in the *Government Gazette* dated 25/5/1956 Folios 1454/5.
4. P 247442 restrictions on the use of land.

**FLUORIDATION OF PUBLIC WATER SUPPLIES
ACT 1957**

ERRATUM

A notification under the Fluoridation of Public Water Supplies Act 1957, as to the addition of fluorine to the public water supply under the control of Tumut Shire Council, published in *New South Wales Government Gazette* No. 105 of 17 July 2009, at page 4110, contained an error in the date, as the month of signature was omitted. It should have appeared as "Signed at Sydney, this thirteenth day of July 2009".

GAS SUPPLY ACT 1996

ERRATUM

REFERENCE to the Gas Retail Market Business Rules to Support Retail Competition in Gas (Business Rules) in notice published in the *Government Gazette* on 12 June 2009, No. 87, folio 3055, SHOULD NOT HAVE BEEN MADE. This erratum now cancels the effect of that reference in the notice from date of gazettal. PLEASE NOTE, HOWEVER, THAT THE REFERENCE TO THE MARKET OPERATIONS RULES IN THAT NOTICE REMAINS CURRENT.

GEOGRAPHICAL NAMES ACT 1966

The Hungry Mile

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has assigned the name:

The Hungry Mile for an urban place that includes the section of Hickson Road between the Munn Street overbridge and the Napoleon Street intersection located mainly in the suburbs of Barangaroo and Millers Point.

The Hungry Mile commemorates the historical colloquial name given to this area when men would line up outside the Darling Harbour wharves during the Great Depression era of the 1930s in the hope of being selected for a day's work. Success in gaining work meant money for food and shelter, failure meant going hungry.

An urban place is a place, site or precinct in an urban landscape, the name of which is in current use. The Hungry Mile does not change the address and historic name of part of Hickson Road, but rather officially recognises the area as an unbounded urban place.

WARWICK WATKINS,
Chairman

Geographical Names Board,
Panorama Avenue, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Determine Address Locality Names and Boundaries within the Harden Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to determine address locality names and boundaries in the Harden Local Government Area as shown on map GNB3825.

It is proposed to determine boundaries for the following fourteen names to be used for address localities which

are shown on map GNB3825: Barwang, Beggan Beggan, Berremangra, Cooneys Creek, Cunningar, Galong, Harden, Harden Murrumburrah, Jugiong, Kingsvale, McMahons Reef, Murrumburrah, Nubba and Wombat.

Copies of map GNB3825 may be viewed at Harden Shire Council Administrative Offices, 3 East Street, Harden; Harden Library, Trinity Centre, Cnr Albury and East Streets, Harden; Sewell Building Murrumburrah, 314 Albury Street, Murrumburrah; Harden Murrumburrah Express Office, 81 Neill Street, Harden; South West Zone Rural Fire Service Offices, Trinity Centre, Cnr Albury and East Streets, Harden and the BP Service Station Jugiong, Riverside Drive, Jugiong, from Friday, 24 July 2009 until Friday, 28 August 2009.

A copy of Map GNB3825 will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, during the above dates. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au during the above dates.

Any person wishing to make comment upon this proposal may prior to Saturday, 29 August 2009, write to the Secretary of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966, may be subject to a freedom of information application.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Determine Address Locality Names and Boundaries within the Wingecarribee Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to determine address locality names and boundaries in the Wingecarribee Local Government Area as shown on map GNB3728.

The following fifty one names are proposed for address localities as shown on map GNB3728: Alpine, Avoca, Aylmerton, Balaclava, Balmoral, Bargo, Belanglo, Berrima, Bowral, Braemar, Bullio, Bundanoon, Burradoo, Burrawang, Buxton, Canyonleigh, Colo Vale, East Kangaloon, Exeter, Fitzroy Falls, Glenquarry, Goodmans Ford, High Range, Hilltop, Joadja, Kangaloon, Lake Avon, Mandemar, Medway, Meryla, Mittagong, Moss Vale, Mount Lindsey, Mount Murray, New Berrima, Paddys River, Penrose, Renwick, Robertson, Sutton Forest, Tallong, Upper Kangaroo Valley, Wattle Ridge, Welby, Werai, Wildes Meadow, Willow Vale, Wingello, Wombeyan Caves, Woodlands and Yerrinbool.

Map GNB3728 may be viewed at Wingecarribee Council Administrative Offices, Elizabeth Street, Bowral; Mittagong Public Library, Queen Street, Mittagong; Moss Vale Public Library, Elizabeth Street, Moss Vale; Bowral Public Library, Bendooley Street, Bowral; Hill Top Post Office/General Store, West Parade, Hill Top and Penrose Post Office/General Store, Penrose Road, Penrose, from Friday, 24 July 2009 until Friday, 28 August 2009.

A copy of Map GNB3728 will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, during the above dates. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au during the above dates.

Any person wishing to make comment upon this proposal may prior to Friday, 28 August 2009, write to the Secretary of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966, may be subject to a freedom of information application.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Determine Address Locality Names and Boundaries within the Dubbo Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to determine address locality names and boundaries in the Dubbo Local Government Area as shown on map GNB3695-2.

Dubbo City Council has submitted the following eleven names to be used for address localities which are shown on map GNB3695-2: Ballimore, Beni, Brocklehurst, Dubbo, Elong Elong, Eumungerie, Minore, Mogriguy, Rawsonville, Toongi and Wongarbron.

Copies of map GNB3695-2 may be viewed at Dubbo Council Administrative Offices, Cnr Darling and Church Streets, Dubbo; Macquarie Regional Library, Cnr Talbrigar and Macquarie Streets, Dubbo; Eumungerie Post Office, Railway Street, Eumungerie; Wongarbron Post Office, 5 Gundong Street, Wongarbron and the Ballimore Inn, 26-28 Federation Street, Ballimore, from Friday, 24 July 2009 until Friday, 28 August 2009.

A copy of Map GNB3695-2 will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795, during the above dates. This proposal may also be viewed and submissions lodged on the Geographical Names Board web site at www.gnb.nsw.gov.au during the above dates.

Any person wishing to make comment upon this proposal may prior to Saturday, 29 August 2009, write to the Secretary of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966, may be subject to a freedom of information application.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Assigned Name: Parker Fields.
 Designation: Reserve.
 L.G.A.: Richmond Valley Council.
 Parish: Riley.
 County: Richmond.
 L.P.I. Map: Woodburn.
 1:100,000 Map: Woodburn 9639.
 Reference: GNB 5292.

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au.

WARWICK WATKINS,
 Chairperson

Geographical Names Board,
 PO Box 143, Bathurst NSW 2795.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a State Conservation Area

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Burragorang State Conservation Area, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 8th day of July 2009.

MARIE BASHIR,
 Governor

By Her Excellency's Command,

CARMEL TEBBUTT, M.P.,
 Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Picton; L.G.A. – Wollondilly

County Camden, Parish Burragorang, 1.1242 hectares, being Lots X and Y, DP 441599; Lot B, DP 382076 and Lot 1, DP 409232. NPWS/06/03961.

**OCCUPATIONAL HEALTH AND SAFETY
 REGULATION 2001**

(Clauses 348 and 270)

Exemption Order No. 014 / 09

Tractors Fitted with Loadshifting Attachments

I, JOHN WATSON, General Manager, Occupational Health and Safety Division, of the WorkCover Authority of New South Wales, pursuant to Clause 348 of the Occupational Health and Safety Regulation 2001 make the following Order.

Dated this 22nd day of July 2009.

JOHN WATSON,
 General Manager,
 Occupational Health and Safety Division,
 WorkCover Authority of New South Wales

**OCCUPATIONAL HEALTH AND SAFETY
 REGULATION 2001**

Exemption Order No. 014 / 09
 Tractors Fitted with Loadshifting Attachments

1. Name of Order

This Order is the Occupational Health and Safety Regulation 2001 Exemption Order No. 014 / 09 – Tractors Fitted with Loadshifting Attachments

2. Commencement

This Order commences on 30 July 2009, and has effect for a period of five years from that date.

3. Exemption

Operators (or persons employing, directing or allowing an operator) of tractors fitted with loadshifting attachments undertaking the work specified in Schedule 1 are exempt from clause 270 of the Occupational Health and Safety Regulation 2001 (requirement to hold a certificate of competency in relation to loadshifting machines), provided that the conditions specified in Schedule 2 are complied with.

SCHEDULE 1

1. This Exemption Order applies to agricultural work within the rural industry with tractors fitted with loadshifting attachments that enable a tractor to be used as a front-end loader, backhoe or forklift.
2. This Order does not apply to the use of commercially manufactured loadshifting machines such as forklift trucks, front-end loaders or backhoes.

Definition:

For the purpose of this Exemption Order, agriculture within the rural industry:

- a. includes work carried out at workplaces where the land is used predominantly for the production of stock or animal products (such as milk or wool), rearing livestock or growing crops, including farms, orchards, vineyards, market gardens and forestry;
- b. does not include work carried out at workplaces processing or storing agricultural products or work carried out by persons providing services to agriculture.

SCHEDULE 2

1. The controller of the tractor must:
 - (a) ensure that any hazards identified with the use of the tractor and attachment(s) have been assessed and adequately controlled and that authorised persons are advised of the hazards and control measures;
 - (b) ensure that only persons assessed as competent in the operation of the tractor and attachment(s) are authorised to use the tractor.
2. The tractor is only to be operated by persons who are:
 - (a) authorised to use it by the controller of the tractor;

- (b) over 18 years of age;
 - (c) able to communicate to a level necessary to perform their duties safely;
 - (d) trained and competent in the safe operation of the tractor and attachment(s); and
 - (e) aware of this Order and its conditions and limitations.
3. While operating the tractor the operator must follow safe work practices and take action to prevent any person being placed at risk by the use of the tractor.

PARKING SPACE LEVY ACT 2009

Order Under Section 12 (1) (B)

Guidelines as to the Unused Casual Parking Space Exemption

1. These Guidelines are made by the Chief Commissioner of State Revenue with the approval of the Minister for Transport pursuant to Section 12 (1) (b) of the Parking Space Levy Act 2009.
 2. Clause 7 (3) of the Parking Space Levy Regulation 2009 provides an exemption for an unused casual parking space. These are Guidelines as to whether, in particular circumstances, a parking space is, or is not, to be exempted from the calculation of the parking space levy as an unused casual parking space.
 3. Clause 7 (3) states that a parking space on leviable premises in a Category 1 or Category 2 area is an exempt parking space while it is an unused casual parking space.
- Clause 7 (4) (a) defines an unused casual parking space as a parking space that is set aside for use by the public for the parking of motor vehicles but remains unused for that purpose.
4. Accordingly, the definition of “unused casual parking space” has two elements. To satisfy the definition, a parking space must:
 - be set aside for use by the public for the parking of motor vehicles; and
 - remain unused for that purpose.

The first element of the definition effectively describes what a “casual parking space” is, for the purposes of the exemption.

First element – when is a parking space set aside for use by the public for the parking of motor vehicles?

5. A parking space is considered to be a casual parking space, that is, set aside for use by the public for the parking of motor vehicles, if it is an unreserved parking space, generally available to members of the public.
6. The Chief Commissioner will consider the terms of any agreement or arrangement as to the use of a parking space in determining whether it is a casual parking space and, in particular, will consider:
 - if the space is generally available for use by a member of the public;
 - if a person may use it as a parking space at any time when it is not occupied by a motor vehicle; and
 - if the space is subject to any agreement or arrangement for its reservation.

The Chief Commissioner is not precluded from considering other relevant matters.

7. A parking space set aside for the parking of a motor vehicle under an arrangement (usually, a lease or licence) which gives a person the use of it to the exclusion of any other parker (a reserved parking space) is not a casual parking space.
8. A parking space set aside as a reserved parking space is not a casual parking space merely because it is not yet the subject of a current lease or licence to a person for its exclusive use. However, a parking space that was previously set aside as a reserved parking space is not precluded from becoming a casual parking space if it is subsequently set aside as such.

Second element – when is a casual parking space an unused casual parking space?

9. A casual parking space will only be an exempt parking space while it is unused. Whether a casual parking space is unused will be a question of fact in each case.
10. The exemption for an unused casual parking space is worked out and applied on a daily basis. Accordingly, an owner or operator wishing to claim an exemption for unused casual parking spaces must keep the following records for each day for which they wish to claim an exemption:
 - the total number of liable spaces;
 - the total number of spaces set aside as casual parking spaces; and
 - the total number of casual parking spaces unused on that day.

The records must be retained for a minimum of five years from the date an exemption is claimed in a return lodged with the Chief Commissioner.

11. Whether or not a casual parking space has been used on a particular day must be determined at the time of maximum daily usage. Until a determination is made in accordance with the following 2 paragraphs, the Chief Commissioner accepts 1pm as being the time of maximum daily usage.
12. The Chief Commissioner may at any time by notice in writing require an owner or operator within a period of 3 months following the issue of the notice to:
 - undertake counts of unused casual parking spaces no more than 3 times a day, at times specified by the Chief Commissioner, during a typical 2 week period;
 - provide records of the counts to the Chief Commissioner; and
 - report to the Chief Commissioner which of the 3 specified times has the maximum usage, as indicated by the counts.

For car spaces located in a car park, the counts can only be taken on days when the car park is open for business, and a single time of maximum daily usage is to be reported for the whole car park.

13. Unless some other approach is approved or required by the Chief Commissioner, the time reported as the time of maximum usage following the 2 week trial will be regarded as the time of maximum daily, and a count must be undertaken at that time of day for every day after the

expiry of the 3 month period for which an exemption for casual parking is claimed, until a further determination is made.

14. In the absence of adequate records, including when no daily count has been made, the Chief Commissioner may determine the total number of unused casual parking spaces on a particular day or days based on information that he has from any source.
 15. Where a parking space is a reserved parking space for only certain days of the week, the parking space is not a casual parking space for those days, but may qualify as a casual parking space for the remaining days of the week. Also, a reserved space that is only used occasionally on a casual basis is not a casual parking space.
 16. Because the unused casual parking space exemption applies, on a daily basis, to parking spaces set aside for use by the public, it cannot be claimed for a parking space in a car park for any day on which the car park, or the part containing the relevant space, is not open for business for at least 3 hours (whether or not consecutive hours) during that day.
A car park will not be regarded as open for business during a part of a day when it is closed to the public at large, just because a regular customer issued with an access card or an electronic access device may be able to enter it during that part of the day.
- Examples of where the exemption would apply
17. A car park has 500 parking spaces. From Monday to Sunday, 100 spaces are set aside as reserved parking spaces and 400 spaces are set aside as casual parking spaces. An exemption may be claimed for any day that any of the 400 spaces remains unused.
 18. A car park has 500 parking spaces. From Monday to Friday, 100 spaces are set aside as reserved parking spaces and 400 spaces are set aside as casual parking spaces. On Saturday and Sunday, all 500 spaces are set aside as casual parking spaces. An exemption may be claimed on a daily basis for any of the 400 spaces unused between Monday and Friday, and for any of the 500 spaces unused on Saturday or Sunday.
 19. A car park has 500 parking spaces. From Monday to Friday, 100 spaces are set aside as reserved parking spaces and 400 spaces are set aside as casual parking spaces. On Saturday, all 500 spaces are set aside as casual parking spaces. The car park is closed on a Sunday. An exemption may be claimed on a daily basis for any of the 400 spaces unused between Monday and Friday, and for any of the 500 spaces unused on a Saturday. No exemption may be claimed for any spaces on a Sunday.
 20. A council has 100 metered off-street parking spaces available for use with a 2 hour time limit. All 100 spaces are set aside as casual parking spaces. An exemption may be claimed for any of the 100 spaces that remain unused on any day.
- Examples of where the exemption would not apply
21. A building has 100 parking spaces, all of which are set aside from Monday to Sunday as reserved parking spaces. None of the spaces are casual parking spaces. No exemption can be claimed.
 22. A building has 100 parking spaces, all of which are set aside from Monday to Friday as reserved parking spaces. The spaces are not available for parking on Saturday or Sunday. As none of the spaces are set aside as casual parking spaces on any day, no exemption can be claimed.
 23. A business has 100 parking spaces, all of which are set aside for employee parking. Only 50 of the spaces are ever used by employees, with the remaining 50 spaces unused. As none of the spaces are set aside as casual parking spaces, no exemption can be claimed.
 24. A person has a parking space they use once a week. The parking space remains unused for the remainder of the week. As the space is not set aside for casual parking, no exemption can be claimed.

TONY NEWBURY,
Chief Commissioner of State Revenue

SUBORDINATE LEGISLATION ACT 1989

NOTICE is given, in accordance with section 5 of the above Act, of the intention to make a principal statutory by-law under the Sydney Cricket and Sports Ground Act 1978. The By-law, viz the Sydney Cricket Ground and Sydney Football Stadium By-law 2009, will replace the Sydney Cricket Ground and Sydney Football Stadium By-law 2004, which is due to sunset on 1 September 2009. The By-law deals with the following matters:

- (a) the general conditions of entry to the Sydney Cricket Ground and the Sydney Football Stadium, including behaviour that is prohibited and behaviour that justifies the removal of a person from that Ground or Stadium,
- (b) the types of membership that can be granted by the Sydney Cricket and Sports Ground Trust (the Trust), the conditions and entitlements relating to membership and the transfer of membership,
- (c) the determination of membership fees by the Trust and the payment of those fees,
- (d) certain offences against the By-law for which penalty notices may be issued,
- (e) in relation to an election of two members of the Trust from among the members of the Sydney Cricket Ground:
 - i. The appointment of a Returning Officer, and
 - ii. The notification of polling days and invitation for nominations, and
 - iii. The making of nominations, candidate information sheets and the making of the poll, and
 - iv. The procedure for the ballot and the counting of votes.

Copies of the Regulatory Impact Statement and a draft of the proposed By-law may be inspected or obtained by contacting Mr B. Lamerton, Sydney Cricket and Sportsground Trust Offices, Moore Park Road (Opposite Oatley Road), Paddington NSW 2021. Telephone (02) 9360 6601.

Comments or submissions on the proposed By-law are invited and should be sent to the following address to be received no later than 5:00 p.m., Friday, 14 August 2009, Mr P. Brady, Principal Solicitor, NSW Department of the Arts, Sport and Recreation, Locked Bag 1422, Silverwater NSW 2128, telephone (02) 9006 3700.

CIVIL PROCEDURE ACT 2005

Delegation to Registrars under Section 13 of the Civil Procedure Act 2005

PURSUANT to section 13 of the Civil Procedure Act 2005, I direct with effect from 21 July 2009, that a registrar of the Land and Environment Court (including a person acting as the registrar or as a deputy to the registrar) may exercise the functions of the Land and Environment Court as stated in Parts 1 to 3 of the Schedule to this direction; and I revoke all earlier instruments made pursuant to section 13.

Dated: 21 July 2009.

B. J. PRESTON,
Chief Judge,
Land and Environment Court

SCHEDULE

Part 1

The functions of the Court as provided for in Column 1 but subject to the restriction (if any) mentioned in Column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction.

Civil Procedure Act 2005

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Section 14	Dispense with rules in particular cases	Restricted to those matters which a registrar may deal with
Section 26 (1) unopposed	Referral to mediation	By consent of the parties or expressly
Section 38 (1)	Referral to arbitration	
Section 43	Order for rehearing of arbitration	
Section 45	Discontinuance of rehearing	
Section 61 (1), (2), and (3) (f) and (g)	Directions as to practice and procedure	
Section 64	Amendment of documents	
Section 65	Amendment of originating process expiration of limitations period	
Section 66	Adjournment of proceedings	
Section 67	Stay of proceedings	Restricted to those matters which a registrar may deal with
Section 68	Attendance and production	
Section 86	Orders and terms	Restricted to those matters which a registrar may deal with
Section 93 (2)	Judgment for Detention of Goods	Restricted to default judgments
Section 98	Costs	Restricted to those matters which a registrar may deal with
Section 100	Interest up to judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 101	Interest after judgment	In respect of a judgment given or entered under Part 16 of the Rules
Section 107	Deferral of payments and payments by installments	
Section 108	Order for examination of judgment debtor	
Section 134	Extension of period of enforcement of stale judgment	
Section 135 (2) (b)	Prohibit Sheriff from acting on writ of execution	Restricted to a writ of execution issued pursuant to a judgment given by default

Uniform Civil Procedure Rules 2005

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Rule 1.12	Extension and abridgment of time	Excluding abridging time for service of a summons
Rule 1.13	Fixing time	
Part 2	Case management generally	Except a direction or order the subject of a restriction elsewhere in this direction.
Rule 4.10 (4)	Rejection of documents	
Rule 4.13	Place for filing	
Part 5	Preliminary discovery	
Rule 6.1	Leave to take step without filing appearance	
Rule 6.5	Continuation of proceedings wrongly commenced by Statement of Claim	
Rule 6.6	Continuation of proceedings wrongly commenced by Summons	
Rule 6.16	Postpone return day in summons	
Rule 6.18	Leave to join causes of action	
Rule 6.19	Leave to join parties in proceedings involving common question	
Rule 6.20	Leave to join parties having joint entitlement	
Rule 6.21	Stay proceedings until jointly liable persons added as defendants	
Rule 6.22	Order separate trials or other order to avoid inconvenient joinder	
Rule 6.24	Order addition of parties	
Rule 6.27 and 6.28	Join third party and determine date of commencement of proceedings relating to them	
Rule 6.29	Order removal of party	
Rules 6.30 and 6.31	Effect of change of party in proceedings	
Rule 6.32	Future conduct of proceedings	
Rule 7.3	Leave to an unrepresented litigant to issue subpoena	
Rule 7.15 (5)	Leave to replace tutor in proceedings	
Rule 7.18	Appointment and removal of tutor	
Rule 7.21	Striking out appearance of person sued in a business name	
Rule 7.22	Leave to proceed before amendment made	
Rule 7.29	Withdrawal of solicitor	
Rule 9.8 (a)	Leave to separately determine cross-claims	
Rule 9.9	Leave for proceedings to continue together	
Rule 10.1	Service of filed documents	
Rule 10.2	Service of affidavits	Restricted to those matters which a registrar may deal with
Rule 10.7	Orders as to the giving of notice by the Court	
Rule 10.14	Substituted and informal service	
Rule 10.15	Possession of land; service by affixing copy of originating process	
Rule 10.16	Service on person in default by filing	
Rule 11.4	Leave to proceed when originating process served outside Australia	
Rule 11.5	Leave to serve documents outside Australia and confirmation thereof	
Rule 12.1 and 12.3	Leave to discontinue	
Rule 12.4	Stay of further proceedings to secure costs of discontinuance of proceedings	

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Rule 12.5	Leave to withdraw an appearance	
Rule 12.7 (1)	Dismiss proceedings for want of due dispatch by plaintiff	Provided at least one month's notice of the proposal to make such an order has been given to the plaintiff
Rule 12.8	Other grounds for dismissal	
Rule 12.10	Stay to secure costs after dismissal	
Rule 13.6	Dismiss for non appearance of plaintiff	
Rule 14.2	Dispense with further pleadings	
Rule 14.3	Time for filing defence	
Rule 14.5	Further pleadings	
Rules 14.22 – 14.24	Verification of pleadings	
Part 15	Particulars	Except for an order to dismiss the proceedings under UCPR 15.16
Part 16	Default judgment	
Part 18	Motions	Restricted to those matters which a registrar may deal with
Part 19	Amendment	
Rules 20.2 and 20.3	Directions about mediation	
Rules 20.9 – 20.12	Arbitration	
Rule 20.34	Acknowledgement of a liquidated claim	
Part 21	Discovery/Inspection/Production	
Part 22	Interrogatories	
Rule 23.4	Order for medical examination	
Rule 23.7	Order for rehabilitation test	
Rule 23.8	Inspection of property	
Rule 23.9	Default in compliance under Part 23	Except for an order that judgment be given, a defence be struck out or that the proceedings, or any part of the relief claimed in the proceedings be dismissed.
Rules 24.3,6,9, and 14	Taking evidence otherwise than at trial	Except where the order is made under section 7 or section 10 of the Foreign Evidence Act.
Rules 26.3, 4, 5 and 8	Receivers	
Rule 28.5	Consolidation, etc	
Rule 29.3	Time and place of trial	
Rule 31.4	Service of witness statements	
Rule 31.5	Notice under s 67 or s 99 of the Evidence Act	
Rule 31.19	Directions before calling expert witness	
Rule 31.20 (2) (a)	Service of experts' reports	
Rule 31.32 (3)	Abridge time for service of subpoena on medical witness	
Part 33	Subpoenas	
Part 34	Notice to produce at hearing	
Rule 35.1	Using irregular affidavit	
Rule 35.2	Cross examination of Deponent	Restricted to those matters which a registrar may deal with
Rule 35.9	Filing of affidavit	
Rule 36.1A	Consent Orders	Restricted to those matters which a registrar may deal with
Rule 36.11	Entry of judgment or orders	Unless the Court directs entry to be effected in a specific manner
Rule 36.14	Service of Judgment or Order	Restricted to those matters which a registrar may deal with
Rule 36.16	Setting aside default judgment	

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Rule 36.17	“Slip rule”	
Rule 36.18	Variation of judgment or order against party operating under unregistered business name	
Rule 37.4	Instalment Orders	
Rule 37.6	Variation of Instalment Orders	
Rules 38.1 – 38.5	Examination of judgment debtor	
Rule 38.7	Application of Part to persons that are corporations	
Part 39	Enforcement of judgments	
Rule 41.8(2)	Payment of interest accruing on money paid into Court	
Rule 41.9	Non-attendance of parties following notice by Court	
Part 42	Order for costs	Restricted to proceedings in which the registrar has a function under an Act or the Rules, or in which the function has been delegated by this direction, or in which a matter has been referred to the registrar by a Judge.
Rule 42.19	Costs of Discontinued Proceedings	
Rule 42.21	Security for costs	
Rule 42.28	Costs on Installment Orders	
Part 46	Accounts and Enquiries	Except UCPR 46.12(4)(b)
Rule 49.22	Stay registrar’s decision	Limited to staying the decision under review

Part 2

The functions of the Court are provided for in Column 1 but subject to the restrictions (if any) mentioned in column 3.

The matter in column 2 is inserted for convenience of reference only and does not affect the operation of the direction
Land and Environment Court Act 1979

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Section 31	Irregularity of proceedings	
Section 34(1)	Arranging and notifying conciliation conference	
Section 35(3)	Furnishing copy of report	
Section 38(4)	Direction as to the procedure to be followed re matter not dealt with by Act or Rules	
Section 39A	Joinder of person in “certain appeals	

Land and Environment Court Rules 2007

<i>Column 1 Section</i>	<i>Column 2 Description</i>	<i>Column 3 Restriction</i>
Rule 3.5	Orders and directions re particulars	
Rule 4.3(a) and (c)	Orders in proceedings for review of public authority’s decision	
Rule 6.3	Extension or abridgment of time	Excluding abridging time for service of originating process
Rule 6.4	Fixing	

Part 3 General

- Orders under the following legislation as provided-
Environmental Planning and Assessment Act 1979
Section 97B (costs payable if amended development application filed)
Evidence Act 1995
section 50 (proof of voluminous or complex documents)
section 168(2), (4) or (7) (time limits for making certain requests)

section 169(1) (a), (b) or (d) (failure or refusal to comply with requests)

Making a finding as to:

- (a) whether a reasonable request has been made under section 167 of the Evidence Act within the time prescribed by section 168(1), (3), (5) or (6) of that Act, and
- (b) whether a party has, without reasonable cause, failed or refused to comply with such a request

Evidence and Procedure (New Zealand) Act 1994 (Commonwealth)

section 16 (issuing of a certificate)

Evidence on Commission Act 1995

sections 6 (ordering evidence to be taken abroad)

section 7 (directions on procedure about overseas evidence)

section 20 (ordering evidence to be taken outside NSW)

section 21 (directions on procedure about interstate evidence)

Foreign Judgments Act 1991 (Commonwealth)

section 6 (ordering that a foreign judgment be registered) where a request has been added under Part 59A rule 2(3)
SCR

section 15(1) (issue of a certificate with respect to an action)

Service and Execution of Process Act 1992 (Commonwealth)

section 29 (granting leave to serve a subpoena or summons outside NSW)

section 30(1) (shortening time for service of a subpoena)

section 35(3) (receipt of expenses of complying with a subpoena)

section 45(3) (receipt of expenses of complying with an order to produce)

Trees (Disputes Between Neighbours) Act 2006

section 8(2) (directing notice of an application be given)

section 8(3) (waiving requirement to give notice or varying the period of notice)

2. Any judgment by consent and any order by consent.
3. Accepting an undertaking given to the Court for the payment of a sum of money within a time specified in the undertaking.
4. Certifying a copy of a document to be a true copy where the registrar is authorised under any Act or Commonwealth Act or under the rules to issue or furnish a certificate or office copy of the document.
5. Order for costs where it is unlikely in the opinion of the registrar that the costs will exceed \$30,000.
6. Any matter which a Judge may conduct or deal with and is referred to a registrar by order of a Judge.
7. Accepting an undertaking, or the continuation of an undertaking, given to the Court.
8. A registrar may exercise the functions of the Court for the purposes of, and in respect of all matters incidental to, the exercise of the registrar's powers under any Act, under any other provision of the rules, or under this direction.
9. Issuing subpoena.

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the variation of proclamation of Parramatta Correctional Centre published in the New South Wales Government Gazette of 1 July 2005 (which varied the Proclamation published in the New South Wales Government Gazette of 13 June 2003); and in its place I re-declare Parramatta Correctional Centre to be the area described hereunder (together with all buildings or premises which are now or may hereafter be erected thereon):

All that piece or parcel of land situate in the Local Government Area of City of Parramatta, Parish of Field of Mars and County of Cumberland, being part of Lot 2, Deposited Plan 734689, shown as Parramatta Correctional Centre on Plan Catalogue Number 54418 in the Department of Commerce Plan Room reproduced hereunder and having an area of 2.418 hectares or thereabouts.

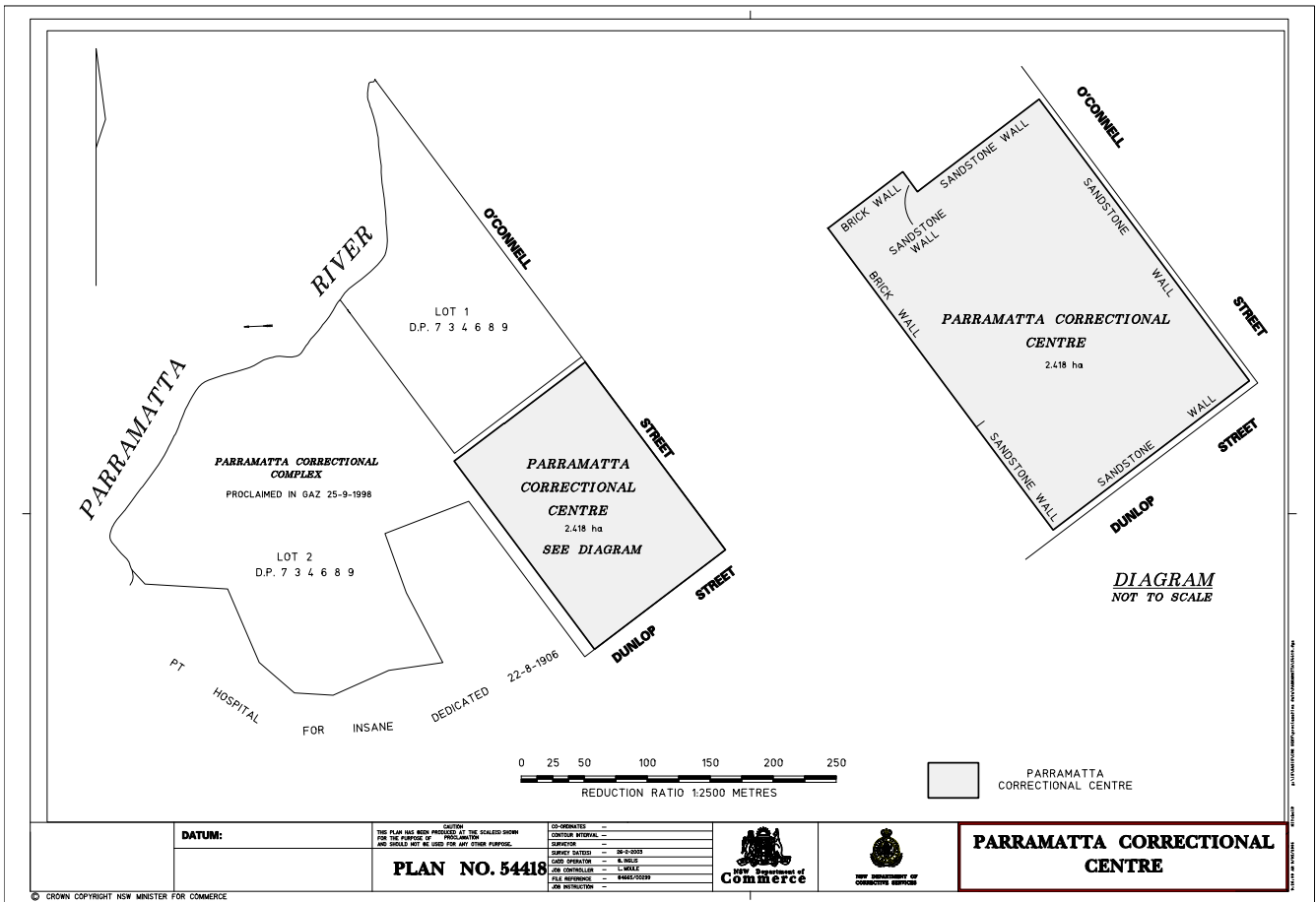
This proclamation is to take effect on and from the date of publication in the New South Wales Government Gazette.

Signed and sealed at Sydney, this 15th day of July 2009.

By Her Excellency's Command,

JOHN ROBERTSON, M.L.C., Minister for Corrective Services

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(1) and 225(3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999, and I further declare that the correctional centre shall be known as the High Risk Management Correctional Centre, viz.:

All that piece or parcel of land situate in the Local Government Area of Goulburn City Council, Parish of Goulburn and County of Argyle, being part of lots 1 and 2 in Deposited Plan 880446 shown by the shading as High Risk Management Correctional Centre on Plan Catalogue Number 56337 in the Plan Room of the NSW Department of Commerce reproduced hereunder, and having a total area of 1.18 hectares or thereabouts.

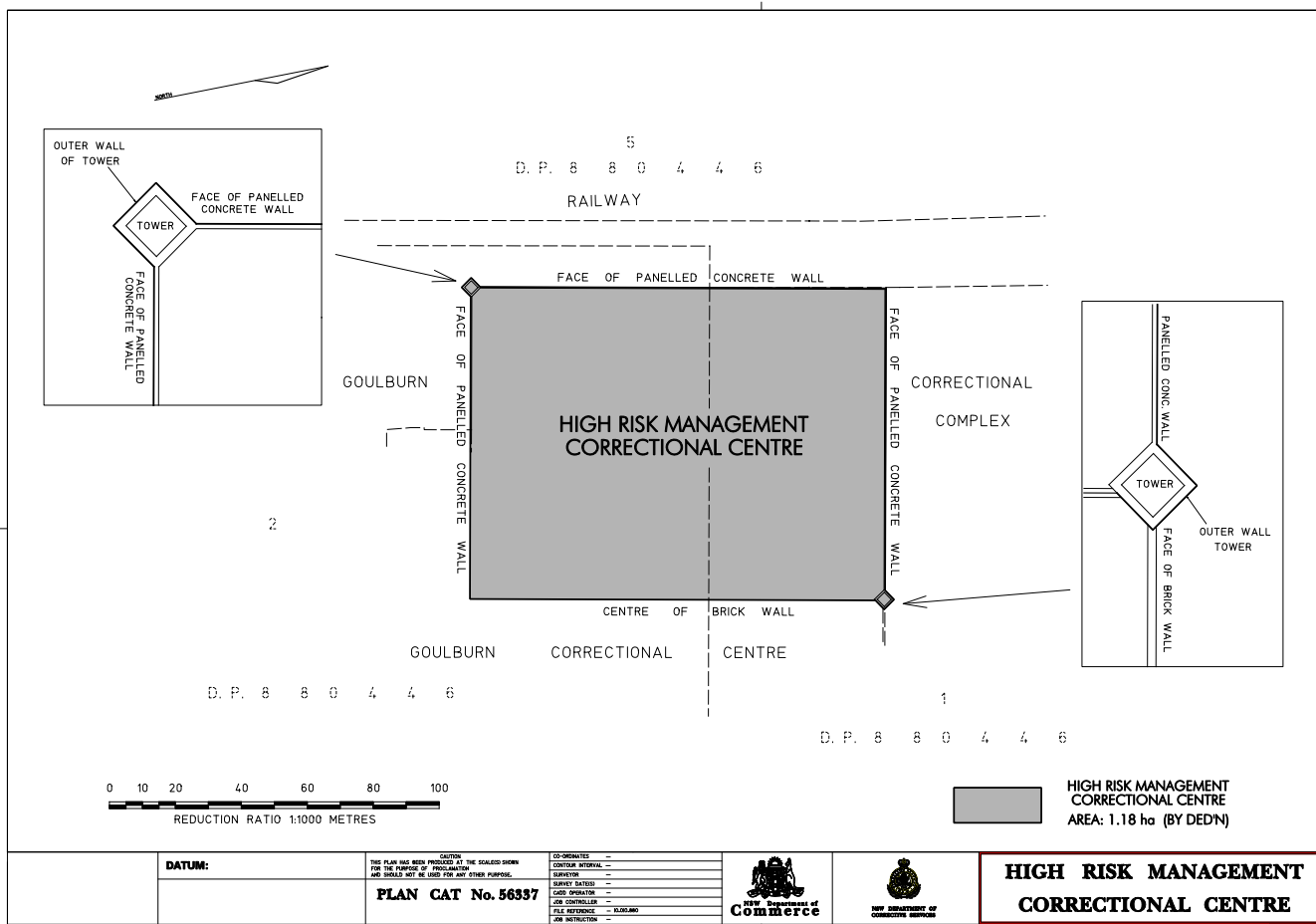
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of July 2009.

By Her Excellency's Command,

JOHN ROBERTSON, M.L.C., Minister for Corrective Services

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, vary the Proclamation of Goulburn Correctional Centre published in the Government Gazette on 21 September 2001 and 19 October 2001; and in variation thereof I declare Goulburn Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Goulburn City Council, Parish of Goulburn and County of Argyle, being part of lots 1 and 2 Deposited Plan 880446 shown by the shading as Goulburn Correctional Centre on Plan Catalogue Number 56336 in the Plan Room of the NSW Department of Commerce reproduced herunder, and having a total area of 5.92 hectares or thereabouts.

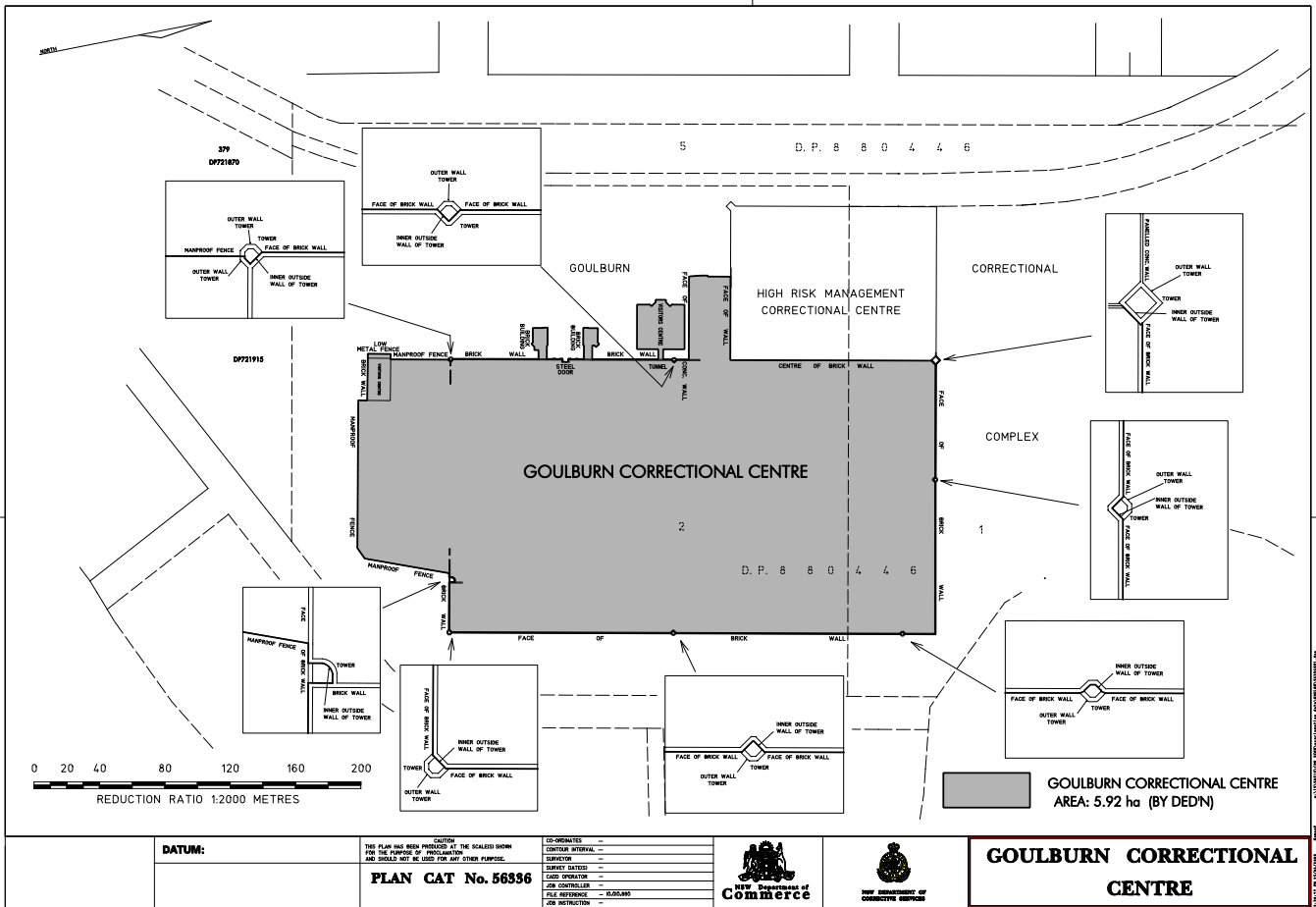
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of July 2009.

By Her Excellency's Command,

JOHN ROBERTSON, M.L.C., Minister for Corrective Services

GOD SAVE THE QUEEN!



CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224(3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, vary the Proclamation of Goulburn Correctional Complex published in the Government Gazette on 26 March 1999 and 19 October 2001; and in variation thereof I declare Goulburn Correctional Complex to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Goulburn City Council, Parish of Goulburn and County of Argyle, being lots 1, 2, 3, 4 and 5 in Deposited Plan 880446 shown by the shading as Goulburn Correctional Complex on Plan Catalogue Number 56335 in the Plan Room of the NSW Department of Commerce reproduced hereunder and having a total area of 35.76 hectares or thereabouts.

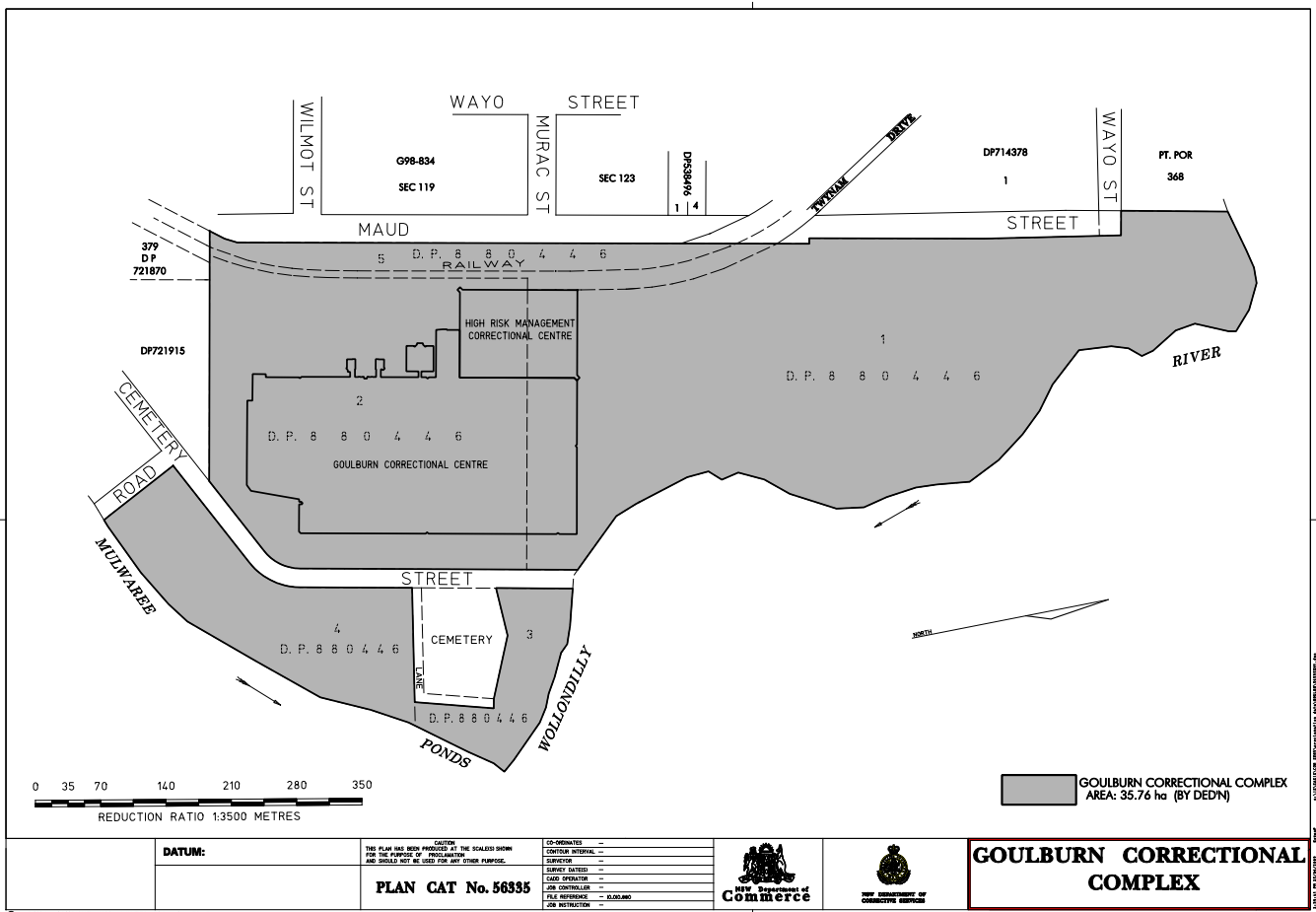
This proclamation is to take effect on and from the date of publication in the Government Gazette.

Signed and sealed at Sydney, this 22nd day of July 2009.

By Her Excellency's Command,

JOHN ROBERTSON, M.L.C.,
Minister for Corrective Services

GOD SAVE THE QUEEN!



PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY CITY COUNCIL

Local Government Act 1993

Notice Vesting Drainage Reserve

NOTICE is given that AlburyCity Council, in pursuance of section 50 (4) of the Local Government Act 1993, has hereby vested the Drainage Reserve described in the schedule below in its ownership. Mr LESLIE G. TOMICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640.

SCHEDULE

- Lot 1, DP 1138276 [4724]

COROWA SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

COROWA SHIRE COUNCIL declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a Civic Centre. Dated at Corowa, 16 July 2009. BRUCE CORCORAN, General Manager, Corowa Shire Council, 233 Honour Avenue (PO Box 77), Corowa NSW 2646.

SCHEDULE

- Lot 541, DP 726178. [4725]

FAIRFIELD CITY COUNCIL

Felton Street, Horsley Park – Light Traffic Thoroughfare

NOTICE is hereby given that Council proposes to implement a "5 Tonne Load Limit" restriction for the full length of Felton Street to enhance residential amenity.

The proposed load limit does not prevent drivers from using the section of road to access properties for delivering or collecting goods/people. However, the proposed load limit restriction will prohibit vehicles over 5 tonne, which do not have a destination in Felton Street (i.e. through traffic).

Council is now seeking comments on the proposal from the residents and other organisations affected by the proposal. Submissions in writing by way of support or objection to the proposal must reach Council by 12 August 2009 (Please quote reference G10-86-022 in reply).

Further information can be obtained by contacting (02) 9725 0240.

Alan Young, City Manager, Fairfield City Council, PO Box 21, Fairfield NSW 1860. [4726]

LACHLAN SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Lachlan Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provision of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of erecting a new public hall. GEORGE COWAN, General Manager, Lachlan Shire Council, PO Box 216, Condobolin NSW 2877.

SCHEDULE

- Lot 3, DP 1131213; Lot 4, DP 1131213 and Lot 2, DP 1131223. [4727]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has approved the name of the roads to be dedicated in a plan of subdivision of Lot 401 in DP 1035061 at Terranora, in the Shire of Tweed as shown below:

Campfire Court and Shearer Court.

Authorised by the delegated officer. GENERAL MANAGER, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484. [4728]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of SHIRLEY AGNES MALLEY, late of 23 Kerrigan Street, Nelson Bay NSW 2315, in the State of New South Wales, widow, who died on 27 February 2009, must send particulars of his claim to the executors, Neville Arthur Lucan, Barry Leslie Malley and Terrence Gordon Malley, c.o. Steve Masseos & Co., Solicitors, PO Box A988, Sydney South NSW 1235, within one (1) calendar month from the publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 3 June 2009, as number 109143/09. STEVE MASSELOS & CO., A Solicitor Corporation, 2nd Floor, 114-120 Castlereagh Street, Sydney NSW 2000 (PO Box A988, Sydney South 1235), (DX 305, Sydney), tel.: (02) 9264 7022. Reference: Mr Fitzgerald:sw:18760. [4729]

NOTICE of intended distribution of estate.—In the Supreme Court of New South Wales, Equity Division Probate.—Any person having any claim upon the estate of JOHN NEOPHYTON, late of Gynea Bay, in the State of New South Wales, doctor, who died on 10 January 2009, must send particulars of their claim to the executors, Averil Joan Kavanagh, David John Neophyton and Joanna Maree Neophyton, c.o. John de Mestre & Co., Level 10, 99

Elizabeth Street, Sydney NSW 2000, within one (1) month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at that time of distribution they have notice. Probate was granted in New South Wales on 25 May 2009. JOHN DE MESTRE & CO., Solicitors, Level 10, 99 Elizabeth Street, Sydney NSW 2000 (DX 1224, Sydney), tel.: (02) 9221 3966. Reference: ADH:4997. [4730]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of AUGUST JAMES ERNEST SMITH, late of 26 Oatley Park Avenue, Oatley, in the State of New South Wales, who died on 17 February 2009, must send particulars of their claim to the executor, Phillip John Smith, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 18 June 2009. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale NSW 2223 (DX 11307, Hurstville), tel.: (02) 9570 2022. [4731]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of the late JACK GREENAWAY TROMAN late of Croydon Park, retired who died on 17 March 2009 must send particulars of his claim to the executor, Annie Wai See Choi, c.o. Mauric & Doyle, Solicitors, 19 Hercules Street, Ashfield NSW 2131, within one calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in NSW on 18 June 2009. MAURIC & DOYLE, Solicitors, 19 Hercules Street, Ashfield NSW 2131 (DX 21213, Ashfield), tel. (02) 9799 4222. [4732]

OTHER NOTICES

ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917 (the 1917 Act)

Anglican Church Property Trust Diocese of Sydney

BY resolution passed on 29 June 2009, under section 14 of the 1917 Act, the Standing Committee of the Synod of the Diocese of Sydney declared the existence of a vacancy in the office of the Anglican Church Property Trust Diocese of Sydney for a member of clergy by reason of the resignation of Archdeacon Peter Smart and elected The Rev. Nigel FORTESCUE to fill the vacancy arising on the resignation of Archdeacon Smart.

P. F. JENSEN, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, Tel (02) 9265 1555. [4733]

ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917

Anglican Church Property Trust Diocese of Sydney

BY the Camden Vesting of Land Ordinance No. 12, 2009, passed on 29 June 2009 under section 19 of the Anglican Church of Australia Trust Property Act 1917, the Standing Committee of the Synod of the Diocese of Sydney consented to the land contained in folio identifier 1/1024949 being vested in the Anglican Church Property Trust Diocese of Sydney, the corporate trustee of the Diocese of Sydney.

P. F. JENSEN, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [4734]

ISSN 0155-6320

Authorised to be printed
DENIS H. HELM, Government Printer.