



New South Wales

# **Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024**

under the

Water Management Act 2000

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

ROSE JACKSON, MLC

Minister for Water

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# Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024

under the

Water Management Act 2000

## Part 1 Introduction

**Note**— Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Western Water Management Area and the Lower Murray-Darling Water Management Area.

### 1 Name of Plan

This Plan is the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024*.

### 2 Commencement

This Plan commences on 1 July 2024.

### 3 Water sources to which Plan applies

- (1) This Plan applies to the following water sources (*the water sources*) identified on the Plan Map, being water sources within the Western Water Management Area and the Lower Murray-Darling Water Management Area—
  - (a) the North Western Fractured Rock Groundwater Source which includes all water contained within—
    - (i) all rocks and Cenozoic sediments within the outcropped areas of the groundwater source boundaries shown on the Plan Map, and
    - (ii) all rocks of Devonian age and older within the buried areas of the groundwater source boundaries shown on the Plan Map, and
  - (b) the North Western Water Source.
- (2) The water sources do not include water—
  - (a) contained in the Central Groundwater Source as defined in the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020*,
  - (b) contained in the Great Artesian Basin Central Shallow (North Western) Groundwater Source as defined in the *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources Order 2020*,
  - (c) taken under a floodplain harvesting access licence with a share component that does not specify one of the water sources.
- (3) The North Western Water Source includes all surface water within the boundaries of that water source identified on the Plan Map.

### 4 Management zones to which Plan applies

[Not applicable]

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

[Not applicable]

**Note**— When this Plan was made, there were no extraction management units.

### 6 Interpretation

- (1) The Dictionary in Schedule 6 defines words used in this Plan.

**Note**— The *Interpretation Act 1987* contains definitions and other provisions affecting the interpretation and application of this Plan.

- (2) Unless otherwise specified in this Plan, a category of an access licence includes a reference to a subcategory of the access licence.

## 7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name kept and made available for public access in accordance with arrangements approved by the Minister.

**Note**— The following maps are available on the Department's website—

- (a) the Plan Map,
  - (b) the High Priority Groundwater-Dependent Ecosystem Map, and
  - (c) the Significant Wetlands Map.
- (2) A map that amends or replaces a map adopted by this Plan has effect only if this Plan is amended to give effect to it.

## Part 2 Vision, objectives, strategies and performance indicators

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

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

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

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

The objectives of this Plan are as follows—

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

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

- (1) The strategies for reaching the objectives of this Plan include the following—
  - (a) on average, reserve all water in excess of each long-term average annual extraction limit for the environment,
  - (b) reserve a portion of natural flows to partially mitigate alterations to natural flow regimes in the North Western Water Source,
  - (c) restrict the take of water from an in-river pool when the volume of water in the pool is less than the volume of water that can be held by the pool when at full capacity,
  - (d) reserve a portion of natural flows to maintain hydrological connectivity between the North Western Water Source and other connected water sources,
  - (e) manage the construction and use of water supply works to minimise impacts on in-stream ecosystems, high priority groundwater-dependent ecosystems and groundwater quality, groundwater-dependent culturally significant areas, basic landholder rights, town water supply and other licence holders,

- (f) provide for trade of water allocations and share components subject to environmental constraints and local impacts,
- (g) provide a stable and predictable framework for sharing water among water users,
- (h) provide for flexibility of access to water,
- (i) manage access to water consistently with the exercise of native title rights and domestic and stock rights,
- (j) provide for water associated with Aboriginal cultural values and uses, and community development.

(2) Each strategy may contribute to achieving one or more of the objectives of this Plan.

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

The performance indicators used to measure the success of the strategies for reaching the objectives of this Plan are the changes or trends, during the term of this Plan, in the following—

- (a) the ecological condition of the water sources,
- (b) economic benefits,
- (c) Aboriginal cultural benefits,
- (d) social and cultural benefits,
- (e) water quality condition.

#### **11A Monitoring and evaluation**

- (1) Monitoring and evaluation of this Plan's objectives, strategies and performance indicators must be undertaken in the way approved by the Minister.
- (2) By 30 June 2025, the Minister must publish the monitoring, evaluation and reporting plan for this Plan that links with the objectives, strategies and performance indicators of this Plan.
- (3) By 31 December 2025, and annually thereafter, the Minister must publicly report on implementation of this Plan, including on progress against the monitoring, evaluation and reporting plan.
- (4) Commencing work in year 8 of this Plan, the Minister must publicly report in year 9 of this Plan on the results of the monitoring and evaluation undertaken according to the plan developed under subsection (2).



## Part 3 Requirements for water

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

#### 12 Domestic and stock rights

On the commencement of this Plan, the amount of water required to satisfy domestic and stock rights is estimated to be 10,800 ML/year distributed as follows—

- (a) 10,120 ML/year in the North Western Fractured Rock Groundwater Source,
- (b) 680 ML/year in the North Western Water Source.

#### 13 Native title rights

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under the native title determination for the Barkandji People (NCD2015/001).

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

#### 14 Harvestable rights

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

### Division 2 Requirements for water for extraction under access licences

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

- (1) On the commencement of this Plan, the share components of domestic and stock access licences are estimated to be a total of 67 ML/year distributed as follows—
  - (a) 0 ML/year in the North Western Fractured Rock Groundwater Source,
  - (b) 67 ML/year in the North Western Water Source distributed as follows—
    - (i) 52 ML/year for domestic and stock (town water supply),
    - (ii) 15 ML/year for domestic and stock (stock).
- (2) On the commencement of this Plan, the share components of local water utility access licences are estimated to be a total of 0 ML/year in the water sources.
- (3) On the commencement of this Plan, the share components of unregulated river access licences are estimated to be a total of 40 unit shares in the North Western Water Source.
- (4) On the commencement of this Plan, the share components of aquifer access licences are estimated to be a total of 83 unit shares in the North Western Fractured Rock Groundwater Source.

**Note—** The total share components of access licences in the water sources may change during the term of this Plan as a result of—

- (a) the grant, surrender or cancellation of access licences in the water sources, or
- (b) the variation of local water utility licences under the Act, section 66, or
- (c) ongoing conversion of entitlements under the *Water Act 1912* to access licences under the Act, or
- (d) amendments to access licences under the Act, section 68A.

## Part 4 Limits to the availability of water

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

#### 16 Available water determinations

- (1) The sum of available water determinations made for an access licence must not be more than the following in a water year—
  - (a) for an access licence specifying the share component in ML/year—100% of the access licence share component,
  - (b) for an access licence specifying the share component as a number of unit shares—1 ML/unit share of the access licence share component.
- (2) At the start of each water year, available water determinations must be made as follows unless the Minister is of the opinion that a different available water determination should be made—
  - (a) for domestic and stock access licences—100%,
  - (b) for local water utility access licences—100%,
  - (c) for unregulated river access licences—1 ML/unit share,
  - (d) for aquifer access licences—1 ML/unit share.
- (3) This section is subject to section 22.

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

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

#### Subdivision 1 Preliminary

#### 17 Operation of Division—the Act, s 8

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

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

#### 18 Definitions

In this Division—

**3-year average extraction** means the average of the annual extractions calculated for the most recent 3 consecutive water years for the North Western Fractured Rock Groundwater Source.

**5-year average extraction** means the average of the annual extractions calculated for the most recent 5 consecutive water years for the North Western Water Source.

**annual extraction** means the estimated volume of water taken from a water source—

- (a) under an access licence, or
- (b) in the exercise of basic landholder rights.

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

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

***reduced available water determinations*** means available water determinations of a sum that are less than the amount specified in section 16(1) for the category of licence for which the determination is made.

## **Subdivision 2 LTAAELs**

### **19 Establishment of LTAAELs**

- (1) The LTAAELs are as follows—
  - (a) for the North Western Fractured Rock Groundwater Source—60,000 ML/year,
  - (b) for the North Western Water Source—2,859 ML/year.
- (2) In year 6 of this Plan, the Minister will have reviewed the LTAAEL for the North Western Water Source to ensure a sustainable level of take. This review will include consideration of the following—
  - (a) the protection of water sources and their dependent ecosystems and species,
  - (b) the health of hydrologically connected water sources and their dependent ecosystems,
  - (c) future climate projections, including likely bounds of climate change impact within the term of the plan,
  - (d) a precautionary and adaptive approach to how the limit is determined as climate projections change,
  - (e) cultural, social and economic outcomes.
- (3) On the basis of the review referred to in subsection (2), the Minister may make amendments to this Plan to give effect to the findings of the review.
- (4) The Minister will request the Natural Resources Commission to provide advice on the adequacy of the methodology used to determine the sustainability of the LTAAEL for the North Western Water Source under subsection (2) while undertaking the review required under subsection (2).
- (5) In year 5 of this Plan, the Minister is to consider whether any amendments to this Plan should be made in light of the review described in the *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021*, clause 57(4), and may amend this Plan accordingly, to ensure that the rules in this Plan consider and adapt to climate change.

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

### **20 Calculation of annual extraction**

As soon as practicable after the end of a water year, the annual extraction for the water sources must be calculated.

### **21 Assessment of compliance with LTAAELs**

- (1) As soon as practicable after the end of a water year, the 3-year average extraction for the North Western Fractured Rock Groundwater Source must be compared against the LTAAEL for the North Western Fractured Rock Groundwater Source.

- (2) As soon as practicable after the end of a water year, the 5-year average extraction for the North Western Water Source must be compared against the LTAAEL for the North Western Water Source.
- (3) There is non-compliance with the LTAAEL if any of the following exceeds the LTAAEL by 5% or more—
  - (a) the 3-year average extraction for the North Western Fractured Rock Groundwater Source, or
  - (b) the 5-year average extraction for the North Western Water Source.

## 22 Compliance with LTAAELs

- (1) This section applies to a water source if there is non-compliance with the LTAAEL for the water source.
- (2) In the water year occurring immediately after a non-compliance is assessed (the **next water year**), reduced available water determinations of less than 1 ML/unit share must be made for one or both of the following categories of access licence—
  - (a) an unregulated river access licence, in the case of non-compliance with the LTAAEL for the North Western Water Source,
  - (b) an aquifer access licence, in the case of non-compliance with the LTAAEL for the North Western Fractured Rock Groundwater Source.
- (3) Reduced available water determinations must be made to the extent necessary to return the 3-year average extraction to be calculated at the end of that water year to the LTAAEL.

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

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

### 23 Specific purpose access licences

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

- (1) An application for a specific purpose access licence must not be made unless the share and extraction components of the access licence are the minimum amount required for the proposed use.
- (2) A person may apply for a specific purpose access licence of the subcategory Aboriginal cultural if—
  - (a) the share component of the licence is no more than 10 ML/year, and
  - (b) the licence is primarily for the taking of water by an Aboriginal person or Aboriginal community for personal, domestic or communal purposes, including the following—
    - (i) drinking and food preparation,
    - (ii) washing,
    - (iii) manufacturing traditional artefacts,
    - (iv) watering domestic gardens,
    - (v) cultural teaching,
    - (vi) hunting, fishing and gathering,
    - (vii) traditional food production,
    - (viii) purposes to achieve environmental outcomes,
    - (ix) recreational, cultural and ceremonial purposes, and
  - (c) any commercial benefit obtained by the taking or use of the water is only ancillary or incidental to the purpose for which the water was taken.
- (3) A person may apply for an aquifer (Aboriginal community development) access licence in the North Western Fractured Rock Groundwater Source.
- (4) In this section—

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

### 24 Management of access licences

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

(3) If, immediately before the commencement of this Plan, the share component of an access licence specified—

(a) the Adelaide Fold Belt North Western Groundwater Source,

(b) the Kanmantoo Fold Belt North Western Groundwater Source, or

(c) the Lachlan Fold Belt North Western Groundwater Source,

then, on the commencement of this Plan, the share component of that access licence is taken to specify the North Western Fractured Rock Groundwater Source.

## Part 6 Operation of water allocation accounts and managing access licences

### Division 1 Preliminary

#### 25 Operation of Part—the Act, s 8

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

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

### Division 2 Operation of water allocation accounts—the Act, s 21(c)

**Note**— Clause 17 of the *Water Management (General) Regulation 2018* also includes provisions regarding the debiting of water allocation accounts.

#### 26 Water allocation account debiting

- (1) The volume of water debited from the water allocation account of an access licence must not be more than the relevant sum—
  - (a) for an access licence in a groundwater source—during a water year, or
  - (b) otherwise—during a period of 3 consecutive water years.
- (2) In this section—

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

**relevant sum** means the sum of the following—

- (a) for an access licence in a groundwater source, the water allocations credited to the water allocation account from available water determinations made during that water year,
- (b) for an access licence other than an access licence in a groundwater source, the water allocations credited to the water allocation account from available water determinations made during those 3 water years,
- (c) the water allocations assigned to the water allocation account under the Act, section 71T or 71V,
- (d) the water allocations recredited to the water allocation account under the Act, section 76.

#### 27 Carryover of water remaining in water allocation account

Water allocations remaining in the water allocation account—

- (a) for an access licence in a groundwater source—must not be carried over from one water year to the next water year, or
- (b) otherwise—must be carried over from one water year to the next water year up to an amount equal to the following—
  - (i) for access licences with share components expressed as ML/year— 100% of the share component,

- (ii) for access licences with share components expressed as a number of unit shares—1 ML/unit share.

### **Division 3 Flow classes**

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

[Not applicable]

**Note**— When this Plan was made, there were no flow classes established for the water sources.

#### **29 Minister may determine flow classes in certain circumstances**

[Not applicable]

### **Division 4 Access rules for take of surface water—the Act, s 20(1)(a) and s 21(a)**

**Note**— Discretionary conditions may also be imposed under sections 66(1)(b) and 100(1)(b) of the Act, in addition to mandatory conditions which are required to be imposed by the access rules in this Division.

#### **30 General**

- (1) Surface water must not be taken if there is no visible flow at the location from which the water would be taken, except from the following locations—
  - (a) an in-river pool, or
  - (b) an off-river pool, or
  - (c) an in-river dam pool.
- (2) Surface water must not be taken from—
  - (a) an in-river pool that is below full capacity, or
  - (b) an off-river pool that is below full capacity, or
  - (c) an in-river dam pool unless the take is not inconsistent with a water supply work approval authorising the use of a water supply work for the purpose of taking water from the in-river dam pool.

#### **31 Specific access rules**

[Not applicable]

#### **32 Exceptions**

- (1) Section 30(2)(a) and (b) does not apply to the take of surface water from an in-river pool or off-river pool subject to a cease-to-take condition that permits the taking of water when the pool is below full capacity.
- (2) Sections 30 and 31 do not apply to the take of surface water in the following circumstances—
  - (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20 kl/day or a lower amount specified by the Minister is taken—
    - (i) fruit and vegetable washing,
    - (ii) cleaning of dairy plant and equipment for hygiene purposes,
    - (iii) poultry watering and misting,



- (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
- (b) for domestic consumption under a domestic and stock access licence if no more than 1 kl/day for each household supplied by the access licence is taken,
- (c) from a runoff harvesting dam,
- (d) under an access licence specified in Schedule 2, Table B,
- (e) under an access licence in relation to an aquifer interference activity for which a planning approval is in force if—
  - (i) the licence holder complies with the water management plans, if any, required under the planning approval in relation to the aquifer interference activity, and
  - (ii) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned.

## **Division 5 Access rules for take of groundwater—the Act, s 20(1)(a) and s 21(a)**

### **33 General**

[Not applicable]

**Note**— When this Plan was made, there were no access rules for the take of groundwater for the water sources.

### **34 Specific access rules**

[Not applicable]

### **35 Exceptions**

[Not applicable]

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

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

### Division 1 Preliminary

#### 36 Application of Part

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

### Division 2 Water supply works taking surface water

#### 37 In-river dams

[Not applicable]

#### 38 Wetlands

- (1) A water supply work must not be constructed on the following areas unless, in the Minister's opinion, there will be no more than minimal harm to the wetland concerned—
  - (a) within 3km upstream of, or within, a declared Ramsar wetland,
  - (b) within 1km upstream of, or within, a significant wetland.
- (2) Subsection (1) does not apply to a replacement water supply work.
- (3) In this section—

**replacement water supply work** means a water supply work that—

- (a) replaces an existing water supply work authorised by a water supply work approval (the **replaced water supply work**),
- (b) is constructed and used to extract water from the same water source as the replaced water supply work,
- (c) is, in the Minister's opinion, the same size or smaller than the replaced water supply work,
- (d) is located within 20m of the replaced water supply work,
- (e) is not located within 20m of the replaced water supply work and, in the Minister's opinion, the water supply work is not likely to—
  - (i) result in a greater adverse impact than the replaced water supply work on the water source or public health and safety, and
  - (ii) adversely affect the ability of another person to take water using an existing water supply work.

#### 39 Construction of certain water supply works prohibited

A water supply work must not be constructed for the purpose of taking water from the hydrological catchment of Cooper Creek.

### Division 3 Water supply works taking groundwater

#### 40 Replacement groundwater work

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

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

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

#### 41 Interference between water supply works

- (1) A water supply work must not be constructed on land within the following areas—
- (a) 200m of a water supply work—
    - (i) located on another landholding, and

- (ii) authorised to take water solely for basic landholder rights from the same water source,
  - (b) 400m of a water supply work—
    - (i) located on another landholding, and
    - (ii) nominated by another access licence to take water from the same water source,
  - (c) 100m of the boundary of the landholding on which the water supply work is located unless the owner of the landholding adjoining the boundary has provided written consent,
  - (d) 500m of a water supply work nominated by a local water utility access licence or a major utility access licence authorised to take water from the same water source unless the holder of the licence has provided written consent,
  - (e) 400m of a water supply work that is a Government monitoring or observation bore.
- (2) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services, or
  - (d) in the Minister’s opinion, the location of the water supply work from an existing water supply work at a lesser distance than the distance specified in subsection (1) would result in no more than a minimal detrimental effect on the water available for take using the existing water supply work.

#### **42 Contamination sources**

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

- (4) The Minister may reduce the depth requirement in subsection (3)(a) if, in the Minister’s opinion—
- (a) adequate arrangements are in place to protect the water source, the environment, and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring and environmental remediation activities.
- (5) In this section—
- contamination source** means a contamination source specified in Schedule 4.

#### **43 Groundwater-dependent ecosystems**

- (1) A water supply work must not be constructed on land within the following areas—
- (a) waterfront land,
  - (b) 100m from top of an escarpment,
  - (c) 2,000m of a high priority groundwater-dependent ecosystem,
  - (d) 2,000m of a spring specified in Schedule 5.
- (2) The distance restrictions specified in subsection (1) in relation to the construction of a water supply work do not apply to a high priority groundwater-dependent ecosystem or a spring specified in Schedule 5 if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of the high priority groundwater-dependent ecosystem or spring.
- (3) The distance restrictions specified in subsections (1)(c) and (1)(d) in relation to the construction of a water supply work do not apply to a high priority groundwater-dependent ecosystem or a spring specified in Schedule 5 if—
- (a) water is piped to a distance that is more than 2,000m from the high priority groundwater-dependent ecosystem or spring, and
  - (b) in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem or spring concerned.
- (4) Subsection (1) does not apply if—
- (a) the water supply work is used only for basic landholder rights, or
  - (b) the water supply work is a replacement groundwater work, or
  - (c) the water supply work is for the purpose of monitoring, environmental remediation activities or emergency services.
- (5) Subsection (1)(c) does not apply if, in the Minister’s opinion, there is not a high probability of groundwater dependence for the ecosystem.
- (6) Subsection (1)(b) does not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to any groundwater-dependent ecosystem on the escarpment concerned.

#### **44 Groundwater-dependent culturally significant areas**

- (1) A water supply work must not be constructed on land within 200m of a groundwater-dependent culturally significant area.
- Note**— Groundwater-dependent culturally significant areas may be identified after the commencement of this Plan.

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

**45 Water supply works used only for basic landholder rights**

- (1) A water supply work used only for basic landholder rights must not be constructed on land within the following areas—
- (a) waterfront land,
  - (b) 100m from top of an escarpment,
  - (c) 100m of a Government monitoring or observation bore,
  - (d) 2,000m of a high priority groundwater-dependent ecosystem unless, in the Minister’s opinion, there is not a high probability of groundwater dependence for the relevant ecosystem,
  - (e) 100m of a groundwater-dependent culturally significant area,
  - (f) 2,000m of a spring specified in Schedule 5.
- (2) Subsection (1) does not apply if the water supply work is a replacement groundwater work.
- (3) Subsections (1)(d) and (1)(f) do not apply if—
- (a) water is piped to a distance that is more than 2,000m from the high priority groundwater-dependent ecosystem or a spring specified in Schedule 5, and
  - (b) in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to the high priority groundwater-dependent ecosystem or spring concerned.
- (4) Subsections (1)(b) and (1)(e) do not apply if, in the Minister’s opinion, the location of the water supply work is likely to cause no more than minimal harm to any groundwater-dependent ecosystem on the escarpment or to the groundwater-dependent culturally significant area concerned.

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

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

### **46 Conversion of access licence to new category dealings**

Dealings under the Act, section 71O are prohibited.

### **47 Assignment of rights dealings**

- (1) The following assignments of rights under the Act, section 71Q in the same water source are prohibited—
  - (a) an assignment of rights from an aquifer access licence that nominates a water supply work not located on waterfront land to an access licence that nominates a water supply work located on waterfront land,
  - (b) an assignment of rights from an unregulated river access licence that does not nominate a water supply work located in the hydrological catchment of Cooper Creek to an unregulated river access licence that nominates a water supply work located in the hydrological catchment of Cooper Creek,
  - (c) an assignment to an access licence that nominates a water supply work—
    - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
    - (ii) within, or within 1km of, a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
    - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
    - (iv) within, or within 1km of, the same significant wetland.
- (2) The following assignments of rights under the Act, section 71Q between water sources are prohibited—
  - (a) an assignment from an access licence in a water source to which this Plan does not apply,
  - (b) an assignment to an access licence in a different water source.

### **48 Amendment of share component dealings—change of water source**

Dealings under the Act, section 71R are prohibited.

### **49 Amendment of extraction component dealings**

Dealings under the Act, section 71S are prohibited.

### **50 Assignment of water allocations dealings**

- (1) The following assignments of water allocations under the Act, section 71T in the same water source are prohibited—
  - (a) an assignment from an aquifer access licence that nominates a water supply work not located on waterfront land to an access licence that nominates a water supply work located on waterfront land,
  - (b) an assignment from an unregulated river access licence that does not nominate a water supply work located in the hydrological catchment of Cooper Creek to an unregulated river access licence that does nominate a water supply work located in the hydrological catchment of Cooper Creek,

- (c) an assignment to an access licence that nominates a water supply work—
  - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
  - (ii) within, or within 1km of, a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
  - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
  - (iv) within, or within 1km of, the same significant wetland.
- (2) The following assignments of rights under the Act, section 71T between water sources are prohibited—
  - (a) an assignment from an access licence in a water source to which this Plan does not apply,
  - (b) an assignment to an access licence in a different water source.

### **51 Interstate access licence transfer dealings**

- (1) The following dealings under the Act, section 71U are prohibited—
  - (a) the granting of an access licence with a share component that specifies one of the water sources,
  - (b) the granting of an access licence that nominates a water supply work located in the hydrological catchment of Cooper Creek.
- (2) Subsection (1)(a) does not apply to the following dealings—
  - (a) the granting of an access licence with a share component that specifies the North Western Water Source, if the dealing involves the cancellation of an interstate access licence that permits the taking of water from the hydrological catchment of Lake Frome or the hydrological catchment of Bulloo,
  - (b) the granting of an access licence with a share component that specifies the North Western Fractured Rock Groundwater Source, if the dealing involves the cancellation of an interstate access licence that permits the taking of water from the same geological structure as the North Western Fractured Rock Groundwater Source and is adjacent to the North Western Fractured Rock Groundwater Source.

### **52 Interstate assignment of water allocations dealings**

- (1) The following dealings under the Act, section 71V are prohibited—
  - (a) the assignment of a water allocation to an access licence which specifies one of the water sources,
  - (b) the assignment of a water allocation to an access licence that nominates a water supply work located in the hydrological catchment of Cooper Creek.
- (2) Subsection (1)(a) does not apply to the following dealings—
  - (a) the assignment of a water allocation to an access licence with a share component that specifies the North Western Water Source, if the assignment is from an interstate access licence that permits the taking of water from the hydrological catchment of Lake Frome or the hydrological catchment of Bulloo,
  - (b) the assignment of a water allocation to an access licence with a share component that specifies the North Western Fractured Rock Groundwater Source, if the assignment is from an interstate access licence that permits the



taking of water from the same geological structure as the North Western Fractured Rock Groundwater Source and is adjacent to the North Western Fractured Rock Groundwater Source.

### 53 Nominations of water supply works dealings

- (1) The following dealings under the Act, section 71W are prohibited—
  - (a) an access licence under which groundwater may be taken being amended to nominate a water supply work authorised by its approval to take surface water,
  - (b) an access licence under which surface water may be taken being amended to nominate a water supply work authorised by its approval to take groundwater,
  - (c) an aquifer access licence that nominates a water supply work not located on waterfront land being amended to nominate a water supply work located on waterfront land,
  - (d) an access licence being amended to nominate a water supply work—
    - (i) within, or within 3km upstream of, a declared Ramsar wetland, or
    - (ii) within, or within 1km of, a significant wetland,unless the assignment is from an access licence that nominates a water supply work—
    - (iii) within, or within 3km upstream of, the same declared Ramsar wetland, or
    - (iv) within, or within 1km of, the same significant wetland,and, in the Minister’s opinion, there will be no more than minimal harm to the wetland concerned,
  - (e) an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence,
  - (f) an access licence, or an interstate access licence, that does not nominate a water supply work in the hydrological catchment of Cooper Creek being amended to nominate a water supply work in that catchment,
  - (g) an interstate access licence being amended to nominate a water supply work located in one of the water sources.
- (2) Subsection (1)(g) does not apply to the following dealings—
  - (a) an interstate access licence being amended to nominate a water supply work which is capable of taking water from the North Western Water Source, if that licence permits the taking of water from the hydrological catchment of Lake Frome or the hydrological catchment of Bulloo,
  - (b) an interstate access licence being amended to nominate a water supply work which is capable of taking water from the North Western Fractured Rock Groundwater Source, if that licence permits the taking of water from the same geological structure as the North Western Fractured Rock Groundwater Source and is adjacent to the North Western Fractured Rock Groundwater Source.
- (3) A dealing under the Act, section 71W which involves an interstate access licence is prohibited unless administrative arrangements relating to such dealings have been agreed to and put into place by the State of New South Wales and the State involved with the dealings.

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

### Division 1 General

#### 54 Definitions

In this Part—

*Logbook* means a written record, kept in hard copy or electronic form.

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

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

### Division 2 Access licences

#### 55 General conditions

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

- (a) the water taken under an access licence must not be more than the maximum water account debit permitted under section 26,
- (b) the relevant access rules for the taking of water specified in Part 6, Divisions 4 and 5,
- (c) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (d) other conditions required to implement the provisions of this Plan, including a condition requiring compliance with sections 56.

#### 56 Record-keeping conditions

- (1) Before water is taken under an access licence, the licence holder must confirm a cease-to-take condition does not apply.
- (2) The licence holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

### Division 3 Water supply work approvals

#### 57 General conditions

Each water supply work approval must be subject to the following mandatory conditions—

- (a) unless otherwise specified, any written notice required to be given to the Minister must be sent to the email address for enquiries specified on the Department's website,
- (b) if the water supply work is approved for the purpose of monitoring, an environmental remediation activity or emergency services—the work must be used only for that purpose,

- (c) other conditions required to implement the provisions of this Plan, including conditions requiring compliance with section 58.

#### **58 Record-keeping conditions**

- (1) This section does not apply to a water supply work approval if the work is used only for the purpose of taking water under basic landholder rights.
- (2) Before a water supply work is used to take water from the North Western Water Source, the approval holder must confirm a cease-to-take condition does not apply.
- (3) The approval holder must keep any information required to be recorded in a Logbook prior to application of the mandatory metering equipment condition for 5 years from the date to which that information relates.

#### **59 Metering conditions**

[Not applicable]

### **Division 4 Water supply work approvals for groundwater**

#### **60 Application of Division**

- (1) This Division sets out the conditions required to be imposed on a water supply work approval for a work taking groundwater.
- (2) Section 63 sets out a condition required to be imposed on a water supply work approval for any water bore.

#### **61 Water supply work construction conditions**

- (1) The holder of a water supply work approval (the *approval holder*) must ensure the water supply work to which the approval relates is constructed as follows—
  - (a) the water supply work must be constructed in the location authorised in the approval,
  - (b) water must be taken through the water supply work only from the water source specified in the share component of the access licence that nominates the water supply work,
  - (c) the water supply work must be sealed off from all other water sources,
  - (d) construction of a water bore must comply with the construction standards for the type of bore, as prescribed in the *Minimum Construction Requirements for Water Bores in Australia*,
  - (e) construction and use of the water supply work must prevent contamination of the aquifer and between aquifers,
  - (f) construction and use of the water supply work must prevent the flow of saline water between aquifers.
- (2) If contaminated water is encountered during the construction of a water supply work, other than a water supply work constructed to monitor or remediate contaminated water, the approval holder must—
  - (a) within 48 hours of becoming aware of the contaminated water, give the Minister written notice, and
  - (b) take all reasonable steps to minimise contamination and environmental harm, and

- (c) ensure the contaminated water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work, and
  - (d) place an impermeable seal in the borehole annulus, when and as directed by the Minister, and
  - (e) comply with other requirements, if any, specified by the Minister.
- (3) The approval holder must provide details of the water supply work to the Minister in the approved form—
- (a) within 60 days of completion of the construction of the water supply work, or
  - (b) if the approval is for the amendment of an existing water supply work—within 60 days after the issue of the amended water supply work approval.
- (4) The approval holder must ensure—
- (a) the construction of the water supply work is completed within 3 years of the approval being granted (the *relevant period*), and
  - (b) the water supply work is not used unless construction is completed within the relevant period.
- (5) If a water supply work is not constructed within the relevant period, the approval for the water supply work expires at the end of the relevant period.
- (6) A water supply work approval for a replacement groundwater work must impose conditions giving effect to section 40(1)(b)–(d).

**Note**— For the definition of *replacement groundwater work*—see section 40.

## 62 Water quality condition

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

## 63 Water bore decommissioning condition

- (1) An approval holder must, at least 60 days before decommissioning a water bore, give written notice to the Minister of the intention to decommission the water bore.
- (2) The written notice must include a work plan for the decommission.
- (3) The work plan must be prepared in accordance with the *Minimum Construction Requirements for Water Bores in Australia*.
- (4) The Minister may, within 60 days of receiving notice under this section, give a direction that the water bore—
  - (a) must not be decommissioned, or
  - (b) must be decommissioned in accordance with the requirements specified in the direction.
- (5) The approval holder must not decommission the water bore if the Minister has given a direction that the water bore must not be decommissioned.
- (6) In decommissioning the water bore, the approval holder must comply with—
  - (a) the work plan, and
  - (b) if the Minister has given a direction—the requirements specified in the direction.

- (7) The approval holder must, no later than 60 days after decommissioning the water bore, give the Minister written notice of—
- (a) the decommissioning of the water bore, and
  - (b) the name of the driller who decommissioned the water bore.

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

### 64 Amendments

- (1) This Plan may be amended as follows—
  - (a) to extend the application of this Plan to a water source or water management area, or to modify or remove a water source or water management area to which this Plan applies,
  - (b) to add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of the zone,
  - (c) to add, remove or modify the access rules that apply to the take of water from in-river pools, off-river pools and in-river dam pools,
  - (d) to add or modify flow classes, flow reference points and surface water access rules in response to changes in water availability by amending Part 6, Divisions 2–4 and Schedule 1,
  - (e) to add or modify provisions relating to the following—
    - (i) managed aquifer recharge,
    - (ii) the interception of water before it reaches a stream or aquifer by plantations or other means,
    - (iii) the management of aquifer interference activities, including the granting of aquifer interference approvals,
    - (iv) stormwater harvesting,
    - (v) total daily extraction limits,
    - (vi) individual daily extraction components,
    - (vii) floodplain harvesting (unregulated river) access licences,
    - (viii) the protection of groundwater-dependent culturally significant areas,
  - (f) to protect water-dependent Aboriginal cultural assets, including as follows—
    - (i) by identifying water-dependent Aboriginal cultural assets,
    - (ii) by establishing new flow classes or access rules,
    - (iii) by restricting the construction and use of water supply works,
    - (iv) by establishing new access licence dealing rules,
  - (g) to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth,
  - (h) to add, modify or remove a definition,
  - (i) to modify Schedule 2 or 3 to add or remove an access licence,
  - (j) to add or remove a contamination source by amending Schedule 4,
  - (k) to modify Schedule 5 to add or remove springs or karsts,
  - (l) to update the High Priority Groundwater-dependent Ecosystem Map to reflect new information,
  - (m) to amend Part 7, Division 3 to add provisions regarding the construction and use of water supply works used to take groundwater in relation to karsts.
  - (n) to make amendments consequential on an amendment to the Act or regulations.

- (2) This Plan may be amended to make consequential amendments necessary to give effect to an amendment authorised by subsection (1).

## **Schedule 1    Flow classes**

section 64(1)(d)

[Not applicable]



## **Schedule 2      Access licences exempt from specific access rules**

sections 32(a), 32(d), and 64(1)(i)

### **Table A**

[Not used]

### **Table B**

[Not used]

**Schedule 3      Access licences and approvals subject to cease-to-take condition of a former entitlement**

Section 64(1)(i)

[Not applicable]

## Schedule 4 Contamination sources

sections 42(5) and 64(1)(j)

Contamination sources are as follows—

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

## Schedule 5 Identified springs

sections 43(1)(d), (2) and (3), 45(1)(f) and (3), 64(1)(k)

<b>Water Source</b>	<b>Name</b>	<b>Latitude</b>	<b>Longitude</b>
North Western Fractured Rock Groundwater Source	Tarrawingee Springs	-31.463611	141.444167
North Western Fractured Rock Groundwater Source	Corona Springs	-31.404444	141.491389

## Schedule 6 Dictionary

section 6

**3-year average extraction**—see section 18.

**5-year average extraction**—see section 18.

**annual extraction**—see section 18.

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

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

**declared Ramsar wetland** means a wetland that is—

- (a) a declared Ramsar wetland as defined by the Environment *Protection and Biodiversity Conservation Act 1999* of the Commonwealth, and
- (b) shown on the Significant Wetlands Map.

**drawdown** means 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.

**Department** means the NSW Department of Climate Change, Energy, the Environment and Water.

**escarpment** means steep to precipitous landform pattern forming a linearly extensive, straight or sinuous inclined surface, which separates terrains at different altitudes, that above the escarpment commonly being a plateau. Relief within the landform pattern may be high (hilly) or low (planar). The upper margin is often marked by an included cliff or scarp.

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

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

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

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

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

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

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

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

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

**High Priority Groundwater-Dependent Ecosystem Map** means the *Water Sharing Plan for North Western Unregulated and Fractured Rock Water Sources 2024 High Priority Groundwater-Dependent Ecosystem Map (GDE039\_Version 1)*.

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

**in-river dam** means a dam located in a river.

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

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

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

**interstate access licence** means a licence (however described) of a similar nature to an access licence, that is granted under the law of another State or Territory.

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

**kl/day** means kilolitres per day.

**Logbook**—see section 54.

**LTADEL**—see section 18.

**Minimum Construction Requirements for Water Bores in Australia**—see section 54.

**ML/unit share** means megalitres per unit share.

**ML/year** means megalitres per year.

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

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

**Plan Map** means the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024 Plan Map (WSP043\_Version 1)*.

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

**planning approval** means—

- (a) a development consent under the *Environmental Planning and Assessment Act 1979*, Part 4,
- (b) a State significant infrastructure approval under that Act, Part 5.2, or
- (c) a transitional Part 3A project approval under that Act, Schedule 6A.

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

**reduced available water determinations**—see section 18.

**replacement groundwater work**—see section 40.

**replacement water supply work**—see section 38

**significant wetland** means a wetland shown on the Significant Wetlands Map.

**significant wetlands map** means the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024* Significant Wetlands Map (WET001\_Version 1).

**Note**— The Significant Wetlands Map is available on the Department’s website.

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

**the Act** means the *Water Management Act 2000*.

**the water sources**—see section 3.

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

**visible flow** means the continuous perceptible downstream movement of water.

**water account debit**—see section 54.

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