



New South Wales

Water Sharing Plan for the Coopers Creek Water Source Amendment Order 2010

under the

Water Management Act 2000

I, the Minister for Water, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

Dated this 14th day of December, 2010.

PHILLIP COSTA
Minister for Water

Explanatory note

Section 45 (1) (a) of the *Water Management Act 2000* provides that the Minister may, at any time, by order published on the NSW legislation website, amend a management plan if satisfied it is in the public interest to do so. The purpose of this Order is to amend the *Water Sharing Plan for the Coopers Creek Water Source 2003*.

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1. Name of Order

This Order is the *Water Sharing Plan for the Coopers Creek Water Source Amendment Order 2010*.

2. Commencement

This Order commences on the day it is published on the NSW Legislation website.

3. Amendment

The *Water Sharing Plan for the Coopers Creek Water Source 2003* is amended as set out in Schedule 1.

Schedule 1 Amendment of Water Sharing Plan for the Coopers Creek Water Source 2003

[1] Clause 36 Long-term average extraction limit

Omit the clause. Insert instead:

- (36) The long-term average extraction limit for this Unit of which this water source is a part will be the total of:
- (a) the share components of access licences in this water source at the commencement of this Plan, plus
 - (b) an estimate of annual water requirements pursuant to basic landholder rights (excluding those exercised via a water bore) in this water source, plus
 - (c) the share components of all access licences in the following water sources at the commencement of the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*:
 - (i) Alstonville Area Water Source;
 - (ii) Bangalow Area Water Source;
 - (iii) Broadwater Area Water Source;
 - (iv) Coraki Area Water Source;
 - (v) Double Duke Area Water Source;
 - (vi) Doubtful Creek Water Source;
 - (vii) Eden Creek Water Source;
 - (viii) Gradys Creek Water Source;
 - (ix) Kyogle Area Water Source;
 - (x) Lennox Area Water Source;
 - (xi) Leycester Creek Water Source;
 - (xii) Myall Creek Water Source;
 - (xiii) Myrtle Creek Water Source;
 - (xiv) Upper Richmond River Water Source;
 - (xv) Sandy Creek Water Source;

- (xvi) Shannon Brook Water Source;
 - (xvii) Terania Creek Water Source;
 - (xviii) Toonumbar Area Water Source;
 - (xix) Tuckean Area Water Source; and
 - (xx) Wyrallah Area Water Source; and
 - (xxi) Richmond Regulated Alluvial Water Source; plus
- (d) the estimate of annual water requirements pursuant to basic landholder rights in the following water sources in the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*:
- (i) Alstonville Area Water Source;
 - (ii) Bangalow Area Water Source;
 - (iii) Broadwater Area Water Source;
 - (iv) Coraki Area Water Source;
 - (v) Double Duke Area Water Source;
 - (vi) Doubtful Creek Water Source;
 - (vii) Eden Creek Water Source;
 - (viii) Gradys Creek Water Source;
 - (ix) Kyogle Area Water Source;
 - (x) Lennox Area Water Source;
 - (xi) Leycester Creek Water Source;
 - (xii) Myall Creek Water Source;
 - (xiii) Myrtle Creek Water Source;
 - (xiv) Upper Richmond River Water Source;
 - (xv) Sandy Creek Water Source;
 - (xvi) Shannon Brook Water Source;
 - (xvii) Terania Creek Water Source;
 - (xviii) Toonumbar Area Water Source;
 - (xix) Tuckean Area Water Source;
 - (xx) Wyrallah Area Water Source; and
 - (xxi) Richmond Regulated Alluvial Water Source; plus
- (e) the share components of access licences granted under the Regulation, clause 32 of this Plan, clause 50 of the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010* and section 61 (1) (c) of the Act; plus

- (f) any additional local water utility access licence share component issued under section 66 of the Act.

[2] Clause 38 Available water determinations

Omit the clause. Insert instead:

- (1) This Division is made in accordance with section 20 (2) (b) of the Act.
- (2) In making an available water determination under section 59 of the Act, the Minister should consider the following rules:
 - (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 36, based on comparison of the extraction limit against the average extraction within this Unit over the preceding 3 water accounting years,
Note. A water accounting year is defined in clause 43 (3).
 - (b) if water that, pursuant to an access licence, is committed as adaptive environmental water to be left in a river for environmental purposes, then for the purpose of subclause (a), the extraction will be assumed to be 100% of the available water determination,
 - (c) if water that, pursuant to an access licence, is committed as adaptive environmental water to be extracted for environmental purposes, then for the purpose of subclause (a), the extraction will be that measured through the approved water supply work,
 - (d) for all access licences, an initial available water determination, of such volume of water as is equivalent to two times the access licence share component, should be made on 1 July 2003, and such determination should apply for one water accounting year,
 - (e) from 1 July 2004, available water determinations for local water utility and domestic and stock access licences should be of such volume of water as is equivalent to the access licence share component, with priority given to making this water available above the making of water available to all other categories of access licence, and such determinations should be made annually,
 - (f) from 1 July 2004, available water determinations for unregulated river access licences, including all subcategories, should be such volume of water as is equivalent to the access licence share component, except as provided in subclauses (g) and (h), and such determinations should be made annually,

- (g) if the 3 year average of extraction in this Unit exceeds the long-term average extraction limit established in clause 36 by 5% or greater, then the available water determination for the following water accounting year for unregulated river access licences in this water source should be reduced by an amount that is assessed necessary by the Minister to return subsequent total water extraction to the long-term average extraction limit,
- (h) if the 3 year average of extraction in this Unit is less than 95% of the long-term average extraction limit established in clause 36, the available water determination for unregulated river access licences in this water source shall be increased to such an extent as to allow extraction to increase to that extraction limit, and
- (i) notwithstanding subclause (h), and excepting the initial available water determination made in accordance with subclause (d), the available water determination should not exceed 100% of the total access licence share components.