



New South Wales
Government

Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources Amendment Order 2024

under the

Water Management Act 2000

I, ROSE JACKSON MLC, Minister for Water, in pursuance of section 45(1) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, and in such circumstances, in relation to such matters and to such extent as provided for under the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022*, make the following Order to amend that Plan.

Dated 22 May 2024.

ROSE JACKSON, MLC
Minister for Water

Explanatory note

This Order is made under section 45(1) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

1 Name of Order

This Order is the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources Amendment Order 2024*.

2 Commencement

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

**Schedule 1 Amendment of Water Sharing Plan for the Coffs Harbour Area
Unregulated and Alluvial Water Sources 2022**

[1] Section 3 Water sources to which Plan applies

In subsections (2)(b) and (3)(a), omit ‘unconsolidated’ and insert instead ‘Cenozoic’.

[2] Section 10 Strategies for reaching objectives—the Act, s 35(1)(c)

In subsection (1)(c), insert ‘or off-river pool’ after ‘from an in-river pool’.

[3] Section 10(1)(j)

Insert ‘and domestic and stock rights’ after ‘native title rights’.

[4] Section 26 Compliance with annual higher flow extraction limits

Omit subsection (2). Insert instead—

- (2) On 1 July in the water year occurring immediately after a noncompliance is assessed (the *next water year*), reduced available water determinations, which are likely to result in the extractions from the extraction management unit complying with the annual higher flow extraction limit, must be made for one or more categories of higher flow extraction licences.

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

In subsection (2), insert ‘or management zone’ after ‘water source’ each time it appears.

[6] Section 35 General

Omit section 35. Insert instead—

35 General

- (1) Surface water must not be taken if there is no visible flow at the location from which the water is 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.

[7] Section 37 Exceptions

Omit the section and insert instead—

37 Exceptions

- (1) Section 35(2)(b) does not apply to the take of surface water from an off-river pool subject to a cease-to-take condition that permits the taking of water when the off-river pool is below full capacity.
- (2) Sections 35 and 36 do not apply to the take of surface water in the following circumstances—

- (a) for the following purposes under an access licence specified in Schedule 2, Table A if no more than 20kl/day or a lower amount specified by the Minister is taken—
 - (i) fruit and vegetable washing,
 - (ii) cleaning of dairy plant and equipment for hygiene purposes,
 - (iii) poultry watering and misting,
 - (iv) cleaning of enclosures used for intensive animal production for hygiene purposes,
 - (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/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 until, in the Minister’s opinion, major augmentation of the access licence holder’s water supply system occurs.
- (3) An access rule specified in section 35 or 36 does not apply to the take of surface water under an access licence in relation to an aquifer interference activity if—
- (a) for an aquifer interference activity for which a planning approval is in force— the licence holder complies with a water management plan, if any, required under the planning approval in relation to the aquifer interference activity, and
 - (b) in the Minister’s opinion, the licence holder is not reasonably capable of complying with the access rule concerned.
- (4) Section 36 does not apply to the take of surface water from an off-river pool in a water source or management zone to which that section applies.
- (5) Section 36(2) does not apply to the take of water from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.

[8] Section 39 Specific access rules

In subsection (1), omit “aquifer licence” and insert instead “access licence”.

[9] Section 40 Exceptions

Omit subsection (1)(b). Insert instead—

- (b) for domestic consumption authorised under a domestic and stock access licence if no more than 1kl/day for each household supplied by the access licence is taken,

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

In the Note which appears under the heading to the Part, after “section 107(5).”, insert—

This does not affect works that can be constructed under a basic landholder right.

[11] Section 44 Replacement groundwater work

In subsection (1)(b)(i), insert ‘or management zone’ after ‘water source’.

[12] Section 47 Groundwater-dependent ecosystems

Omit the heading to the section. Insert instead “Groundwater-dependent ecosystems”.

[13] Section 47(4)

Insert ‘(a),’ after ‘Subsection (1)’.

[14] Section 47(4)

Insert ‘area, ’ after ‘minimal harm to the’.

[15] Section 54 Amendment of extraction component dealings

Omit ‘[Not applicable]’. Insert instead—

Dealings under the Act, section 71S(1)(b) are prohibited except for the following amendments—

- (a) an access licence with an extraction component that specifies the Boambee Creek Management Zone being varied to specify the Cordwells Creek Management Zone,
- (b) an access licence with an extraction component that specifies the Cordwells Creek Management Zone being varied to specify the Boambee Creek Management Zone.

Note— The *Access Licence Dealing Principles Order 2004*, clause 16 regulates dealings under the Act, section 71S(1)(a).

[16] Section 58 Definitions

Omit—

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

Insert instead—

Logbook, in relation to an access licence or a water supply work approval, means a written record kept in hard copy or electronic form.

[17] Section 59 General conditions

In paragraph (b), omit “Divisions 3 and 4” and insert instead “Divisions 4 and 5”.

[18] Section 59

Omit paragraphs (c), (d) and (e). Insert instead—

- (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.

[19] Section 60 Record-keeping conditions

In subsection (1)(b), omit ‘whenever the water supply work does not have both an operational meter or an operational data logger’.

[20] Section 60(3)

Omit the subsection and the Note which appears following it. Insert instead—

- (3) Subsections (1)(b) and (2)(a) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

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

[21] Section 61 General conditions

Omit subsection (1). Insert instead—

- (1) 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) other conditions required to implement the provisions of this Plan.

[22] Section 62 Record-keeping conditions

Omit ‘whenever the water supply work does not have both an operational meter or an operational data logger’ from subsection (2)(b).

[23] Section 62(5)

Omit the subsection and the Note which appears following it. Insert instead—

- (5) Subsections (3)(a) and (4) are repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

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

[24] Section 63 Metering conditions

Omit subsection (4) and the Note which appears following it. Insert instead—

- (4) This section is repealed on the day specified in the *Water Management (General) Regulation 2018*, clause 230(1) as the day on which the relevant mandatory metering equipment condition applies.

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

[25] Clause 65 Water supply work construction conditions

In subsection (1)(d), omit ‘the water supply work’. Insert instead ‘a water bore’.

[26] Section 67 Water bore decommissioning condition

Omit section 67. Insert instead—

67 Water bore decommissioning condition

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

[27] Section 68 Amendments

Insert after section 68(1)(b)—

(b1) 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,

[28] Schedule 2 Access licences used to take surface water that are exempt from specified access rules

In the heading to the Schedule, omit ‘permitted to take from very low flows’. Insert instead ‘used to take surface water that are exempt from specified access rules’.

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

Omit the heading to the Schedule. Insert instead ‘Access licences and approvals subject to cease-to-take condition of a former entitlement’.

[30] Schedule 5 Dictionary

Omit the definitions of “High Priority Groundwater-Dependent Ecosystem Map” and “Plan Map”.

Insert in alphabetical order—

High Priority Groundwater-Dependent Ecosystem Map means the *Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 High Priority Groundwater-Dependent Ecosystem Map* (GDE030_Version 2).

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.

Plan Map means the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022 Plan Map* (WSP004_Version 3).

the water sources—see section 3.