A new water sharing plan for the Lower North Coast

A summary of changes made to the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009*

The *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009* (WSP) was extended so the NSW Department of Planning and Environment could replace it. This was in line with the recommendation of the Natural Resources Commission's review of the 2009 plan.

Before the Minister for Lands and Water can replace or amend a water sharing plan, the agreement of the Minister for the Environment is required. The ministers must 'take all reasonable steps to promote the water management principles of the *Water Management Act 2000*' (the Act), and observe the following priority order:

a. sharing of water from a water source must protect the water source and its dependent ecosystems
b. sharing of water from a water source must protect basic landholder rights
c. sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

The department's Water group worked with colleagues from the Environment and Heritage group before submitting the 2022 replacement plan for the agreement and approval of the ministers.

The tables below outline the substantive changes from the previous 2009 plan that the ministers have approved for the 2022 replacement plan. The department has also updated the plan to simplify and modernise its drafting, make the intent of its provisions clear, and to make it legally robust.

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Table 1. Change to Part 1 of 2009 plan

2022 plan as made	Basis for change
We have replaced the start date with the new date of 2022.	We have changed the start date to 2022 to reflect that we have remade the plan rather than amending it. This means that the 2009 plan has been repealed (cancelled), and the replacement plan will apply for 10 years from 1 July 2022. We can still amend the plan, if necessary, within its 10-year term.
We have added the 'Lower North Coast Coastal Floodplain Alluvial Groundwater Source' to the water sources of the water sharing plan.	We have included a new coastal floodplain alluvial groundwater source in the plan. This will align with other water sharing plans that have this new water source included. We have separated the water source from the upriver alluvium, as it is less highly connected to the river than the upriver alluvium and more influenced by coastal processes.

Table 2. Change to Part 2 of 2009 plan

2022 plan as made	Basis for change
We have revised the objectives, strategies and performance indicators.	The new vision, objectives, strategies and performance indicators deal with similar matters to the previous water sharing plan objectives. The Natural Resources Commission (NRC) recommended reviewing the objectives to strengthen monitoring, evaluation and reporting of the plan outcomes. We will include more detailed vision, objectives, strategies and performance indicators in the monitoring, evaluation and reporting plan. This information is in Appendix B of the Background document to the Lower North Coast water sharing plan 2022. The plan includes a provision at Clause 11(2) that requires us to monitor and evaluate performance indicators.

Table 3. Change to Part 3 of 2009 plan

2022 plan as made	Basis for change
The 2022 plan establishes the Lower North Coast Coastal Floodplain Alluvial Extraction Management Unit (EMU).	The EMU allows us to establish a long-term average annual extraction limit (LTAAEL) and associated rules for the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source.
We have changed flow reference point and access rules in the Avon River Water Source to establish very low-flow and A classes. **Access must stop when there is less than or equal to 0 ML/day of flow past Avon River at Waukivory Creek gauge (208028).**	The 2009 plan refers to 208020 Gloucester River at Gloucester as the flow reference point for the Avon River Water Source. The Gloucester River gauge is located upstream of the confluence with the Avon River and outside the water source. No very low-flow class or A class had been established. Flow at the Waukivory gauge better represents flow in the water source and is a better flow reference point.

2022 plan as made	Basis for change
We have changed flow reference point and access rules in the Dingo Creek Water Source. **Access must stop when flows are less than or equal to 2.6 ML/day on a rising river and 4.6 ML/day on a falling river) at 208032 Dingo Creek at Belbourie Bridge (208032).**	The 2009 plan refers to 208019 Dingo Creek at Munyaree Flat as the flow reference point for the Dingo Creek Water Source. The Munyaree Flat gauge was decommissioned in 2011. In 2010, a new hydrometric site was established as a replacement 11 km downstream of the original gauge at 208032 Dingo Creek at Belbourie Bridge. Submissions we received commented on the lack of protection for stock watering and environmental requirements during times of low flows. Water users wanted the same volume of flow applied to the new gauge. The 2020 risk assessment identified the Dingo Creek as having high risks to base and low flows, which is consistent with the 2009 macro-planning result. The new access rules in Dingo Creek water source maintain the current discharge rates and apply them at 208032 Dingo Creek at Belbourie Bridge (208032) as the flow reference point.
We have changed flow reference point and access rules in the Lower Barrington River Management Zone of the Lower Barrington/Gloucester Rivers Water Source. **Access must stop when flows are less than or equal to 15 ML/day on a rising river and less than or equal to 10 ML/day on a falling river.**	As part of the Hydrometric Network Expansion project in 2009–2010, a new gauging station 208031 Barrington River at Relf's Road was established in the Lower Barrington River Management Zone. The site was observed to be in a good position for a new flow reference point and is suitable for incorporating into future water sharing plans. We have adopted new access rules maintaining the existing flow percentiles applied to the new Relf's Road gauge.
We have changed flow reference point and access rules in the Upper Gloucester River Headwater Management Zone of the Upper Gloucester River Water Source. **Access must stop when flows are less than or equal to 8 ML/day on a rising river and 6 ML/day on a falling river measured at the Forbesdale gauge (208008).**	The Upper Gloucester River Headwaters Management Zone has high ecological values and a lack of extraction in the upper catchment. We have given this zone its own access rules that give the high-value areas greater protection. The flow reference point 208008 at Gloucester River at Forbesdale is in the most suitable location for this management zone.

2022 plan as made	Basis for change
We have changed access rules in the Karuah Upriver Management Zone of the Karuah River Water Source. **We have adopted new access rules to provide supplementary environmental water rules for Stroud Weir fishway and freshwater fish migration. These rules require access to stop from 1 June to 31 July and from 1 October to 30 November when flows are less than or equal to 9 ML/day. If flows have been greater than 9 ML/day for 3 continuous weeks, then access can happen when flows are greater than or equal to 5 ML/day on a rising river and 3.5 ML/day on a falling river.** **For all other months of the year, access can happen when flows are greater than or equal to 5 ML/day on a rising river and 3.5 ML/day on a falling river.**	The Stroud Weir, on the Karuah River, was identified as a significant barrier to fish moving both upstream and downstream. In 2007, construction of a rock-ramp fishway was completed. The repealed Karuah River Water Source Water Sharing Plan 2003 had a planned environmental water provision that allowed for an increase in the cease-to-pump limit at Stroud Weir in June to July and October to November, once Stroud Weir fishway is operational.
We have changed access rules in the Upper Manning River Water Source. **Access must stop when flows on a rising river are less than or equal to 17 ML/day and on a falling river when flows are less than or equal to or 12 ML/day.**	We did not propose changes for the Upper Manning River Headwaters and Upper Manning River management zones for public exhibition. We received a submission expressing concern the current cease-to-pump limit of 14 ML/day on a falling river as measured at 208029 Manning River at Leslie's Bridge is too restrictive for users. Only 3 years of data was available when the 2009 plan was developed. Updated flow data suggests the 2009 cease-to-pump limit of 14 ML/day is in the mid-80th percentile range. The 2009 plan flagged that we should review the cease-to-pump limit when the plan was replaced and when there was a greater period of record. The new cease-to-pump limit adopts the 90th percentile flow as measured at the Leslie's Bridge gauge, so access must stop on a falling river when flows are equal to or less than 12 ML/day. This represents a change only to the flows on the falling river from 14 ML/day to 12 ML/day. The 17 ML/day on a rising river will be retained. This aims to achieve the flushing and fresh flows in the current plan.

Table 4. Change to Part 4 of 2009 plan

2022 plan as made	Basis for change
The environmental water provisions remain in the plan, but not in their own part. They are now clauses that we have distributed throughout the plan into Part 4 – Limits to the availability of water and Part 6 – Operation of water allocation accounts and managing access licences.	We have changed the drafting of water sharing plans to improve their readability and simplify them.

Table 5. Change to Part 5 of 2009 plan

2022 plan as made	Basis for change
• Update to basic landholder rights (BLR) figures. • Harvestable rights are now expressed as a volume.	This reflects updated land use since the 2009 plan began.

Table 6. Change to Part 6 of 2009 plan

2022 plan as made	Basis for change
We have removed Part 6 as it does not give any more information than exists in the *Water Management Act 2000* or elsewhere in the water sharing plan.	We have changed the drafting of water sharing plans to improve their readability and simplify them.

Table 7. Change to Part 7 of 2009 plan

2022 plan as made	Basis for change
We have updated licensed water requirements.	This reflects changes to licensed water entitlements since the 2009 plan began. We have included requirements for the new Lower North Coast Coastal Floodplain Alluvial Groundwater Source.

Table 8. Change to Part 8 of 2009 plan

2022 plan as made	Basis for change
The 2022 plan allows for applications for aquifer access (Aboriginal community development) licences in the Lower North Coast Coastal Floodplain Alluvial Groundwater Water Source.	The Lower North Coast Coastal Floodplain Alluvial Groundwater water source is not fully allocated, so we may be able to grant additional entitlement in this water source.

Table 9. Change to Part 9 of 2009 plan

2022 plan as made	Basis for change
We have prohibited the building of new in-river dams that require an approval in the Dingo Creek water source.	The environmental values identified in the risk assessment are high.
We have prohibited the granting or amending of water supply work approvals, where it will cause more than a minimal impact on significant wetlands. **A surface water work cannot be constructed:** • **within or 3 km upstream of a Ramsar wetland** • **within or 200 m upstream of a coastal wetland** **unless, in the minster's opinion, there will be no more than minimal harm to the wetland.**	While we considered coastal wetlands as we developed water sharing rules for the *Water Sharing Plan for the Lower North Coast Unregulated Water Sources 2009*, we did not consider banning water supply works where they may present a risk to the wetlands. With the introduction of the *Coastal Management Act 2016* and *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP), water sharing plans may now allow for bans on such works.
We have updated distance rules for groundwater water supply works and included distance rules for groundwater works located near potential acid sulfate soils.	The distances are standard distance rules, as recommended by the department's hydrogeologists. The rules recognise that drawdown in acid sulfate soils can cause groundwater contamination.

Table 10. Change to Part 10 of 2009 plan

2022 plan as made	Basis for change
The 2022 plan establishes a LTAAEL of 8,750 ML/year for the Lower North Coast Coastal Floodplain Alluvial Extraction Management Unit (EMU).	The 8,750 ML limit is based on the risk assessment for the EMU and is a proportion of recharge. We have included these rules to support the environmental objectives for the newly established water source.

2022 plan as made	Basis for change
We have split the long-term average annual extraction limit (LTAAEL) for unregulated rivers as associated alluvial into 2 components: a standard LTAAEL for take from all flows and a higher flow LTAAEL for extraction that can only happen from higher flows. The standard LTAAEL is fixed at the volume at the start of the replacement plan for entitlement and at the volume of the first water sharing plan for BLR (including harvestable rights). The higher flow LTAAEL can increase in limited circumstances such as high-flow conversions and where Aboriginal Community Development Licences are granted.	NRC recommendations included setting a fixed and numeric LTAAEL. This is the standard LTAAEL. This ensures that extraction from low flows will be no more than could happen at the start of the first water sharing plan. While the higher flow LTAAEL can increase, this is to allow us to implement high-flow conversions. This is where a larger volume of water can be taken at higher flows than at lower ones to reduce the stress on lower flows. This supports the department's position of increasing Aboriginal involvement in natural resource management.
Water sharing plans previously required the minister to make certain available water determinations (AWDs) at a certain time. We have amended this to require the minister to consider making AWDs as set out in Part 10.	A water sharing plan condition cannot require the minister to make certain AWDs at a certain time, as that restrains the minister's broad power in section 59 of the *Water Management Act 2000*. Instead, the template sets out that the minister must consider making the AWDs set out in Part 10.

Table 11. Change to Part 11 of 2009 plan

2022 plan as made	Basis for change
We have removed references to total daily extraction limits and individual daily extraction limits from the plan but an amendment provision allows us to implement them during the life of the plan if flow gauges and metering give enough information and the change will not impact substantially on the extraction limit.	We cannot apply these rules now because there is not enough flow gauging and metering.

Table 12. Change to Part 12 of 2009 plan

2022 plan as made	Basis for change
Trades of share component or allocation are prohibited into the following water sources: • **Bowman River** • **Coolongolook** • **Dingo Creek** • **Upper Gloucester** • **Wallamba** • **Myall River** • **Myall Lakes** • **Karuah River** • **Lower North Coast Coastal Floodplain Alluvial Groundwater Source.** **Otherwise, trade downstream is permitted, and trade upstream is permitted, if there is no net gain into the receiving water source. There is an exception for the Myall Creek Water Source and the Upper Barnard River Water Source, where trading of an additional 10 ML/yr is allowed into the combined water sources.**	Trades are generally permitted in a downstream direction, but trade upstream is banned if the water source has high environmental values. The Lower North Coast Coastal Floodplain Alluvial Groundwater Source is not highly connected to other water sources.
High-flow conversions are no longer available in the Karuah River Water Source.	The 2009 Lower North Coast water sharing plan allowed conversion of an unregulated river access licence to an unregulated river (high-flow) access licence in 7 water sources. High-flow conversions are no longer available in the Karuah River Water Source because there are highly important wetlands in this water source.

Table 13. Change to Part 13 of 2009 plan

2022 plan as made	Basis for change
We have updated the plan to be consistent with the current water sharing plan template.	The updates are based on the Non-Urban Water Metering Framework.

Table 14. Change to Part 14 of 2009 plan

2022 plan as made	Basis for change
We have streamlined these rules and moved them to Part 6 of the plan.	The study referred to in the 2009 plan was not done, so we removed a clause.

Table 15. Change to Part 15 of 2009 plan

2022 plan as made	Basis for change
We have limited amendment rules to those that are possible under the Act, where we are well advanced in developing a policy that will require a change to the water sharing plan, or where we need to make an administrative change. This does not prevent us from changing the plan in any way if it is in the public interest to do so.	Parliamentary Counsel's Office requires that wide-ranging amendments cannot be included in the draft plan where the outcome of a policy change is uncertain.
We have included an amendment provision that requires the department to review the uptake of harvestable rights at year 3 of the plan. We must also review the access and trade rules in the plan if harvestable rights uptake has increased above 10% of rainfall runoff.	We have done this to manage the risk to stream flows that may result from increased uptake of harvestable rights.
We have included an amendment provision so that we can set the LTAAEL based on a proportion of flow during the life of the plan provided the amendments do not substantially change a LTAAEL.	This reflects the department's aim to move to a sustainable extraction limit over the coming years.

Table 16. Change to Dictionary of 2009 plan

2022 plan as made	Basis for change
The definition of wetlands includes: • land identified as 'coastal wetlands' on the Coastal Wetlands and Littoral Rainforests Area Map of State Environmental Planning Policy (Resilience and Hazards) 2021 • wetlands listed under the Convention on Wetlands of International Importance (the Ramsar convention).	We have updated the definition of coastal wetlands that has been used in draft plans.

Table 17. Change to maps of 2009 plan

2022 plan as made	Basis for change
The 2022 plan expands on existing groundwater-dependent ecosystems (GDE) protection by including an updated map. This identifies more high-priority GDEs on the High-Priority Groundwater-Dependent Ecosystem Map.	Following the updated approach to GDE protection established for inland groundwater plans, the Lower North Coast plan offers more GDE protection that is based on the best available data.
We have updated the plan map to include the Coastal Floodplain Alluvial Groundwater Source and Extraction Management Unit.	We have updated the map to include the new groundwater source.

More information

To read the draft *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022* and supporting information, visit the NSW Department of Planning and Environment's website, www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans