



New South Wales
Government

Water Sharing Plan for the Lower North Coast 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 Lower North Coast 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 Lower North Coast 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 Lower North Coast 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 Lower North Coast
Unregulated and Alluvial Water Sources 2022**

[1] Section 3 Water sources to which Plan applies

In subsection (2)(b), omit “unconsolidated” and insert instead “Cenozoic”.

[2] Section 3(3)(a)

Omit “unconsolidated” and insert instead “Cenozoic”.

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

In subsection 10(1)(j), after “native title rights”, insert “and domestic and stock 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 class for specified water sources and management zones—the Act, s 21(a)

In subsection (2), insert “or management zone” after “water source” wherever it appears.

[6] Section 35 General

Omit the section. 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 36 Specific access rules

In subsection (1)(c)(ii), omit “a major utility (Barnard) access licence” and insert instead “a major utility access licence”.

[8] Section 36

In subsection (1)(iv), omit “, or” and insert “.”

[9] Section 36

Omit subsection (1)(g).

[10] 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 (except access licence 20AL210811) until, in the Minister's opinion, major augmentation of the access licence holder's water supply system occurs,
 - (e) under access licence 20AL210811 held by the local water utility for Bottawa Dam and specified in Schedule 2.
- (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(1)(a), (1)(f) and (2) do not apply to the take of surface water from an in-river dam pool formed by an in-river dam that is referred to in a water supply work approval.

[11] Section 38 General

Omit the section. Insert instead—

38 General

- (1) Groundwater must not be taken in the following circumstances—
 - (a) if there is no visible flow in the river at the location closest to the water supply work being used to take groundwater, or

- (b) if the location closest to the water supply work is an in-river pool that is below full capacity,
 - (c) if flows in the water source are in the Very Low Flow Class.
- (2) Subsection (1) does not apply to the following—
- (a) the Lower North Coast Coastal Floodplain Alluvial Groundwater Source,
 - (b) a water supply work not located within 40m of the high bank of the river unless the water is taken under an aquifer access licence arising from a dealing involving the conversion of an unregulated river access licence,
 - (c) an access licence or water supply work approval arising from a former entitlement subject to a cease-to-take condition specified in Schedule 3.

[12] 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,

[13] 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.

[14] Section 44 Replacement groundwater work

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

[15] Section 47 High priority groundwater-dependent ecosystems

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

[16] Section 47(4)

Insert “(a) and” after “Subsection (1)”.

[17] Section 47(4)

Insert “area,” after “minimal harm to the”.

[18] Section 54 Amendment of extraction dealings

Omit “[Not applicable]”. Insert instead—

A dealing under the Act, section 71S(1)(b) that involves varying an access licence with an extraction component that specifies a management zone in Column 1 in the table in this section to specify a management zone in the row opposite in Column 2, is prohibited.

Column 1	Column 2
Bowman Creek above Craven Creek Junction Management Zone	Craven Creek Management Zone
Bowman Creek above Craven Creek Junction Management Zone	Lower Bowman River Management Zone

Craven Creek Management Zone	
Craven Creek Management Zone	Bowman Creek above Craven Creek Junction Management Zone
Karuah Estuarine Management Zone	Karuah Upriver Management Zone
Lower Bowman River Management Zone	Bowman Creek above Craven Creek Junction Management Zone Craven Creek Management Zone
Tidal Wallamba River Management Zone	Khappinghat Creek Management Zone
Upper Wallamba River Management Zone	

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

[19] Section 55 Assignment of water allocations dealings

Omit subsection (3). Insert instead as subsection (3)—

An assignment of water allocations under the Act, section 71T to an access licence with an extraction component that specifies the Nowendoc River Headwaters Management Zone of the Nowendoc River Water Source is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit.

[20] Section 55(4)

Omit subsection (4). Insert instead as subsection (4)—

An assignment of water allocations under the Act, section 71T to an access licence with a share component that specifies the Myall Creek Water Source or the Upper Barnard River Water Source is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit by more than 10ML.

[21] Section 55(5)

Omit the following text—

An assignment of water allocations under the Act, section 71T to an access licence in the following water sources is permitted if the sum of the share components of all access licences in the water source to which the allocations are being assigned does not, as a result of the assignment, exceed the sum of the share components of all access licences in the water source as at the date this Plan commenced—

Insert instead—

An assignment of water allocations under the Act, section 71T to an access licence with a share component that specifies one of the following water sources is permitted

only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit —

[22] Section 55(6)

Omit the text which appears above the table. Insert instead—

An assignment of water allocations under the Act, section 71T from an access licence with a share component that specifies a water source specified in Column 1 of the table to this section to an access licence with a share component that specifies a water source specified opposite is permitted only if the current water allocation sum does not, as a result of the assignment, exceed the water allocation sum limit.

[23] Section 55

Insert the following text as subsection (8)—

In this section—

current water allocation sum means the sum of the water allocations credited to the water allocation accounts in the destination water source from available water determinations and dealings under the Act, section 71T, in the water year in which the assignment is to take place.

destination water source means the water source or management zone to which allocations are to be assigned.

unit share sum means the total number of unit shares of all access licences with a share component or an extraction component that nominated the destination water source as at the date this Plan commenced.

water allocation sum limit means the unit share sum multiplied by the available water determination made for the destination water source that applies at the time at which the assignment is to take place.

[24] 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.

[25] Section 59 General conditions

In paragraph (b), omit “Part 6, Divisions 3 and 4” and insert instead “Part 6, Divisions 4 and 5”.

[26] 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.

[27] 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”.

[28] Section 60(3)

Omit the subsection. 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.

[29] Section 60—Note

Omit the Note which appears under subsection (3). Insert instead—

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

[30] 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.

[31] Section 62 Record-keeping conditions

In subsection (2)(b), omit “whenever the water supply work does not have both an operational meter or an operational data logger”.

[32] Section 62(5)

Omit subsection (5). 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.

[33] Section 62—Note

Omit the Note which appears under subsection (5). Insert instead—

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

[34] Section 63 Metering conditions

Omit subsection (4). 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.

[35] Section 63—Note

Omit the Note which appears under subsection (4). Insert instead—

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

[36] Section 65 Water supply work construction conditions

In subsection (1)(d), omit “the water supply work” and insert instead “a water bore”.

[37] Section 67 Water supply work decommissioning condition

Omit the section. 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 supply work, 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.

[38] Section 68 Amendments

Insert after subsection (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,

[39] Schedule 1 Flow classes

In the row in which “Karuah River” appears in Column 1 (Water Source), in Column 2 (Management Zone) omit “Karuah River” and insert instead “Karuah Upriver”.

[40] Schedule 1

In the row in which “Crawford River” appears in Column 2 (Management Zone), in Column 5 (Flow reference point), insert “Immediately upstream of the” before “Crawford River weir pool”.

[41] Schedule 2 Access licences permitted to take from very low flows

Omit the heading to the Schedule. Insert instead “Access licences used to take surface water that are exempt from specified access rules”.

[42] Schedule 2

Omit the content of the Schedule. Insert instead—

Table A

Water source	Management zone	Licence number
Upper Gloucester River	Upper Gloucester River	20AL205234
Lower Manning River		20AL204962
Bowman River	Craven Creek	20AL204413
Upper Gloucester River	Upper Gloucester River	20AL205236
Upper Gloucester River	Upper Gloucester River	20AL205238
Dingo Creek		20AL204536
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210805
Dingo Creek		20AL204538
Upper Gloucester River	Upper Gloucester River Headwaters	20AL205246
Lower Manning River		20AL204966
Karuah River	Karuah Upriver	20AL201981
Upper Gloucester River	Upper Gloucester River	20AL205250
Karuah River	Karuah Upriver	20AL201985
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210815
Upper Gloucester River	Upper Gloucester River	20AL212925
Upper Gloucester River	Upper Gloucester River	20AL212926
Upper Manning River	Upper Manning River	20AL205395
Upper Gloucester River	Upper Gloucester River	20AL205270
Karuah River	Karuah Upriver	20AL202058
Karuah River	Karuah Upriver	20AL202090
Dingo Creek		20AL204576
Dingo Creek		20AL204578
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210821

Wallamba River	Upper Wallamba River	20AL205474
Avon River		20AL204354
Karuah River	Karuah Upriver	20AL202134
Upper Gloucester River	Upper Gloucester River	20AL205286
Lower Manning River		20AL204979
Upper Gloucester River	Upper Gloucester River	20AL205292
Dingo Creek		20AL204586
Avon River		20AL204358
Karuah River	Karuah Upriver	20AL202027
Upper Gloucester River	Upper Gloucester River	20AL205312
Karuah River	Karuah Upriver	20AL202100
Karuah River	Karuah Upriver	20AL204258
Karuah River	Karuah Upriver	20AL204259
Myall River	Tidal Myall River	20AL205137
Karuah River	Karuah Upriver	20AL204315
Karuah River	Karuah Upriver	20AL204316
Dingo Creek		20AL204618
Karuah River	Karuah Upriver	20AL202011
Lower Manning River		20AL205001
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210856
Manning Estuary Tributaries	Cedar Party Creek	20AL210858
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204818
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210866
Lower Barrington/Gloucester Rivers	Lower Barrington River	
	Upper Reaches	20AL204824
Avon River		20AL204374
Wallamba River	Upper Wallamba River	20AL205503
Dingo Creek		20AL204664
Avon River		20AL204376
Avon River		20AL204378
Dingo Creek		20AL204672
Dingo Creek		20AL204674
Dingo Creek		20AL204676
Manning Estuary Tributaries	Manning Estuary Tributaries	20AL210868
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204832
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204833
Dingo Creek		20AL204682
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204835
Dingo Creek		20AL204690
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204845
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204847
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204848
Lower Manning River		20AL205009
Lower Manning River		20AL205011
Lower Manning River		20AL205013
Lower Manning River		20AL205015
Lower Manning River		20AL205017
Lower Manning River		20AL205019
Lower Manning River		20AL205021
Wallamba River	Upper Wallamba River	20AL205509
Lower Manning River		20AL205023
Dingo Creek		20AL212452

Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218749
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218750
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL218751
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204858
Dingo Creek		20AL204696
Dingo Creek		20AL204698
Dingo Creek		20AL204702
Lower Manning River		20AL205029
Lower Manning River		20AL205031
Lower Manning River		20AL205033
Lower Manning River		20AL213312
Lower Manning River		20AL213313
Lower Barrington/Gloucester Rivers	Lower Barrington River Upper Reaches	20AL204872
Lower Barrington/Gloucester River	Lower Barrington River	20AL204880
Lower Barrington/Gloucester River	Lower Barrington River	20AL204884
Lower Manning River		20AL205039
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210876
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210877
Lower Manning River		20AL205041
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204888
Lower Barrington/Gloucester Rivers	Upper Gloucester River	20AL221266
Lower Barrington/Gloucester Rivers	Upper Gloucester River	20AL221267
Bowman River	Craven Creek	20AL204451
Bowman River	Craven Creek	20AL204452
Lower Manning River		20AL205051
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210879
Myall River	Upper Myall River	20AL205141
Lower Manning River		20AL205053
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL213418
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL213419
Upper Manning River		20AL211567
Bowman River	Lower Bowman River	20AL204460
Avon River		20AL204380
Manning Estuary Tributaries	Landsdowne River Upper Reaches	20AL210895
Lower Manning River		20AL205065
Wallamba River	Upper Wallamba River	20AL205515
Avon River		20AL204382
Avon River		20AL204384
Avon River		20AL204386
Lower Manning River		20AL205077
Dingo Creek		20AL204712
Lower Manning River		20AL205082
Avon River		20AL204392
Lower Manning River		20AL205086
Avon River		20AL204395
Avon River		20AL204396
Myall River	Tidal Myall River	20AL205143
Myall River	Tidal Myall River	20AL205144
Lower Manning River		20AL205088
Manning Estuary Tributaries	Manning Estuary Tributaries	20AL210910
Avon River		20AL204398
Avon River		20AL204400

Bowman River	Bowman River above Craven Creek Junction	20AL219681
Bowman River	Bowman River above Craven Creek Junction	20AL219682
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204939
Coolongolook River	Wangwauk River	20AL204516
Coolongolook River	Upper Coolongolook River	20AL204518
Wallamba River	Upper Wallamba River	20AL205536
Lower Barrington/Gloucester Rivers	Lower Barrington River	20AL204945
Karuah River	Karuah Upriver	20AL202029
Karuah River	Karuah Upriver	20AL202044
Karuah River	Karuah Upriver	20AL202046
Karuah River	Karuah Upriver	20AL202077
Karuah River	Karuah Upriver	20AL202048
Karuah River	Karuah Upriver	20AL202050
Karuah River	Karuah Upriver	20AL202051
Karuah River	Karuah Upriver	20AL202082
Karuah River	Karuah Estuarine	20AL202131
Karuah River	Karuah Estuarine	20AL202132
Karuah River	Karuah Estuarine	20AL202060
Karuah River	Karuah Estuarine	20AL202061
Karuah River	Karuah Estuarine	20AL202064
Karuah River	Karuah Estuarine	20AL202066
Karuah River	Karuah Estuarine	20AL202096

Table B
Water source

Management zone

**Licence
number**

Karuah River	Karuah Upriver	20AL200003
Manning Estuary Tributaries		20AL210811
Myall River		20AL205133
Lower Barrington/Gloucester River		20AL212465
Lower Manning River		20AL212486
Lower Barrington/Gloucester River		20AL212467

[43] Schedule 3 Access licences subject to a cease-to-take condition

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

[44] Dictionary

In the definition of “High Priority Groundwater-Dependent Ecosystems Map”, omit “(GDE27 Version 1)” and insert instead “(GDE27 Version 2)”.

[45] Dictionary

Insert the following definitions, in alphabetical order—

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.

the water sources—see section 3.

[46] Dictionary

In the definition of “Plan Map”, omit “(WSP001 Version 3)” and insert instead “(WSP001 Version 4)”.