

Summary of changes to the Coffs Harbour water sharing plan

A summary of the changes made to the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009*

The *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009* (WSP) was extended for a period of up to 2 years 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 make it legally robust.

Table 1. Summary of changes to Parts 1 to 8 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009*

Clause in 2009 plan	2022 plan as made	Basis for change
Part 1	The start date will be replaced with the new date of 2022.	The start date has been changed to 2022 to reflect that we have remade the plan rather than amending it. This means that the 2009 plan has been repealed, and the replacement plan will apply for 10 years from 1 July 2022. The plan can still be amended, if necessary, within the 10-year term.
Part 1	We have added the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Source to the water sources of the water sharing plan (WSP).	We have included a new, coastal floodplain, alluvial groundwater source in the plan. This will align with other WSPs that have this new water source included. The water source has been separated from the upriver alluvium, as it is less highly connected to the river than the upriver alluvium and more influenced by coastal processes.
Part 2	We have reviewed the vision, objectives, strategies and performance indicators.	<p>The new vision, objectives, strategies and performance indicators deal with similar matters to the previous WSP's objectives.</p> <p>The Natural Resources Commission (NRC) recommended reviewing the objectives to strengthen monitoring, evaluation and reporting (MER) of the plan outcomes.</p> <p>We will include more detailed vision, objectives, strategies and performance indicators in the MER plan. This information is in Appendix B of the Background document to the Coffs Harbour Area Water Sharing Plan 2022.</p> <p>The plan includes a provision at Clause 11(2) that requires performance indicators to be monitored and evaluated.</p>
Part 3	We have updated the description of location for 2 flow reference points to reflect the change of name of the Pacific Highway.	The Pacific Highway has been rerouted with the old route renamed.

Clause in 2009 plan	2022 plan as made	Basis for change
Part 4	The environmental water provisions remain in the plan but not in their own part. They are clauses that have been 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.	The drafting of WSPs has changed to improve readability and simplify the plans.
Part 5	Update to basic landholder rights figures. Harvestable rights are now expressed as a volume.	Reflects updated land use since the 2009 plan began.
Part 6	We have removed this section as it does not give any more information than exists in the <i>Water Management Act 2000</i> or elsewhere in the WSP.	The drafting of WSPs has changed to improve readability and simplify the plans.
Part 7	We have updated licensed water requirements.	This reflects changes to licensed water entitlements since the 2009 plan began.
Part 8	We have included the ability to grant Aboriginal Community Development Licences in the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Source.	This water source has unassigned water, which can be used for Aboriginal Community Development if required.

Table 2. Summary of changes to Part 9 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
<p>Change to prohibit in-river dams in the following water sources:</p> <ul style="list-style-type: none"> a. Arrawarra Creek Water Source b. Bonville Creek Water Source c. Coffs Creek Water Source d. Corindi River Water Source e. Dirty Creek Water Source f. Double Crossing Creek Water Source g. Korora Basin Water Source h. Moonee Creek Water Source i. Redbank River Water Source j. Station Creek Water Source k. Woolgoolga Creek Water Source. 	<p>The risk assessment identified the high ecological value of some of these water sources and others that flow into or contain sections of the Solitary Islands Marine Park.</p>
<p>Prohibit the granting or amending of water supply work approvals, where it will cause more than a minimal impact on significant wetlands.</p>	<p>While we considered coastal wetlands in the development of water sharing rules for the <i>Water Sharing Plan for the Coffs Harbour Area Unregulated Water Sources 2009</i>, we did not consider the possibility that water supply works could be prohibited where they may present a risk to the wetlands. With the introduction of the <i>Coastal Management Act 2016</i> and <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP), WSPs may now allow for prohibitions on such works.</p>
<p>Includes an update to distance rules for groundwater water supply works and inclusion of distance rules for groundwater works located near potential acid sulfate soils.</p>	<p>The distances are standard distance rules as recommended by the department’s hydrogeologists. The rules also recognise that drawdown in acid sulfate soils can cause groundwater contamination.</p>

Table 3. Summary of changes to Part 10 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
<p>We have added a long-term average annual extraction limit (LTAAEL) for the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Extraction Management Unit. The volume is 625 ML/yr and is based on recharge estimates.</p>	<p>Reflects the new extraction management unit.</p>
<p>We have split the LTAAEL for unregulated rivers and associated alluvial into 2 components: a standard LTAAEL for take from all flows and a higher flow LTAAEL for extraction that can only occur from higher flows.</p> <p>The standard LTAAEL is fixed at the volume at the start of the:</p> <ul style="list-style-type: none"> • replacement plan for entitlement • first WSP for basic landholder rights. <p>The higher flow LTAAEL can increase in limited circumstances such as high-flow conversions and where Aboriginal Community Development Licences are granted.</p>	<p>NRC recommendations included setting a fixed and numeric LTAAEL. This is the standard LTAAEL. This ensures that extraction from low flow will be no more than could occur at the start of the first WSP.</p> <p>While the higher flow LTAAEL can increase, this is to enable the implementation of high-flow conversions. This is where a larger volume of water can be taken at higher flows than at lower flows. This reduces the stress on lower flows, and supports the department’s position of increasing Aboriginal involvement in natural resource management.</p>
<p>WSPs previously required the minister to make certain available water determinations (AWDs) at a certain time. This has changed to require the minister to consider making AWDs as set out in Part 10.</p>	<p>A provision of a WSP 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. Instead, the WSP sets out that the minister must consider making the AWDs set out in Part 10.</p>

Table 4. Summary of changes to Part 11 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
<p>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 provide enough information and they do not substantially change a LTAAEL.</p>	<p>It is not possible to implement these rules now because of a lack of flow gauging and metering.</p>

Table 5. Summary of changes to Part 12 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
Prohibit trade with other water sharing plan areas	The current plan has a provision allowing trade into 2 water sources in the Clarence WSP area. WSPs should not allow trade between disconnected water sources.
Prohibit trade into the Bonville Creek Water Source	The risk assessment identified the high ecological value of the water source.
Prohibit trading into the Coffs Harbour Area Coastal Floodplain Alluvial Groundwater Source	This water source is not highly connected to other water sources.

Table 6. Summary of changes to Part 13 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
Updated in line with current WSP template	The updates are based on the Non-Urban Water Metering Framework.

Table 7. Summary of changes to Part 14 of the *Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources*

2022 plan as made	Basis for change
<p>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 WSP, or where an administrative change is required.</p> <p>This does not prohibit amending the plan in any way during its life if it is in the public interest to do so.</p>	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.
<p>The plan includes an amendment provision that requires the department to review the:</p> <ul style="list-style-type: none"> uptake of harvestable rights within the first 3 years of the plan access rules in the plan if harvestable rights uptake has increased above 10% of rainfall runoff. 	We have included this provision to manage the risk to stream flows that increased uptake of harvestable rights may cause.

2022 plan as made	Basis for change
<p>We have included an amendment provision so that we may amend the LTAAEL during the life of the plan to set it based on a proportion of flow provided the amendments do not substantially change a LTAAEL..</p>	<p>This reflects the department's intent to move to a sustainable extraction limit over the coming years.</p>

More information

To read the draft *Water Sharing Plan for the Coffs Harbour Area 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