



New South Wales
Government

Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources Amendment Order 2023

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, make the following Order to amend the *Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016*.

Dated 16 June 2023

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 Clarence River Unregulated and Alluvial Water Sources 2016*. 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 Clarence River Unregulated and Alluvial Water Sources Amendment Order 2023*.

2 Commencement

This Order commences on 1 July 2023.

Schedule 1 Amendment of Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016

[1] Clause 4 Application of Plan

In clause 4(2) delete “(WSP039_Version 1)” and replace with “(WSP039_Version 2)”.

[2] Clause 4(3)

Delete clauses 4(3)–(5), including the Notes, and insert instead:

- (3) These connected water sources include—
 - (a) surface water upstream of the mangrove limit,
 - (b) groundwater contained in Cenozoic sediments, other than groundwater—
 - (i) contained in the Clarence River Floodplain Alluvial Groundwater Source, and
 - (ii) to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
- (4) The Clarence River Coastal Floodplain Alluvial Groundwater Source—
 - (a) includes groundwater contained in Cenozoic sediments, and
 - (b) does not include surface water.

[3] Clause 45 Access rules for the taking of surface water

In clause 45(1) after “excluding” delete “the taking of water” and replace with “take”.

[4] Clause 45(1)(c)

Delete clauses 45(1)(c)–(d) and insert instead:

- (c) of groundwater.

[5] Clause 48 General

Delete the clause, including the Note, and insert instead:

48 General

The rules in this Division apply to water supply work approvals for water supply works authorised to take surface water.

[6] Clause 50 General

Delete the clause and insert instead:

50 General

- (1) The rules in this Division apply to water supply work approvals for water supply works that are authorised to take groundwater.
- (2) In this Division, a reference to a water supply work is limited to a water supply work that is authorised to take groundwater.

[7] Clause 56 Replacement groundwater works

In clause 56(1) delete “water from these upriver alluvial sediments and the Clarence River Coastal Floodplain Alluvial Groundwater Source” and insert instead “groundwater”.

[8] Clause 57 Rules for the use of water supply works located within restricted distances

In clause 57(1) delete “water from:” and insert instead “groundwater”.

[9] Clause 57(1)

Delete clauses 57(1)(a)–(b).

[10] Clause 68 Water supply works authorised to take water from groundwater

In clause 68(1) delete “water from:” and insert instead “groundwater”.

[11] Clause 68(1)

Delete clauses 68(1)(a)–(b).

[12] Clause 68(2)(c)(ii)

Delete “2012,” after “Australia,”.

[13] Clause 68(2)(c)(ii)

Delete the Note.

[14] Clause 68(2)(d)

Delete clauses 68(2)(d)–(e).

[15] Clause 68A

Insert after clause 68 in Division 3 of Part 11:

68A 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.

[16] Dictionary

Delete the definitions for *alluvial sediments*, *fractured rock*, *porous rock* and *sand formations*.

[17] Dictionary

Insert:

groundwater means water occurring beneath the ground surface in the saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

[18] Dictionary

Delete definition for *Minimum Construction Requirements for Water Bores in Australia* and insert instead:

Minimum Construction Requirements for Water Bores in Australia means the document titled *Minimum Construction Requirements for Water Bores in Australia*, ISBN 978-0-646-81881-8, published by the National Uniform Drillers Licensing Committee, 2020.

[19] Dictionary

Insert:

surface water means all water naturally occurring on the surface of the land, including all rivers, lakes and wetlands, within the boundaries of the water sources shown on the Plan Map.

[20] Appendix 1 Overview of the Plan Map

Delete “(WSP039_Version 1)” and insert instead “(WSP039_Version 2)”.

[21] Appendix 1

Delete the Plan Map and insert instead:

Plan Map (WSP039_Verison 2)
 WATER SHARING PLAN FOR THE CLARENCE RIVER UNREGULATED AND ALLUVIAL WATER SOURCES 2016

