



New South Wales  
Government

## **Water Sharing Plan for the Nambucca 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 Nambucca 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 Nambucca 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 Nambucca 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 Nambucca Unregulated and Alluvial Water Sources 2016**

### **[1] Clause 4 Application of Plan**

In clause 4(2) delete “(WSP037\_Version 1)” and insert instead “(WSP037\_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 Coastal Nambucca Floodplain Alluvial Groundwater Source, and
    - (ii) to which the *Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016* applies.
- (4) The Coastal Nambucca Floodplain Alluvial Groundwater Source—
  - (a) includes groundwater contained in Cenozoic sediments, and
  - (b) does not include surface water.

### **[3] Clause 42 Access rules for the taking of surface water**

In clause 42(1) after “excluding” delete “the taking of water” and replace with “take”.

### **[4] Clause 42(1)(c)**

Delete clauses 42(1)(c)–(d) and insert instead:

- (c) of groundwater.

### **[5] Clause 43 Access rules for these upriver alluvial sediments**

Delete from clause heading “these upriver alluvial sediments” and insert instead “the taking of groundwater”

### **[6] Clause 43**

Delete “water from these alluvial sediments” wherever it appears in clause 43 and insert instead “groundwater”.

### **[7] Clause 43(1)**

Delete “water from these upriver alluvial sediments” and insert instead “groundwater”.

### **[8] Clause 47 General**

Delete the clause and insert instead:

**47 General**

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

**[9] Clause 49 General**

Delete the clause and insert instead:

**49 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.

**[10] Clause 55 Replacement groundwater works**

In clause 55(1) delete “water from these upriver alluvial sediments or Coastal Nambucca Floodplain Alluvial Groundwater Source” and insert instead “groundwater”.

**[11] Clause 56 Rules for the use of water supply works located within restricted distances**

In clause 56(1) delete “water from:” and insert instead “groundwater.”

**[12] Clause 56(1)**

Delete clauses 56(1)(a)–(b).

**[13] Clause 67 Water supply works authorised to take water from alluvial sediments**

In the heading to clause 67 delete “water from alluvial sediments” and replace with “groundwater”.

**[14] Clause 67(1)**

Delete clause 67(1) and insert instead:

- (1) This clause applies to a water supply work used to take groundwater.

**[15] Clause 67(2)(c)(ii)**

Delete “2012,” after “Australia,”.

**[16] Clause 67(2)(c)(ii)**

Delete the Note.

**[17] Clause 67(2)(d)**

Delete clauses 67(2)(d)–(h), including the Note.

**[18] Clause 67A**

Insert after clause 67 in Division 3 of Part 11:

**67A 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.

**[19] Dictionary**

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

**[20] 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.

**[21] Dictionary**

Delete the 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.

**[22] 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.

**[23] Appendix 1 Overview of the Plan Map**

Delete “(WSP037\_Version 1)” and insert instead “(WSP037\_Version 2)”.

**[24] Appendix 1**

Delete the Plan Map and insert instead:

