



New South Wales  
Government

## **Water Sharing Plan for the North Coast Coastal Sands Groundwater 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 North Coast Coastal Sands Groundwater 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 North Coast Coastal Sands Groundwater 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 North Coast Coastal Sands Groundwater Sources Amendment Order 2023*.

**2 Commencement**

This Order commences on 1 July 2023.

## **Schedule 1 Amendment of Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016**

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

In clause 4(2) delete “(WSP0034\_Version 2)” and replace with “(WSP034\_Version 3)”.

### **[2] Clause 4(3)**

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

- (3) These groundwater sources include groundwater contained in Cenozoic sediments.

### **[3] Clause 20 Native title rights**

Delete the clause and insert instead:

#### **20 Native title rights**

On the commencement of this Plan, the amount of water required to satisfy native title rights is the amount of water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including rights under—

- (a) the native title determination for the Bandjalang Aboriginal Corporation Prescribed Body Corporate RNTBC (National Native Title Tribunal references NCD2013/001, NCD2013/002, and NCD/2021/001),
- (b) the native title determination for the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) (National Native Title Tribunal reference NCD2019/001),
- (c) the native title determination for the Gumbaynggirr Wenonah Head Aboriginal Corporation (National Native Title Tribunal references NCD2017/004 and NCD2019/003),
- (d) the native title determination for the Wanggaan (Southern) Gumbaynggirr Nation Aboriginal Corporation RNTBC (National Native Title Tribunal reference NCD2019/002 and NCD2014/001),
- (e) the native title determination for the Widjabul Wia-bal (National Native Title Tribunal reference NCD2022/001), and
- (f) the native title determination for the Yaegl Traditional Owners Aboriginal Corporation RNTBC (National Native Title Tribunal references NCD2015/002, NCD2015/003, and NCD2017/003).

### **[4] Clause 36 Individual access licence account management rules for the Stockton Groundwater Source, Tomago Groundwater Source and the Tomaree Groundwater Source**

Delete clause 36(5) and insert instead:

- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for a major utility access licence is equal to 200% of the major utility access licence share component with share components expressed as ML/year.

**[5] Clause 41 Rules for water supply works located near groundwater-dependent ecosystems**

In clause 41(1) delete “(GDE003\_Version 1)” and insert instead “(GDE003\_Version 2)”.

**[6] Clause 56 General**

In clause 56(1)(d)(ii) delete “2012,” after “Australia,” and the Note.

**[7] Clause 56(1)(e)**

Delete clauses 56(1)(e)–(i), including the Note.

**[8] Clause 56A**

Insert after clause 56 in Division 3 of Part 11:

**56A 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.

**[9] Dictionary**

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

**[10] Dictionary**

Insert:

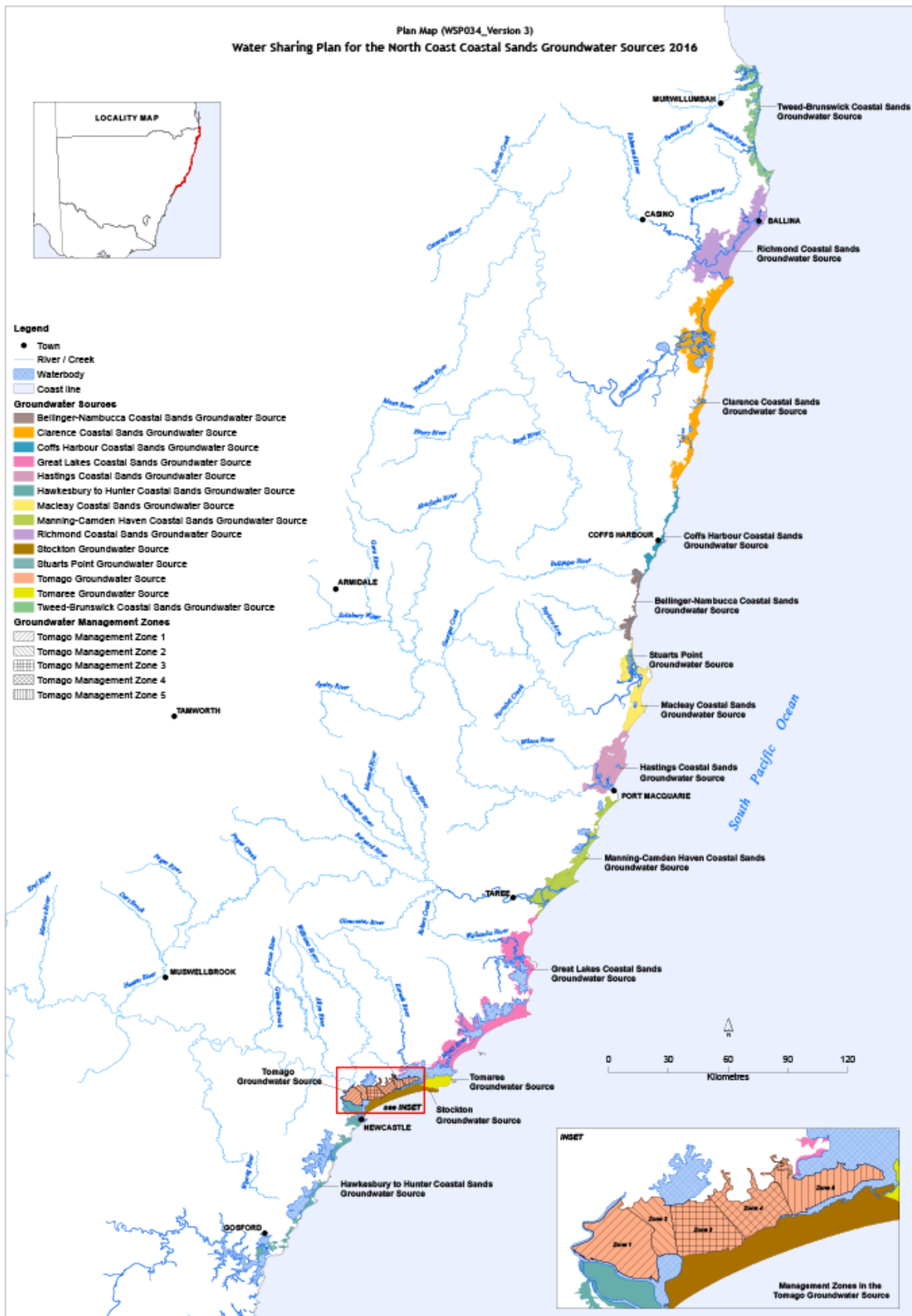
*groundwater* means water beneath the ground surface in a saturated zone, being the area below the water table where all soil spaces, pores, fractures and voids are filled with water.

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

Delete “(WSP0034\_Version 1)” and insert instead “(WSP034\_Version 3)”.

**[12] Appendix 1**

Delete the Plan Maps and insert instead:



**[13] Appendix 4 Overview of the GDE Map**

Delete “(GDE003\_Version 1)” and insert instead “(GDE003\_Version 2)”.

**[14] Appendix 4**

Delete the GDE Maps and insert instead:

HIGH PRIORITY GROUNDWATER-DEPENDENT ECOSYSTEM MAP (GDED03\_Version 2)  
 WATER SHARING PLAN FOR THE NORTH COAST COASTAL SANDS GROUNDWATER SOURCES 2016

