

# Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012

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# Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012

## Notes.

- 1 Part 12 allows for amendments to be made to Part 1.
- 2 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 3 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 4 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

## Part 1 Introduction

**Note.** Part 12 allows for amendments to be made to this Part.

### 1 Name of this Plan

This Plan is the *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* (hereafter **this Plan**).

### 2 Nature and status of this Plan

- (1) This Plan is made under section 50 of the *Water Management Act 2000* (hereafter **the Act**).
- (2) This Plan is a plan for water sharing and generally deals with the matters set out in sections 20 and 21 of the Act, as well as other sections of the Act.

**Note.** Where a provision of this Plan is made under another section of the Act, the section is referred to in the notes to this Plan.

### 3 Commencement of this Plan

This Plan commences on 4 October 2012.

#### Notes.

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.
- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources that are consistent with the requirements of the Basin Plan. This Plan was amended in 2020, partly to meet NSW's commitments under these arrangements. Certain provisions of this Plan form part of the water resource plan for the Namoi surface water resource plan area.
- 4 **Basin Plan** is defined in the Dictionary.

#### 4 Application of this Plan

- (1) This Plan applies to the following water sources (hereafter *these water sources*) within the Namoi Water Management Area:
- (a) the Namoi Unregulated Rivers Water Sources (hereafter *the Namoi Unregulated Rivers Water Sources*) comprised of:
- (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Werris Creek Water Source,
  - (v) Keepit Water Source,
  - (vi) Split Rock Water Source,
  - (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coxs Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xviii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source,
  - (xxii) Baradine Creek Water Source,
  - (xxiii) Phillips Creek Water Source,
  - (xxiv) Mooki River Water Source,

- (xxv) Quirindi Creek Water Source, and
- (xxvi) Warrah Creek Water Source, and
- (b) the Peel Unregulated River Water Sources (*the Peel Unregulated River Water Sources*) comprised of:
  - (i) Chaffey Water Source,
  - (ii) Goonoo Goonoo Creek Water Source,
  - (iii) Upper Peel River Tributaries Water Source,
  - (iv) Lower Peel River Tributaries Water Source, and
  - (v) Cockburn River Water Source.

**Note.** The Namoi Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP021\_Version 4), Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* (hereafter the *Plan Map*) held by the Department.

**Note.** The Plan Map is part of this Plan and is available on the NSW Legislation website. An overview of the Plan Map is shown in Appendix 1.

- (3) Subject to subclause (5), these water sources include all water:
  - (a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and
  - (b) in rivers, lakes and wetlands within the boundaries of these water sources as shown on the Plan Map.
- (4) (Repealed)
- (5) These water sources do not include water:
  - (a) contained in the water sources to which the following water sharing plans apply:
    - (i) the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*,
    - (ii) the *Water Sharing Plan for the Peel Regulated River Water Sources 2010*, and
    - (iii) the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*, or

- (b) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.

**Note. Floodplain harvesting** is defined in the Dictionary.

- (6) This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*.
- (7) This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020*, applies to the Peel Unregulated River Water Sources.

**Notes.**

- 1 Prior to the commencement of the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020*, the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* applied to the Peel Unregulated River Water Sources.
- 2 This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Namoi Alluvial Groundwater Sources. The *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020*, applies to those water sources.

## 5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:
  - (a) Mid Macdonald River Water Source:
    - (i) Macdonald River Upstream Woolbrook Management Zone,
    - (ii) Macdonald River Downstream Woolbrook Management Zone, and
    - (iii) Mid Macdonald River Tributaries Management Zone,
  - (b) Upper Namoi Water Source:
    - (i) Macdonald and Namoi Rivers Management Zone,
    - (ii) Halls Creek Management Zone, and
    - (iii) Upper Namoi Tributaries Management Zone,
  - (c) Upper Manilla Water Source:
    - (i) Manilla River Management Zone,
    - (ii) Manilla River Tributaries Management Zone,
    - (iii) Ironbark Creek Management Zone, and
    - (iv) Ironbark Creek Tributaries Management Zone,

- (d) Lake Goran Water Source:
  - (i) Lake Goran Management Zone, and
  - (ii) Lake Goran Tributaries Management Zone,
- (e) Coxs Creek Water Source:
  - (i) Mid Coxs Creek Management Zone,
  - (ii) Lower Coxs Creek Management Zone, and
  - (iii) Coxs Creek Tributaries Management Zone,
- (f) Maules Creek Water Source:
  - (i) Maules and Horsearm Creeks Management Zone, and
  - (ii) Maules Creek Tributaries Management Zone,
- (g) Brigalow Creek Water Source:
  - (i) Merri Merri Creek and Other Tributaries Management Zone, and
  - (ii) Brigalow Creek Management Zone,
- (h) Pian Creek Water Source:
  - (i) Lower Pian Creek Management Zone, and
  - (ii) Pian Creek Tributaries Management Zone,
- (i) Chaffey Water Source:
  - (i) Peel River Management Zone, and
  - (ii) Chaffey Tributaries Management Zone,
- (j) Goonoo Goonoo Water Source:
  - (i) Downstream Boiling Down Creek Management Zone, and
  - (ii) Upstream Boiling Down Creek Management Zone,
- (k) Upper Peel River Tributaries Water Source:
  - (i) Dungowan Creek Management Zone, and
  - (ii) Duncans Creek and Other Tributaries Management Zone,
- (l) Lower Peel River Tributaries Water Source:
  - (i) Moore Creek Management Zone, and
  - (ii) Lower Peel Tributaries Management Zone,
- (m) Cockburn River Water Source:

- (i) Cockburn River Management Zone, and
- (ii) Cockburn River Tributaries Management Zone.

**Note.** *Management zone* is defined in the Dictionary.

- (2) The management zones in subclause (1) are shown on the Plan Map.

**Note.** Overview maps of the management zones are shown in Appendix 2.

## **6 (Repealed)**

## **7 Understanding the rules in this Plan**

This Plan contains various rules. Where appropriate, the rules specified in this Plan are given effect by the mandatory conditions for access licences and approvals contained in Part 11 of this Plan.

## **8 Interpretation**

- (1) Words and expressions that are defined in the Dictionary to this Plan have the meaning set out in the Dictionary.
- (2) Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (4A) The Plan Map forms part of this Plan.
- (4B) A number in brackets following the name of a gauge is the gauge number.
- (5) Notes in the text of this Plan do not form part of this Plan.
- (6) Appendices to this Plan do not form part of this Plan.



## Part 2 Vision, objectives, strategies and performance indicators

### Notes.

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 This Part describes broad objectives, which are the long term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

### 8A Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Namoi Water Management Area.

### 9 Vision statement

The vision for this Plan is to provide for the following:

- (a) the health and enhancement of these water sources and their water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities that result from surface water.

### 10 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and contribute to the enhancement of, the ecological condition of these water sources and their water-dependent ecosystems over the term of this Plan.

**Note.** The ecological condition of these water sources will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER plan for these water sources. Water-dependent ecosystems in these water sources include instream, riparian and floodplain ecosystems.

- (2) The targeted environmental objective of this Plan is to protect, and contribute to the enhancement of, the following over the term of this Plan:
  - (a) the recorded distribution or extent, and population structure, of target ecological populations,

#### Notes.

- 1 **Target ecological populations** is defined in the Dictionary.

- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
  - (a) native fish including eel-tailed catfish, Murray cod and purple-spotted gudgeon,
  - (b) native vegetation including carbeen, redgum and black box-coolbah woodlands,
  - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

- (b) the longitudinal and lateral connectivity within and between water sources to support target ecological processes,

**Notes.**

- 1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.
- 2 Target ecological processes in these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.
- 3 Connectivity may be within or between these water sources and other water sources.

- (c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.

**Note.** Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Namoi Water Resource Plan Area SW14 and the NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted environmental objective of this Plan are as follows:

- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,

**Note.** Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,

**Notes.**

- 1 **Flow regimes** is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.

- (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

**Notes.**

- 1 ***In-river pool, off-river pool*** and ***full capacity*** are defined in the Dictionary.
- 2 The provisions in clause 47 and 48 restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

- (d) restrict or prevent water supply work approvals in specified circumstances.

**Note.**

The provisions in Part 9 of this Plan prevent the granting or amendment of a water supply work approvals in the circumstances specified.

- (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources and other connected water sources including the Upper Namoi Regulated River Water Source, the Lower Namoi Regulated River Water Source and the Peel Regulated River Water Source.

**Note.** The provisions in Division 2 of Part 8 of this Plan ensure that very low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objective in subclause (2) are the changes or trends in ecological condition during the term of this plan, as assessed using one or more of the following:
- (a) the recorded range, extent or condition of target ecological populations,
  - (b) measurements of fish movements through priority fish passage areas,
  - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
  - (d) the extent to which external influences on these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

**Note.** External influences may include climate trends, land use patterns and other factors.

## 11 Economic objectives

(1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.

(2) The targeted economic objectives of this Plan are as follows:

(a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,

**Note.** Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.

(b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses and landholders,

(c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.

(3) The strategies for reaching the targeted economic objectives of this Plan are as follows:

(a) provide for trade of water allocations and share components subject to environmental constraints.

**Note.** The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another.

(b) provide a stable and predictable framework for sharing water among water users,

**Note.** The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan and the flow classes and access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

(c) provide flexibility of access to water,

**Note.** The individual account management provisions in clause 43 of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

(d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit.

**Note.** Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or trends in economic benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the economic benefits of water extraction and use,
  - (b) the economic benefits of water trading as demonstrated by any of the following:
    - (i) the annual number or volume of share components of access licences transferred or assigned,
    - (ii) the weighted average unit price of share components of access licences transferred or assigned,  
**Note. Weighted average unit price** is defined in the Dictionary.
    - (iii) the annual volume of water allocations assigned,
    - (iv) the weighted average unit price of water allocations assigned,
  - (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which the changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
  - (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.  
**Note.** External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in industry policy or regulation.

## 12 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.
- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) to provide access to water in the exercise of native title rights,
  - (b) to provide access to water for Aboriginal cultural use, including fishing,
  - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
  - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
  - (a) manage access to water consistently with the exercise of native title rights,
  - (b) provide for water associated with Aboriginal cultural values and uses,  
**Note.** The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.
  - (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
  - (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,  
**Note.** The provisions in clause 47 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
  - (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.  
**Note.** The provisions in Division 2 of Part 8 of this ensure that a portion of natural natural flows are protected from extraction.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.

- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following:
- (a) the use of water by Aboriginal people by measuring factors including:
    - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement, and
    - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
  - (b) the recorded range or extent of target populations of native fish,
  - (c) the recorded range or condition of target populations of riparian vegetation,
  - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in the Plan have been implemented and complied with,
  - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provision in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
  - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
  - (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.
- Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation.

## 12A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.

- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
  - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
  - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,
  - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
  - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
  - (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
  - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
  - (d) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed by using one or more of the following:
  - (a) the social and cultural uses of water during the term of this Plan, by measuring factors including:
    - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and
    - (ii) the extent to which major utility access licence and local water utility access licence requirements have been met,



- (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
  - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
  - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
  - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
  - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
  - (d) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

**Note.** External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate, or changes in policy or regulation.

## **Part 3 Bulk access regime**

### **13 Bulk access regime**

- (1) This Plan establishes a bulk access regime for the extraction of water under access licences in these water sources, having regard to:
  - (a) the environmental water rules established in Part 4 of this Plan,
  - (b) the requirements for water for basic landholder rights identified in Division 2 of Part 5 of this Plan,
  - (c) the requirements for water for extraction under access licences identified in Division 3 of Part 5 of this Plan, and
  - (d) the access licence dealing rules established in Part 10 of this Plan.
- (2) The bulk access regime for these water sources:
  - (a) recognises and is consistent with the limits to the availability of water set in relation to these water sources contained in Part 6 of this Plan,
  - (b) establishes rules according to which access licences are to be granted and managed contained in Parts 7 and 8 of this Plan and available water determinations are to be made contained in Part 6 of this Plan,
  - (c) recognises the effect of climatic variability on the availability of water as described in clause 14,
  - (d) establishes rules with respect to the priorities according to which water allocations are to be adjusted as a consequence of any reduction in the availability of water due to an increase in average annual extraction against the long-term average annual extraction limit and long-term average sustainable diversion limit contained in Part 6 of this Plan,
  - (e) contains provisions with respect to the conditions that must be imposed as mandatory conditions on access licences contained in Division 2 of Part 11 of this Plan, and
  - (f) recognises and is consistent with the water management principles contained in section 5 of the Act.

### **14 Climatic variability**

This Plan recognises the effects of climatic variability on river flow in these water sources by having provisions that:

- (a) manage the sharing of water within the limits of water availability on a long-term average annual basis and the priorities according to which water allocations are to be adjusted as a consequence of any reductions in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit and long-term average sustainable diversion limit, contained in Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis, contained in Division 2 of Part 8 of this Plan.

**Note.** Other statutory tools are available to manage for climatic variability within a water source, for example, temporary water restrictions under section 324 of the Act.

## Part 4 Planned environmental water provisions

**Note.** This Part is made in accordance with section 8 of the Act.

### 15 General

This Part contains environmental water rules for the commitment, identification, establishment and maintenance of planned environmental water in these water sources.

**Note.** In accordance with the Act, planned environmental water is water that is committed by management plans for fundamental ecosystem health or other specified environmental purposes, either generally or at specified times or in specified circumstances and that cannot, to the extent committed, be taken or used for any other purpose.

### 16 Commitment and identification of planned environmental water

Water is committed and identified as planned environmental water in these water sources in the following ways:

- (a) by reference to the commitment of the physical presence of water in these water sources,
- (b) by reference to the long-term average annual commitment of water as planned environmental water, and
- (c) by reference to the water that is not committed after the commitments to basic landholder rights and for sharing and extraction under any other rights have been met.

### 17 Establishment and maintenance of planned environmental water

(1) This Plan establishes planned environmental water in these water sources as follows:

- (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,  
**Note.** The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
- (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,
- (c) water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act in accordance with the rules specified in Parts 6 and 8 of this Plan.

(2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.

- (3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

**Note.** The provisions in Part 6 of this Plan ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit. The provisions in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limit or the long-term average sustainable diversion limit have been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 18 Application

- (1) This Part identifies the requirements for water from these water sources for basic landholder rights (Division 2) and for extraction under access licences (Division 3).
- (2) The amounts of water specified in this Part represent the estimated water requirements of persons entitled to basic landholder rights in these water sources and the total volumes or unit shares specified in the share components of all access licences in these water sources. The actual volumes of water available for extraction in these water sources at any time will depend on factors such as climatic variability, access licence priority and the rules in this Plan.
- (3) This Plan recognises that basic landholder rights in these water sources and the total share components of all access licences authorised to extract water from these water sources may change during the term of this Plan. This Plan manages such changes by having provisions that manage the sharing of water within the limits of water availability, as provided for in Part 6 of this Plan.

**Note.** The total share components of access licences in these water sources may change during the term of this Plan as a result of:

- (a) the grant, surrender or cancellation of access licences in these water sources,
- (b) the variation of local water utility licences under section 66 of the Act, or
- (c) changes due to the volumetric conversion of *Water Act 1912* entitlements that are currently non-volumetric.

### Division 2 Requirements for water for basic landholder rights

#### 19 Domestic and stock rights

The water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 2480.2 megalitres per year (hereafter **ML/year**), distributed as follows:

- (a) 101.2 ML/year in the Upper Macdonald River Water Source,
- (b) 144.6 ML/year in the Mid Macdonald River Water Source,
- (c) 190 ML/year in the Upper Namoi Water Source,
- (d) 59.6 ML/year in the Werris Creek Water Source,
- (e) 69 ML/year in the Keepit Water Source,

- (f) 11.5 ML/year in the Split Rock Water Source,
- (g) 189.6 ML/year in the Upper Manilla Water Source,
- (h) 22.7 ML/year in the Rangira Creek Water Source,
- (i) 34.6 ML/year in the Bluevale Water Source,
- (j) 77.4 ML/year in the Lake Goran Water Source,
- (k) 191 ML/year in the Coxs Creek Water Source,
- (l) 55.4 ML/year in the Maules Creek Water Source,
- (m) 28.4 ML/year in the Eulah Creek Water Source,
- (n) 67.5 ML/year in the Bohena Creek Water Source,
- (o) 0.6 ML/year in the Bundock Creek Water Source,
- (p) 3.8 ML/year in the Brigalow Creek Water Source,
- (q) 22.8 ML/year in the Coghill Creek Water Source,
- (r) 37.4 ML/year in the Etoo and Talluba Creeks Water Source,
- (s) 24.1 ML/year in the Spring and Bobbiwaa Creeks Water Source,
- (t) 43.3 ML/year in the Pian Creek Water Source,
- (u) 19.3 ML/year in the Lower Namoi Water Source,
- (v) 164.5 ML/year in the Baradine Creek Water Source,
- (w) 42.8 ML/year in the Phillips Creek Water Source,
- (x) 55 ML/year in the Mooki River Water Source,
- (y) 127.7 ML/year in the Quirindi Creek Water Source,
- (z) 134.3 ML/year in the Warrah Creek Water Source,
- (aa) 14.6 ML/year in the Chaffey Water Source,
- (ab) 142.35 ML/year in the Goonoo Goonoo Creek Water Source,
- (ac) 80.3 ML/year in the Upper Peel River Tributaries Water Source,
- (ad) 105.85 ML/year in the Lower Peel River Tributaries Water Source, and
- (ae) 219 ML/year in the Cockburn River Water Source.

**Notes.**

- 1 Domestic and stock rights are set out in Division 1 of Part 1 of Chapter 3 of the Act and must be exercised in accordance with any mandatory guidelines established under the Act with respect to the taking and use of water for domestic consumption or stock

watering. The volumes set out in this clause are separate from any volumes of water licensed for domestic and stock purposes in these water sources.

- 2 Inherent water quality and land use activities may make the water in some areas unsuitable for human consumption. Water from these water sources should not be consumed without first being tested and, if necessary, appropriately treated. Such testing and treatment is the responsibility of the water user.

## 20 Native title rights

The requirement for water to satisfy native rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including:

- (a) under any determination of native title, and
- (b) any indigenous land use agreement.

### Notes.

- 1 No determinations of native title in relation to these water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth at the commencement of this Plan.
- 2 This Plan may be amended if there is a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 Native title rights may be exercise in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

## 21 Harvestable rights

The requirement for water under harvestable rights in these water sources is equal to the total amount of water that owners or occupiers of landholdings are entitled to capture and store, pursuant to a harvestable rights order made under Division 2 of Part 1 of Chapter 3 of the Act.

## Division 3 Requirements for water for extraction under access licences

### 22 Share components of domestic and stock access licences

It is estimated that the share components of domestic and stock access licences authorised to take water from these water sources total 993 ML/year, distributed as follows:

- (a) 0 ML/year in the Upper Macdonald River Water Source,
- (b) 51.5 ML/year in the Mid Macdonald River Water Source,
- (c) 39.5 ML/year in the Upper Namoi Water Source,
- (d) 0 ML/year in the Werris Creek Water Source,
- (e) 5 ML/year in the Keepit Water Source,
- (f) 0 ML/year in the Split Rock Water Source,



- (g) 28.5 ML/year in the Upper Manilla Water Source,
- (h) 21 ML/year in the Rangira Creek Water Source,
- (i) 5 ML/year in the Bluevale Water Source,
- (j) 88 ML/year in the Lake Goran Water Source,
- (k) 107 ML/year in the Coxs Creek Water Source,
- (l) 7 ML/year in the Maules Creek Water Source,
- (m) 35 ML/year in the Eulah Creek Water Source,
- (n) 11.5 ML/year in the Bohena Creek Water Source,
- (o) 36.5 ML/year in the Bundock Creek Water Source,
- (p) 14 ML/year in the Brigalow Creek Water Source,
- (q) 0 ML/year in the Coghill Creek Water Source,
- (r) 15 ML/year in the Etoo and Talluba Creeks Water Source,
- (s) 5 ML/year in the Spring and Bobbiwaa Creeks Water Source,
- (t) 49 ML/year in the Pian Creek Water Source,
- (u) 37 ML/year in the Lower Namoi Water Source,
- (v) 71.5 ML/year in the Baradine Creek Water Source,
- (w) 0 ML/year in the Phillips Creek Water Source,
- (x) 105.5 ML/year in the Mooki River Water Source,
- (y) 45.5 ML/year in the Quirindi Creek Water Source,
- (z) 6 ML/year in the Warrah Creek Water Source,
- (aa) 15.5 ML/year in the Chaffey Water Source,
- (ab) 28 ML/year in the Goonoo Goonoo Water Source,
- (ac) 28.5 ML/year in the Upper Peel River Tributaries Water Source,
- (ad) 64 ML/year in the Lower Peel River Tributaries Water Source, and
- (ae) 73 ML/year in the Cockburn River Water Source.

### **23 Share components of local water utility access licences**

It is estimated that the share components of local water utility access licences authorised to take water from these water sources total 8,333 ML/year, distributed as follows:

- (a) 463 ML/year in the Mid Macdonald River Water Source,
- (b) 564 ML/year in the Upper Namoi Water Source,
- (c) 421 ML/year in the Upper Manilla Water Source,
- (d) 1,000 ML/year in the Quirindi Creek Water Source,
- (e) 5,600 ML/year in the Upper Peel River Tributaries Water Source, and
- (f) 0 ML/year in all other water sources.

## **24 Share components of unregulated river access licences**

It is estimated that the share components of unregulated river access licences authorised to take water from these water sources total 153,386 unit shares, distributed as follows:

- (a) 30 unit shares in the Upper Macdonald River Water Source,
- (b) 4,818 unit shares in the Mid Macdonald River Water Source,
- (c) 10,081 unit shares in the Upper Namoi Water Source,
- (d) 1,321 unit shares in the Werris Creek Water Source,
- (e) 745 unit shares in the Keepit Water Source,
- (f) 0 unit shares in the Split Rock Water Source,
- (g) 1,661 unit shares in the Upper Manilla Water Source,
- (h) 1,458 unit shares in the Rangira Creek Water Source,
- (i) 1,635 unit shares in the Bluevale Water Source,
- (j) 32,171 unit shares in the Lake Goran Water Source,
- (k) 17,521.5 unit shares in the Coxs Creek Water Source,
- (l) 1,406 unit shares in the Maules Creek Water Source,
- (m) 2,034 unit shares in the Eulah Creek Water Source,
- (n) 984 unit shares in the Bohena Creek Water Source,
- (o) 5,106 unit shares in the Bundock Creek Water Source,
- (p) 1,243 unit shares in the Brigalow Creek Water Source,
- (q) 600 unit shares in the Coghill Creek Water Source,
- (r) 1,392 unit shares in the Etoo and Talluba Creeks Water Source,
- (s) 748 unit shares in the Spring and Bobbiwaa Creeks Water Source,

- (t) 2,031 unit shares in the Pian Creek Water Source,
- (u) 2,646 unit shares in the Lower Namoi Water Source,
- (v) 19,409 unit shares in the Baradine Creek Water Source,
- (w) 161 unit shares in the Phillips Creek Water Source,
- (x) 30,287.5 unit shares in the Mooki River Water Source,
- (y) 1,740 unit shares in the Quirindi Creek Water Source,
- (z) 259 unit shares in the Warrah Creek Water Source
- (aa) 384.5 unit shares in the Chaffey Water Source,
- (ab) 1,033.5 unit shares in the Goonoo Goonoo Creek Water Source,
- (ac) 3,638 unit shares in the Upper Peel River Tributaries Water Source,
- (ad) 2,477 unit shares in the Lower Peel River Tributaries Water Source, and
- (ae) 4,365 unit shares in the Cockburn River Water Source.

**25 Share components of unregulated river (special additional high flow) access licences**

It is estimated that the share components of unregulated river (special additional high flow) access licences authorised to take water from these water sources total 729 unit shares, distributed as follows:

- (a) 729 unit shares in the Lower Namoi Water Source,
- (b) 0 unit shares in all other water sources.

**Note.** One licence has been identified as being an unregulated river (special additional high flow) access licence in the Lower Namoi Water Source. The licence details can be viewed in Schedule 2.

**26 - 27 (Repealed)**

## Part 6 Limits to the availability of water

**Note.** This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction:

- (a) a long-term average annual extraction limit, and
- (b) a long-term average sustainable diversion limit.

### Division 1 Calculations under this Part

#### 28 Exclusions, inclusions and variations in calculations

- (1) This clause applies to the calculation of the following:
  - (a) the long-term average annual extraction limit under clause 29,
  - (b) the annual extraction under clause 30,
  - (c) the annual permitted take under clause 33,
  - (d) the annual actual take under clause 33.

**Note.** *Annual permitted take* and *annual actual take* are defined in the Dictionary.
- (2) The calculations by the Minister to which this clause applies must:
  - (a) exclude the following:
    - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,
    - (ii) in relation to annual extraction under clause 30 only, water committed as licensed environmental water under section 8F of the Act, and
  - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 29 must be adjusted by a volume that appropriately reflects the following:
  - (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
  - (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

## **Division 2 Long-term average annual extraction limit**

### **29 Calculation of the long-term average annual extraction limit**

The long-term average annual extraction limit for these water sources is the sum of:

- (a) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the following water sources:
  - (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Werris Creek Water Source,
  - (v) Keepit Water Source,
  - (vi) Split Rock Water Source,
  - (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coks Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xviii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source,
  - (xxii) Baradine Creek Water Source,
  - (xxiii) Phillips Creek Water Source,

- (xxiv) Mooki River Water Source,
  - (xxv) Quirindi Creek Water Source,
  - (xxvi) Warrah Creek Water Source, plus,
- (b) the annual water requirements pursuant to basic landholder rights in the following water sources at the commencement of this Plan:
- (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Werris Creek Water Source,
  - (v) Keepit Water Source,
  - (vi) Split Rock Water Source,
  - (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coks Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xviii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source, (xxii) Baradine Creek Water Source,
- plus,
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in these water sources, plus

**Note.** In unregulated river water sources (including these water sources) the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvest access licences will be issued in accordance with the *NSW Floodplain Harvesting Policy*. Subclause (2) (c) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the *Water Act 1912*.

- (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source and the Cockburn River Water Source at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, excluding those licences nominating works that extract water from the Wallamoore Anabranh and local water utility access licences that nominate works that extract water from Dungowan Dam, plus
- (e) the annual water requirements pursuant to basic landholder rights in the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source and the Cockburn River Water Source at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, plus
- (f) the annual water requirements pursuant basic landholder rights in the Phillips Creek Water Source, the Mooki River Water Source, Quirindi Creek Water Source and the Warrah Creek Water Source at the commencement of the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*, plus
- (g) the estimated annual take of water from these water sources by plantation forestry that existed on 30 June 2009.

**Note.** *Plantation forestry* is defined in the Dictionary.

### 30 Calculation of annual extraction

- (1) Subject to subclause (2), following the end of each water year, the Minister is to calculate the total annual extraction from these water sources based on the following:
  - (a) the take of water by basic landholder rights and access licences in that water year,
  - (b) the estimated take of water by plantation forestry in that water year,

- (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences may be issued in these water sources.
- (2) Calculations made under subclause (1) are to exclude extractions under licences nominating works that extract water from Wallamoore Anabranche and local water utility access licences nominating works that extract water from Dungowan Dam.

### **31 Assessment of compliance with the long-term average annual extraction limit**

- (1) Following the calculation under clause 30, the Minister is to compare the average of the total annual extraction for these water sources over the preceding three water years against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

### **Division 3 Long-term average sustainable diversion limit**

**Note.** *Namoi SDL resource unit* is defined in the Dictionary.

### **32 Calculation of the long-term average sustainable diversion limit**

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the Namoi SDL resource unit as calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

**Notes.**

- 1 **Baseline diversion limit** is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Namoi SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from the following water sources:
  - (a) the Upper Namoi Regulated River Water Source,
  - (b) the Lower Namoi Regulated River Water Source,
  - (c) the Peel Regulated River Water Source,
  - (d) the Namoi Unregulated Rivers Water Sources,
  - (e) the Peel Unregulated River Water Sources.



### **33 Calculation of annual permitted and annual actual take for the water year**

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in these water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to these water sources.

#### **Notes.**

- 1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as it falls outside the definition of take for consumptive use.
- 2 **Consumptive use** and **take** and are defined in section 4 of the *Water Act 2007* of the Commonwealth.

### **33A Assessment of compliance with the long-term average sustainable diversion limit**

- (1) Following the calculation under clause 33 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

## **Division 4 Compliance with extraction and diversion limits**

### **33B Action following non-compliance**

- (1) Subject to subclause (2) to (5), if an assessment under clauses 31 or 33A demonstrates non-compliance with either the long-term average annual extraction limit for these water sources or the long-term average sustainable diversion limit, the Minister is to take the following actions for the water year after the assessment:
  - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
  - (b) make available water determinations for unregulated river (special additional high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 33A would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:
- (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in these water sources to the long-term average annual extraction limit,
  - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
  - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (4) In taking action under subclause (1) or (2), the reduction applied to available water determinations for unregulated river (special additional high flow) access licences must be 200% of the reduction applied to available water determinations for unregulated river access licences.
- Note.** Subclause (4) means that if future available water determinations for unregulated river access licences are to be reduced from 1 ML per share to 0.95 ML per share then the available water determination for unregulated (special additional high flow) access licences should be reduced from 1 ML per share to 0.9 ML per share.
- (5) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source:
- (a) have caused non-compliance with the long-term average sustainable diversion limit, or
  - (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

## **Division 5 Available water determinations**

### **34 General**

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
- (a) a percentage of the share component for access licences where share components are specified as ML/year, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.

- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
- (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
  - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) (Repealed)

**35 Available water determinations for domestic and stock access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

**36 Available water determinations for local water utility access licences**

Unless the minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

**37 Available water determinations for unregulated river access licences**

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 33B is to be made for unregulated river access licences.

**Note.** Division 4 of this Part provides for the making of available water determinations for unregulated river access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit has been assessed to have been exceeded.

**38 Available water determinations for unregulated river (special additional high flow) access licences**

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 33B is to be made for unregulated river (special additional high flow) access licences.

**Note.** Division 4 of this Part provides for the making of available water determinations for unregulated river (special additional high flow) access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit has been assessed to have been exceeded.

**39 - 40 (Repealed)**

## Part 7 Rules for granting access licences

### Notes.

- 1 This Part is made in accordance with sections 20 and 61 of the Act.
- 2 Access licences granted in these water sources are subject to mandatory conditions and may be subject to discretionary conditions.

### 41 Specific purpose access licences

**Note.** Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan.

- (1) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Applications may not be made for an access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.
- (3) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

**Note.** *Aboriginal person* is defined in the Dictionary.

### 42 (Repealed)

## **Part 8 Rules for managing access licences**

### **Division 1 Water allocation account management rules**

**Note.** The Act and the regulations provide for the keeping of water allocation accounts for access licences. The rules in this Division impose further limits on the water that may be taken under an access licence over a specified period of time. These limits are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

#### **43 Individual access licence account management rules for the Namoi Unregulated Rivers Water Sources**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.
- (2) For the period of the first three water years in which this Plan has effect, water taken under an unregulated river access licence must not exceed a volume equal to:
  - (a) 50% of the water allocations accrued to the water allocation account for the access licence from available water determinations in the first water year, plus
  - (b) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in the second and third water years, plus
  - (c) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those water years, plus
  - (d) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those water years.
- (3) For the period of any three consecutive water years after the first water year in which this Plan has effect, water taken under an unregulated river access licence must not exceed a volume equal to the lesser of:
  - (a) the sum of:
    - (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years, and
    - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (5), and

- (iii) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
    - (iv) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years, or
  - (b) the sum of:
    - (i) the share component of the access licence at the beginning of the first of those three water years, and
    - (ii) the share component of the access licence at the beginning of the second of those three water years, and
    - (iii) the share component of the access licence at the beginning of the third of those three water years, and
    - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
    - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river (special additional high flow) access licence must not exceed a volume equal to:
  - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
  - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) Water allocations remaining in the water allocation account for an unregulated river access licence are to be carried over from one year to the next, up to a maximum of 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence, or an unregulated river (special

additional high flow) access licence cannot be carried over from one water year to the next.

#### **44 Individual access licence account management rules for the Peel Unregulated Rivers Water Sources**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Peel Unregulated Rivers Water Sources.
- (2) In any three consecutive water years, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river access licence must not exceed a volume equal to:
  - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years, plus
  - (b) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T of the Act in those three water years, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act, in those three water years.
- (3) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or an unregulated river access licence are to be carried over from one year to the next, up to a maximum of:
  - (a) 100% of the access licence share component for access licences with share components expressed as ML/year, or
  - (b) 1 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.

### **Division 2 Flow classes and daily access rules**

**Note.** Part 12 of this Plan allows for amendments to be made to this Division.

#### **45 General**

The rules in this Division apply to the taking of water under an access licence with a share component that specifies one of these water sources.

#### **46 Flow classes**

- (1) This Plan establishes the flow classes specified in Column 3 of Table B to this clause for the sharing of flows on a daily basis in these water sources.

- (2) The flow classes in Column 3 of Table B and the reference points specified in Column 6 of Table B are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table B.
- (3) Subject to subclause (4) and (5), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) or lake level (in metres Australian Height Datum, hereafter m AHD) as measured at the reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) For flow classes that are determined based on flows at more than one flow measuring gauge, on any day that it is not possible to determine the flow at a reference point specified in Column 6 of Table B due to flow data not being available from a flow measuring gauge, then the flow class applies for the relevant management zone when flows as measured at the remaining functioning gauge specified in Column 6 of Table B are equal to the flows specified in Column 5 of Table B for that gauge.
- (5) Subject to subclause (4), if in the Minister's opinion, accurate flow data is not available on any day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.
- (6) For the purpose of determining the flow class that applies on a particular day under subclause (5), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.  
**Note.** On days that accurate flow data is not available, holders of access licences may contact the Department's office at the address listed in Schedule 1 or check the Department's website to find out what flow class applies on that day.
- (7) The flow classes commence in the year specified in Column 4 of Table B, and in relation to the Peel Unregulated River Water Sources, are taken to have commenced on the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, unless otherwise specified in Column 4 of Table B.
- (8) For the purpose of Table B, ***Year 1 of this Plan*** means from the date of commencement of this Plan.

**Note.** Only those water sources for which flow classes have been established at the commencement of this Plan are shown in Table B.

**Table B—Flow Classes**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water source	Management zone	Flow class	Commencement	Flow (ML/day)	Reference point	Day on which flow



				<b>or lake level (m AHD)</b>		<b>class applies</b>
Mid Macdonald River Water Source	Macdonald River Upstream Woolbrook Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Woolbrook gauge (419010)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day		
	Macdonald River Downstream Woolbrook Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Retreat gauge (419028)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day		
Upper Namoi Water Source	Macdonald and Namoi Rivers Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow over the crest of the Manilla Weir	Manilla Weir on the Namoi River	Same day
		A Class	Year 1 of this Plan	Visible flow over the crest of the Manilla Weir		
	Halls Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Halls Creek at Ukolan gauge (419029)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		
Upper Manilla Water Source	Manilla River Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 3 ML/day	Manilla River at Black Springs gauge (419053)	Same day
		A Class	Year 1 of this Plan	More than 3 ML/day		
	Ironbark Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 3 ML/day	Ironbark Creek at Woodsreef gauge (419047)	Same day
		A Class	Year 1 of this Plan	More than 3 ML/day		
Lake Goran Water Source	Lake Goran Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 294.7 metres AHD	Lake Goran at Hokey Pokey gauge (419066)	Same day
		A Class	Year 1 of this Plan	More than 294.7 metres AHD		Same day
Coxs Creek Water	Mid Coxs Creek	Very Low Flow Class	Year 1 of this Plan	Less than or equal to	Coxs Creek at Tambar	Same day

Source	Management Zone			17.5 ML/day at Tambar Springs gauge or less than or equal to 15 ML/day at Tourable gauge	Springs gauge (419033) and Cox Creeks at Tourable gauge (419102)	
		A Class	Year 1 of this Plan	More than 17.5 ML/day at Tambar Springs gauge and more than 15 ML/day at Tourable gauge		
	Lower Coxs Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 15 ML/day at Tourable gauge or less than or equal to 11 ML/day at Boggabri gauge	Coxs Creek at Tourable gauge (419102) and Coxs Creek at Boggabri gauge (419032)	Same day
		A Class	Year 1 of this Plan	More than 15 ML/day at Tourable gauge and more than 11 ML/day at Boggabri gauge		
Maules Creek Water Source	Maules and Horsearm Creeks Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Maules Creek at Avoca East gauge (419051)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		
Brigalow Creek Water Source	Brigalow Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Brigalow Creek at Tharlane gauge (419083)	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day		
Pian Creek Water Source	Lower Pian Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 43 ML/day at Dempseys	Pian Creek at Dempseys Bridge gauge	Same day

				Bridge gauge or less than or equal to 5 ML/day at Waminda gauge	(419089) and Pian Creek at Waminda gauge (419049)	
		A Class	Year 1 of this Plan	More than 43 ML/day at Dempseys Bridge gauge and more than 5 ML/day at Waminda gauge		
Mooki River Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 100 ML/day on a rising river or less than or equal to 50 ML/day on a falling river	Mooki River at Breeza gauge (419027)	Same day
		A Class	Year 1 of this Plan	More than 100 ML/day on a rising river and more than 50 ML/day on a falling river		
Quirindi Creek Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 2 ML/day	Quirindi Creek at Greenacres gauge (419098)	Same day
		A Class	Year 1 of this Plan	More than 2 ML/day		
Chaffey Water Source	Peel River Management zone	Very Low Flow Class	1 July 2010	2 ML/day or less	Peel River at Taroon gauge (419081)	Same day
		A Class	1 July 2010	More than 2 ML/day		Same day
Goonoo Goonoo Creek Water Source	Downstream Boiling Down Creek Management Zone	Very Low Flow Class	1 July 2010	No visible flow at upstream of Calala Lane Road Bridge or zero flow at Timbumburi gauge	Goonoo Creek upstream of Calala Lane Road Bridge Lot 1821 DP 1122162, Parish	Same day

		A Class	1 July 2010	Visible flow at upstream of Calala Lane Road Bridge and flow at Timbumburi gauge	Calala, County Parry and Goonoo Goonoo Creek at Timbumburi gauge (419035)	Same day
Upper Peel River Tributaries Water Source	Dungowan Creek Management Zone—those licences nominating works upstream of Thortons Road Bridge	Very Low Flow Class	1 July 2010	No visible flow	Dungowan Creek at Thortons Road Bridge Lot 221 DP 1122162, Parish Woolomin, County Parry	Same day
		A Class	1 July 2010	Visible flow		Same day
	Dungowan Creek Management Zone—those licences nominating works downstream of Thortons Road Bridge	Very Low Flow Class	1 July 2010	No visible flow		Same day
		A Class	1 July 2010	Visible flow		Same day
Lower Peel River Tributaries Water Source	Moore Creek Management Zone—those licences nominating works upstream of Slippery Rock	Very Low Flow Class	1 July 2010	No visible flow at either flow reference point or a visible flow at both reference points without constant visible flow at Slippery Rock over the preceding 24 hours	Moore Creek at the road crossing (the Scout Camp) located within Lot 146 DP 753843 Parish Perry, County Inglis and Moore Creek at Slippery Rock located at Daruka Recreation Lot 36 DP 851460 Parish Moonbi, County Inglis	Same day
		A Class	1 July 2010	Visible flow at both flow reference points with a constant visible flow at Slippery		Same day

				Rock over the preceding 24 hours		
	Moore Creek Management Zone—those licences nominating works downstream of Slippery Rock	Very Low Flow Class	1 July 2010	No visible flow	Moore Creek at Slippery	Same day
		A Class	1 July 2010	Visible flow	Rock located at Daruka Recreation Reserve Lot 36 DP 851460	Same day
Cockburn River Water Source	Cockburn River Management Zone	Very Low Flow Class	1 July 2020	Less than or equal to 2.5 ML/day on a rising river and less than or equal to 0.3 ML/day on a falling river	Cockburn River at Kootingal gauge (419099)	Same day
		A Class	1 July 2020	Greater than 2.5 ML/day on a rising river and greater than 0.3 ML/day on a falling river		Same day

**Notes.** The flow percentiles below refer to flows at the gauge and include all days of record.

- 1 For the Macdonald River at Woolbrook gauge (419010), 10 ML/day corresponds to the estimated 93<sup>rd</sup> percentile flow.
- 2 For the Macdonald River at Retreat gauge (419028), 10 ML/day corresponds to the estimated 92<sup>nd</sup> percentile flow.
- 3 In the Macdonald and Namoi River Management Zone in the Upper Namoi Water Source, pumping is permitted only when there is a visible flow over the crest of the weir. Pumping is not permitted when there is a visible flow through the Manilla Weir fishway, but not a visible flow over the crest of the weir.
- 4 For the Halls Creek at Ukolan gauge (419029), 1 ML/day corresponds to the estimated 91<sup>st</sup> percentile flow.
- 5 For the Manilla River at Black Springs gauge (419053), 3 ML/day corresponds to the estimated 80<sup>th</sup> percentile flow.
- 6 For the Ironbark Creek at Woodsreef gauge (419047), 3 ML/day corresponds to the estimated 57<sup>th</sup> percentile flow.
- 7 For the Lake Goran Management Zone at the Hokey Pokey gauge (419066), 294.7 metres ADH corresponds to approximately 13.5 GL or 11% of the nominal full containment volume of 123 GL.
- 8 For the Coxs Creek at Tambar Springs gauge (419033), 17.5 ML/day corresponds to the estimated 19<sup>th</sup> percentile flow.
- 9 For the Coxs Creek at the recently installed Tourable gauge (419102) 15 ML/day corresponds to the estimated 22<sup>nd</sup> percentile flow, based on data from the previously operational Mullaley gauge.

- 10 For the Coxs Creek at Boggabri gauge (419032) 11 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow.
- 11 For the Maules Creek at Avoca East gauge (419051), 1 ML/day corresponds to the estimated 88<sup>th</sup> percentile flow.
- 12 For the Brigalow Creek at Tharlane gauge (419083), 4 ML/day corresponds to the estimated 15<sup>th</sup> percentile flow.
- 13 For the Pian Creek at Dempseys Bridge gauge (419089), 43 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow.
- 14 For the Pian Creek at Waminda gauge (419049), 5 ML/day corresponds to the estimated 47<sup>th</sup> percentile flow.
- 15 For the Mooki River at Breeza gauge (419027):
- (i) 100 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow, and
  - (ii) 50 ML/day corresponds to the estimated 22<sup>nd</sup> percentile flow.
- 16 For the Quirindi Creek at Greenacres gauge (419098), 2 ML/day corresponds to the estimated 11<sup>th</sup> percentile flow.
- 17 Zero flow at Goonoo Goonoo Creek at Timbumburi gauge (419035) corresponds to a gauge height of 0.55 m at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.
- 18 2 ML/day at the Peel River at Taroona gauge (419081) corresponds to the estimated 95<sup>th</sup> percentile of all days at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.

#### **47 Access rules for the taking of water from the Namoi Unregulated Rivers Water Sources**

- (1) This clause applies to the taking of water under an access licence from the Namoi Unregulated Rivers Water Sources, excluding the taking of water under an access licence used:
- (a) in association with an aquifer interference activity that is an approved EP&A Act development when:
    - (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause,
    - (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
    - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
  - (b) in association with an aquifer interference activity when:

- (i) in the Minister's opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause,
- (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
- (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.

**Note. *Approved EP&A Act development*** is defined in the Dictionary.

- (2) Subject to subclause (18), water must not be taken under an access licence with a share component that specifies a water source or an extraction component that specifies a management zone with a Very Low Flow Class that has commenced, when flows in that water source or management zone in which the water supply work used to take water is located are in the Very Low Flow Class. This subclause does not apply to the taking of water from:

(a) an off-river pool, or

(b) Wee Waa Lagoon.

**Note. *Off-river pool*** is defined in the Dictionary.

- (3) Subject to subclause (18), water must not be taken under an access licence when there is no visible flow at the location at which water is proposed to be taken. This subclause does not apply to the taking of water from an in-river pool or an off-river pool.

**Note. *In-river pool*** and ***visible flow*** are defined in the Dictionary.

- (4) Subject to subclause (18), water must not be taken under an access licence from an off-river pool when the volume of water in that pool is less than the full capacity of the pool. This subclause does not apply to the taking of water from Gulligal Lagoon or to an access licence listed in Schedule 1A of this Plan.

**Note. *Full capacity*** is defined in the Dictionary.

- (5) Subject to subclause (18), in water sources where flow classes have not been established, water must not be taken under an access licence from an in-river pool when the volume of water in that pool is less than the full capacity of that pool. This subclause does not apply to the taking of water from Wee Waa Lagoon.

- (6) Subject to subclause (18), water must not be taken under an access licence from Wee Waa Lagoon or Gulligal Lagoon when the water level in that lagoon is less than 80% of its full capacity.

**Note.** If environmental water is delivered to Gulligal Lagoon or Wee Waa lagoon when the water level in the lagoon is less than 80% of its full containment volume, that water is protected by the rule in subclause (6). Where further protection of environmental water or environmental flows is deemed necessary, the Minister may make an order under section 324 of the Act to temporarily restrict or prohibit the taking of water from that pool if the Minister is satisfied that it is necessary to do so in the public interest.

(7) Water must not be taken under an access licence where a cease to take condition that was specified on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, higher than:

- (a) the upper limit of the relevant Very Low Flow Class (as specified in Column 5 of Table B), or
- (b) the access rules specified in subclauses (2)–(6),

when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement. This subclause does not apply to the taking of water from an in-river dam pool, a runoff harvesting dam or under an access licence with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek Water Source.

**Notes.**

- 1 Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the upper limit of the relevant Very Low Flow Class or the access rules specified in subclauses (2)–(6) are listed in Appendix 3.
- 2 ***Cease to take condition, in-river dam pool, runoff harvesting dam and Water Act 1912 entitlement*** are defined in the Dictionary.

(8) The cease to take condition that arises from subclause (7) will apply to an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.

(9) The cease to take condition that arises from subclause (7) or (8) only applies to water supply works that were nominated by the access licence at the commencement of this Plan, unless the access licence has an extraction component that nominates one of the following management zones:

- (a) Lower Coss Creek Management Zone in the Coss Creek Water Source,
- (b) Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source,
- (c) Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald Water Source,



- (d) Macdonald and Namoi Rivers Management Zone in the Upper Namoi Water Source.
- (10) The cease to take condition that arises from subclause (7) or (8) applies to water supply works that are nominated by the access licence following a dealing under section 71W of the Act if the access licence has an extraction component that nominates one of the following management zones:
- (a) Lower Coxs Creek Management Zone in the Coxs Creek Water Source,
  - (b) Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source,
  - (c) Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald Water Source,
  - (d) Macdonald and Namoi Rivers Management Zone in the Upper Namoi Water Source.
- (11) Water must not be taken under an access licence from an in-river dam pool or a runoff harvesting dam created by a structure authorised by a water supply work approval when flows or storage levels in that pool or dam are at or less than a cease to take condition that was specified on the *Water Act 1912* entitlement that the access licence replaces.
- (12) An access licence specified in Column 1 of Schedule 2 is subject to the access rules specified in Column 3 for the water sources specified in Column 2 of Schedule 2.  
**Note.** This subclause establishes access rules for the unregulated river (special additional high flow) access licences that are listed in Schedule 2.
- (13) The cease to take condition that arises from subclause (12) applies to water supply works that are nominated by the access licence following a dealing under section 71W of the Act.
- (14) The cease to take condition that arises from subclause (12) will apply to a water supply work nominated by an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
- (15) Water must not be taken from an in-river dam pool unless the in-river dam is:
- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and

- (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

**Note.** *In-river dam* is defined in the Dictionary.

- (16) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (15) are:
  - (a) the conditions for construction, operation and maintenance that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.
- (17) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (15) are:
  - (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
  - (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.
- (18) Subclauses (2)–(6) do not apply to the following:
  - (a) the taking of water under an access licence or an access licence which replaces a *Water Act 1912* entitlement to which clause 1 of Schedule 3 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (19):
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
    - (iii) poultry watering and misting, or
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
    - (i) that existed at the commencement of this Plan, and
    - (ii) with a share component that specifies one of these Namoi Unregulated Rivers Water Sources, excluding the Phillips Creek Water Source, the

Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source,

provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,

- (b1) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
- (i) that existed at the commencement of the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*, and
  - (ii) with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek Water Source,

provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,

- (c) (repealed)
  - (d) the taking of water using a runoff harvesting dam or from an in-river dam pool, or
  - (e) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 3 applies.
- (19) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (18) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

**Note.** The method by which the Minister can reduce the maximum daily volume limit is by amending the mandatory conditions of the relevant water supply work approval. Under section 102 (3) of the Act, the mandatory conditions of an approval may be imposed, amended, revoked or suspended by the Minister whenever it is necessary to do so in order to enable compliance with or to give effect to a relevant management plan.

#### **48 Access rules for the taking of water from the Peel Unregulated River Water Sources**

- (1) This clause applies to the taking of water under an access licence from the Peel Unregulated River Water Sources.
- (2) Subject to subclause (5), water must not be taken under an access licence with a share component that specifies a water source or management zone with a Very Low Flow Class that has commenced, when flows are in the Very Low Flow Class.

- (3) Notwithstanding subclauses (2) and (5), an access licence must not be used to take water if there is no visible flow in the water source at the location at which water is proposed to be taken, except for those access licences nominating any of the following water supply works:
- (a) in the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Water Source,
  - (b) in the Cockburn River Management Zone in the Cockburn River Water Source,
  - (c) upstream of Slippery Rock in the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source,
  - (d) taking water from an in-river dam pool,
  - (e) taking water from a lagoon or lake.
- (4) Subject to subclause (5), water must not be taken under an access licence with an extraction component that specifies the Cockburn River Management Zone in the Cockburn River Water Source in the following circumstances when flows are between 2.5 ML/day and 0.3 ML/day at the Cockburn River at Kootingal gauge (419099) on a falling river:
- (a) between 7 am and 7 pm from 1 September to 31 May,
  - (b) between 7 pm and 7 am from 1 June to 31 August.
- (5) Subclauses (2) and (4) do not apply to the following:
- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for a purpose listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (4):
    - (i) fruit washing,
    - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
    - (iii) poultry watering and misting, or
    - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
  - (b) the taking of water using a run-off harvesting dam or from an in-river dam pool,
  - (c) the taking of water from a lagoon or lake, or

- (d) the taking of water under a local water utility access licence to which clause 2 of Schedule 4 applies, until such time as the Minister is satisfied that major augmentation of the access licence holder's water supply system has occurred.
- (6) The Minister may, in relation to an access licence to which subclause (5) paragraph (a) applies, amend the licence to reduce the maximum daily volume limit, if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose for the licence as referred to in subclause (5) paragraph (a).
- (7) Water must not be taken from an in-river dam pool unless the in-river dam is:
  - (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
  - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

#### **49 Total daily extraction limits**

At the commencement of this Plan, there are no total daily extraction limits (hereafter *TDELs*) established for access licences in these water sources.

**Notes.**

- 1 TDELs are an assessment tool only and will be used by the Department to determine which access licences (if any) may require individual daily extraction limits. Where TDELs have been established, continued exceedance of a TDEL may result in the imposition of individual daily extraction limits under clause 50.
- 2 **Total daily extraction limit** is defined in the Dictionary.

#### **50 Individual daily extraction limits**

- (1) At the commencement of this Plan, there are no individual daily extraction limits (hereafter *IDELs*) established for access licences in these water sources.
- (2) If the Minister is satisfied that an assessment of daily extraction under access licences for which a TDEL is established under clause 49 indicates that extraction under the access licences exceeds the TDEL, the Minister may amend the extraction component of an access licence under section 68A of the Act to impose an IDEL on any one or more of those access licences.

**Note.** *Individual daily extraction limit* is defined in the Dictionary.

## Part 9 Rules for water supply work approvals

### Notes.

- 1 This Part is made in accordance with sections 5, 21 and 95 of the Act.
- 2 Part 12 allows for amendments to be made to this Part.

### Division 1 Rules applying to the granting or amending of water supply work approvals for water supply works

#### 51 General

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

#### 52 Granting or amending water supply work approvals

- (1) (Repealed)
- (1A) A water supply work approval must not be granted or amended to authorise an in-river dam within the following water sources:
  - (a) the Upper Macdonald River Water Source,
  - (b) the Mid Macdonald River Water Source,
  - (c) the Upper Namoi Water Source,
  - (d) the Upper Manilla Water Source,
  - (e) the Quirindi Creek Water Source,
  - (f) the Warrah Creek Water Source,
  - (g) the Lake Goran Water Source,
  - (h) the Eulah Creek Water Source,
  - (i) the Baradine Creek Water Source,
  - (j) the Phillips Creek Water Source,
  - (k) the Mooki River Water Source.

**Note.** Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

- (2) A water supply work approval must not be granted or amended to authorise the construction or use of a water supply work which, in the Minister's opinion, is being used or is proposed to be used to take water from an off-river pool, with the exception of Gulligal Lagoon.

**Note.** The mandatory conditions provisions of this Plan require water supply works that are abandoned or replaced to be decommissioned (unless otherwise directed by the Minister) and that the Minister is notified within two months of decommissioning. See clause 70 (1) (b) to (f).

- (3) Subclause (2) does not apply to a replacement surface water supply work.
- (4) For the purposes of this Plan, ***replacement surface water supply work*** means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from one of these water sources where:
  - (a) the existing water supply work is authorised by a water supply work approval under the Act, and
  - (b) the replacement surface water supply work is to be constructed to extract water from the same water source and the same location as the existing water supply work.

## **Division 2 (Repealed)**

### **53 – 59 (Repealed)**

## Part 10 Access licence dealing rules

### 60 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the following trading zones located in the following water sources:
  - (a) Etoo and Talluba Creeks Water Source:
    - (i) Etoo and Talluba Creeks Tributaries Trading Zone, and
    - (ii) Turragulla Creek Trading Zone,
  - (b) Baradine Creek Water Source:
    - (i) Namoi Effluents and Barwon Trading Zone,  
**Note.** The Namoi Effluents and Barwon Trading Zone extends from the western bank of the Cumberdoon Warrambool to the western extent of the Baradine Creek Water Source.
    - (ii) Turragulla and Gil Gil Creeks Trading Zone, and
    - (iii) Baradine Creek and Tributaries Trading Zone,
  - (c) Lower Namoi Water Source:
    - (i) Drildool Warrambool and Gunidgera Creek Trading Zone, and
    - (ii) Other Anabranes Trading Zone,
  - (d) Bohena Creek Water Source:
    - (i) Bohena Namoi River Trading Zone, and
    - (ii) Bohena Creek and Tributaries Trading Zone.

**Note.** *Trading zone* is defined in the Dictionary.
- (3) The trading zones in subclause (2) are shown on the Plan Map.
- (4) This Plan establishes the following subcatchments:
  - (a) Chaffey Subcatchment, which is comprised of the Chaffey Water Source.
  - (b) Peel River Subcatchment, which is comprised of the following water sources:
    - (i) Goonoo Goonoo Creek Water Source,
    - (ii) Upper Peel River Tributaries Water Source,
    - (iii) Lower Peel River Tributaries Water Source,



- (iv) Cockburn River Water Source,
- (c) Split Rock Subcatchment, which is comprised of the following water sources:
  - (i) Split Rock Water Source,
  - (ii) Upper Manilla Water Source,
- (d) Keepit Subcatchment, which is comprised of the following water sources:
  - (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Keepit Water Source,
- (e) Mooki Subcatchment, which is comprised of the following water sources:
  - (i) Werris Creek Water Source,
  - (ii) Lake Goran Water Source,
  - (iii) Phillips Creek Water Source,
  - (iv) Mooki River Water Source,
  - (v) Quirindi Creek Water Source,
  - (vi) Warrah Creek Water Source,
- (f) Namoi Subcatchment, which is comprised of the following water sources:
  - (i) Rangira Creek Water Source,
  - (ii) Bluevale Water Source,
  - (iii) Coxs Creek Water Source,
  - (iv) Maules Creek Water Source,
  - (v) Eulah Creek Water Source,
  - (vi) Bohena Creek Water Source,
  - (vii) Bundock Creek Water Source,
  - (viii) Brigalow Water Source,
  - (ix) Coghill Creek Water Source,
  - (x) Etoo and Talluba Creeks Water Source,
  - (xi) Spring and Bobbiwaa Creeks Water Source,
  - (xii) Pian Creek Water Source,

(xiii) Lower Namoi Water Source,

(xiv) Baradine Creek Water Source.

**Notes.**

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

**61 Conversion of access licence to new category**

Dealings under section 71O of the Act are prohibited.

**62 Assignment of rights dealings**

- (1) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights from:
  - (a) an access licence with an extraction component that specifies the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone in the Mid Macdonald River Water Source, or
  - (b) an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone or the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Mid Macdonald River Tributaries Management Zone in the Mid Macdonald River Water Source, or
  - (c) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Halls Creek Management Zone in the Upper Namoi Water Source, or
  - (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source, or
  - (e) an access licence that nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River

Management Zone in the Upper Manilla Water Source to an access licence that nominates a water supply work located upstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source, or

- (f) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Management Zone in the Upper Manilla Water Source, or
- (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Tributaries Management Zone in the Upper Manilla Water Source, or
- (h) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source, or
- (i) an access licence with an extraction component that specifies the Lake Goran Tributaries Management Zone in the Lake Goran Water Source to an access licence with an extraction component that specifies the Lake Goran Management Zone in the Lake Goran Water Source, or
- (j) an access licence with an extraction component that specifies the Lower Coxs Creek Management Zone or the Mid Coxs Creek Management Zone in the Coxs Creek Water Source to an access licence with an extraction component that specifies the Coxs Creek Tributaries Management Zone in the Coxs Creek Water Source, or
- (k) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone in the Maules Creek Water Source, or
- (l) an access licence that does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source to an access licence that nominates a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source, or

- (m) an access licence that nominates a water supply work in the Etoo and Talluba Creeks Tributaries Zone in the Etoo and Talluba Creeks Water Source to an access licence with an extraction component that specifies the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of the share components of all access licences in the Turragulla Creek Trading Zone to exceed the sum of the share components of all access licences in the Turragulla Creek Trading Zone at the commencement of this Plan, or
- (n) an access licence that nominates a water supply work located in a trading zone in the Baradine Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Baradine Creek Water Source, or
- (o) (repealed)
- (p) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on an off-river pool, or
- (q) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source, or
- (r) an access licence with an extraction component that specifies the Peel River Management Zone in the Chaffey Water Source to an access licence with an extraction component that specifies the Chaffey Tributaries Management Zone in the Chaffey Water Source, or
- (s) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source to an access licence with an extraction component that specifies the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source, or
- (t) an access licence with an extraction component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source, or
- (u) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source to an access licence with an extraction component

- that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source, or
- (v) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source, or
  - (w) an access licence with an extraction component that specifies the Moore Creek or Lower Peel Tributaries Management Zones in the Lower Peel River Tributaries Water Source to an access licence which nominates a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source, or
  - (x) an access licence with an extraction component that specifies the Moore Creek Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with share components that specify the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or
  - (y) an access licence with an extraction component that specifies the Cockburn River Management Zones in the Cockburn River Water Source to an access licence with an extraction component that specifies the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.
- (2) Dealings under 71Q of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.
  - (3) Dealings under section 71Q of the Act between these water sources are prohibited if:
    - (a) the dealing would cause the sum of the share components of all access licences in the subcatchment specified in Column 1 of Table C to exceed the corresponding limit specified in Column 2 of Table C, or

- (b) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table D to exceed the corresponding limit specified in Column 2 of Table D, or
- (c) the dealing would cause the sum of the share components of all access licences in the trading zone specified in Column 1 of Table E to exceed the corresponding limit specified in Column 2 of Table E, or
- (d) the dealing involves an assignment of rights:
  - (i) to or from an access licence with a share component that specifies Lake Goran Water Source, or
  - (ii) to an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source, or
  - (iii) from an access licence with a share component that specifies a water source listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
  - (iv) from an access licence that nominates a water supply work located in a trading zone listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
  - (v) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
  - (vi) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or
  - (vii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
  - (viii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Columns 1 of Table F, or

- (ix) from an access licence that nominates a water supply work located in a trading zone listed in in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
- (x) from an access licence that nominates a water supply work located in a water supply work located in a trading zone listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.

**Table C—Volumetric limits for dealings into subcatchments**

<b>Column 1</b>	<b>Column 2</b>
<b>Subcatchment</b>	<b>Volumetric limit</b>
Chaffey Subcatchment	389
Peel River Subcatchment	17,565
Split Rock Subcatchment	2,051
Keepit Subcatchment	15,315
Mooki Subcatchment	67,208
Namoi Subcatchment	76,810

**Table D—Volumetric limits for dealings into water sources**

<b>Column 1</b>	<b>Column 2</b>
<b>Water source</b>	<b>Volumetric limit</b>
Chaffey Water Source	389
Upper Peel River Tributaries Water Source	9,631
Cockburn River Water Source	4,399
Goonoo Goonoo Creek Water Source	1,055
Lower Peel River Tributaries Water Source	2,480
Upper Manilla Water Source	2,051
Split Rock Water Source	300
Upper Macdonald River Water Source	70
Mid Macdonald River Water Source	5,872
Upper Namoi Water Source	9,790
Keepit Water Source	929
Warrah Creek Water Source	435
Phillips Creek Water Source	261
Quirindi Creek Water Source	3,156
Werris Creek Water Source	1,704
Mooki River Water Source	30,393
Rangira Creek Water Source	1,479
Bluevale Water Source	3,147
Coxs Creek Water Source	17,627
Maules Creek Water Source	1,079
Eulah Creek Water Source	4,704
Bohena Creek Water Source	1,453
Spring and Bobbiwaa Creeks Water Source	1,681

Bundock Creek Water Source	4,160
Brigalow Creek Water Source	1,957
Coghill Creek Water Source	1,390
Etoo and Talluba Creeks Water Source	1,925
Baradine Creek Water Source	20,396
Pian Creek Water Source	13,146
Lower Namoi Water Source	2,668

**Table E—Volumetric limits for dealings into trading zones**

<b>Column 1</b>	<b>Column 2</b>
<b>Trading zone</b>	<b>Volumetric limit</b>
Bohena Creek and Tributaries Trading Zone in the Bohena Creek Water Source	695
Etoo and Talluba Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source	1,260
Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source	665
Namoi Effluents and Barwon Trading Zone in the Baradine Creek Water Source	47
Turragulla and Gil Gil Creeks Trading Zone in the Baradine Creek Water Source	19,023
Baradine Creek and Tributaries Trading Zone in the Baradine Creek Water Source	1,326
Drilool Warrambool and Gunidgera Creek Trading Zone in the Lower Namoi Water Source	2,006
Other Anabranes Trading Zone in the Lower Namoi Water Source	662

**Table F—Water source, management zone or trading zone location for dealings**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Upper Namoi Water Source	Chaffey Water Source	Goonoo Goonoo Creek Water Source
Spring and Bobbiwaa Creeks Water Source	Upper Peel River Tributaries Water Source	Split Rock Water Source
Etoo and Talluba Creeks Water Source	Cockburn River Water Source	Keepit Water Source
Pian Creek Water Source	Lower Peel River Tributaries Water Source	Warrah Creek Water Source
Turragulla and Gil Gil Creeks Trading Zone in the Baradine Creek Water Source	Upper Manilla Water Source	Phillips Creek Water Source
Drilool Warrambool and Gunidgera Creek Trading Zone in the Lower Namoi Water Source	Upper Macdonald River Water Source	Quirindi Creek Water Source
	Mid Macdonald River Water	Mooki River Water Source



	Source	
	Werris Creek Water Source	Rangira Creek Water Source
		Bluevale Water Source
		Coxs Creek Water Source
		Maules Creek Water Source
		Eulah Creek Water Source
		Bundock Creek Water Source
		Brigalow Creek Water Source
		Coghill Creek Water Source
		Namoi Effluents and Barwon Trading Zone in the Baradine Creek Water Source
		Baradine Creek and Tributaries Trading Zone in the Baradine Creek Water Source
		Other Anabranches Trading Zone in the Lower Namoi Water Source
		Bohena Creek and Tributaries Trading Zone

### 63 Amendment of share component dealings (change of water source)

- (1) Dealings under section 71R of the Act are prohibited if:
- (a) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table C to exceed the corresponding limit specified in Column 2 of Table C, or
  - (b) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table D to exceed the corresponding limit specified in Column 2 of Table D, or
  - (c) the dealing would cause the sum of the share components of all access licences in the trading zone specified in Column 1 of Table E to exceed the corresponding limit specified in Column 2 of Table E, or
  - (d) the dealing involves:
    - (i) the cancellation or granting of an access licence with a share component that specifies the Lake Goran Water Source, or
    - (ii) the granting of an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source, or
    - (iii) the cancellation of an access licence with a share component that specifies a water source listed in Column 3 of Table F and the granting of

- an access licence with a share component that specifies a different water source, or
- (iv) the cancellation of an access licence that nominates a water supply work located in a water source listed in Column 3 of Table F and the granting of an access licence with a share component that specifies a different water source, or
  - (v) the cancellation of an access licence with a share component that specifies a water source listed in Column 2 of Table F and the granting of an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
  - (vi) the cancellation of an access licence with a share component that specifies a water source listed in Column 2 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone in Column 1 of Table F, or
  - (vii) the cancellation of an access licence with a share component that specifies a water source listed in Column 1 of Table F and the granting of an access licence with a share component that specifies a water source listed in Column 1 of Table F, or
  - (viii) the cancellation of an access licence with a share component that specifies a water source listed in Column 1 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or
  - (ix) the cancellation of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F and the granting of an access licence with a share component that specifies a water source listed in Column 1 of Table F, or
  - (x) the cancellation of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

## **64 Amendment of extraction component dealings**

- (1) Dealings under section 71S of the Act are prohibited if the dealing involves:
  - (a) an access licence with an extraction component that specifies the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source being varied to specify the Macdonald River Upstream Woolbrook Management Zone in the Mid Macdonald River Water Source,
  - (b) an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone or the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source being varied to specify the Mid Macdonald River Tributaries Management Zone in the Mid Macdonald River Water Source,
  - (c) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source being varied to specify the Halls Creek Management Zone in the Upper Namoi Water Source,
  - (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source being varied to specify the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source,
  - (e) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Manilla River Management Zone in the Upper Manilla Water Source,
  - (f) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone, or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Manilla River Tributaries Management Zone in the Upper Manilla Water Source,
  - (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source,

- (h) an access licence with an extraction component that specifies the Lake Goran Tributaries Management Zone in the Lake Goran Water Source being varied to specify the Lake Goran Management Zone in the Lake Goran Water Source,
- (i) an access licence with an extraction component that specifies the Lower Coxs Creek Management Zone or the Mid Coxs Creek Management Zone in the Coxs Creek Water Source being varied to specify the Coxs Creek Tributaries Management Zone in the Coxs Creek Water Source,
- (j) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source being varied to specify the Maules Creek Tributaries Management Zone in the Maules Creek Water Source,
- (k) (repealed)
- (l) an access licence with an extraction component that specifies the Peel River Management Zone in the Chaffey Water Source being varied to specify the Chaffey Tributaries Management Zone in the Chaffey Water Source,
- (m) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source being varied to specify the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source,
- (n) an access licence with an extraction component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source being varied to specify the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source,
- (o) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source being varied to specify the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source,
- (p) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source being varied to specify the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source,
- (q) an access licence with an extraction component that specifies the Moore Creek Management Zone being varied to specify the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if the share component of the proposed access licence, plus the total share component

of all access licences with share components that specify the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or

- (r) an access licence with an extraction component that specifies the Cockburn River Management Zones in the Cockburn River Water Source being varied to specify the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.
- (2) Dealings under section 71S of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.

## **65 Assignment of water allocations dealings**

- (1) Dealings under section 71T of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of water allocation from:
- (a) an access licence with an extraction component that specifies the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone in the Mid Macdonald River Water Source,
  - (b) an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone or the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Mid Macdonald River Tributaries Management Zone in the Mid Macdonald River Water Source,
  - (c) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Halls Creek Management Zone in the Upper Namoi Water Source,
  - (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source,

- (e) an access licence that nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source to an access licence that nominates a water supply work located upstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source,
- (f) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Management Zone in the Upper Manilla Water Source,
- (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Tributaries Management Zone in the Upper Manilla Water Source,
- (h) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Ironbark Creek Tributaries Management Zone in the Upper Manilla Management Zone,
- (i) an access licence with an extraction component that specifies the Lake Goran Tributaries Management Zone in the Lake Goran Water Source to an access licence with an extraction component that specifies the Lake Goran Management Zone in the Lake Goran Water Source,
- (j) an access licence with an extraction component that specifies the Lower Cocks Creek Management Zone or the Mid Cocks Creek Management Zone to an access licence with an extraction component that specifies the Cocks Creek Tributaries Management Zone in the Cocks Creek Water Source,
- (k) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone in the Maules Creek Water Source,
- (l) an access licence that does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source to an access licence that

nominates a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source,

- (m) an access licence that nominates a water supply work located in the Etoo and Talluba Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source to an access licence that nominates a water supply work located in the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Turragulla Creek Trading Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Turragulla Creek Trading Zone at the commencement of this Plan,
- (n) an access licence that nominates a water supply work located in a trading zone in the Baradine Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Baradine Creek Water Source,
- (o) (repealed)
- (p) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on an off-river pool in that water source, or
- (q) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source,
- (r) an access licence with an extraction component that specifies the Peel River Management Zone to an access licence with an extraction component that specifies the Chaffey Tributaries Management Zone in the Chaffey Water Source,
- (s) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone to an access licence with an extraction component that specifies the Upstream Boiling Down Creek Management Zone, in the Goonoo Goonoo Creek Water Source,
- (t) an access licence with an extraction component that specifies the Dungowan Creek Management Zone to an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone, in the Upper Peel River Tributaries Water Source,

- (u) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone to an access licence with an extraction component that specifies the Dungowan Creek Management Zone, in the Upper Peel River Tributaries Water Source,
  - (v) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone to an access licence with an extraction component that specifies
  - (w) an access licence that nominates a water supply work located in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Moore Creek Management Zone, in the Lower Peel River Tributaries Water Source,
  - (x) an access licence with an extraction component that specifies the Moore Creek Management Zone or the Lower Peel Tributaries Management Zone to an access licence nominating a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source,
  - (y) an access licence with an extraction component that specifies the Moore Creek Management Zone or an access licence that nominates a water supply located in Wallamoore Anabranh in the Lower Peel Tributaries Management Zone to an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if it would cause total allocations in water allocation accounts of all access licences with share components that specify the Lower Peel Tributaries Management Zone, to exceed the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or
  - (z) an access licence with an extraction component that specifies the Cockburn River Management Zone to an access licence with an extraction component that specifies the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.
- (2) Dealings under section 71T of the Act within a water source are prohibited in these water sources if the dealing involves an unregulated river (special additional high flow) access licence.
- (3) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if:



- (a) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the subcatchment specified in Column 1 of Table C from available water determinations or dealings under section 71T of the Act in that water year to exceed the corresponding limit specified in Column 2 of Table C, or
- (b) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source specified in Column 1 of Table D from available water determinations or dealings under section 71T of the Act to exceed the corresponding limit specified in Column 2 of Table D, or
- (c) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the trading zone specified in Column 1 of Table E from available water determinations or dealings under section 71T of the Act to exceed the corresponding limit specified in Column 2 of Table E, or
- (c) the dealing involves an assignment of water allocation:
  - (i) to or from an access licence with a share component that specifies Lake Goran Water Source, or
  - (ii) to an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source,
  - (iii) from an access licence with a share component that specifies a water source listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
  - (iv) from an access licence that nominates a water supply work located in a trading zone listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
  - (v) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
  - (vi) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or

- (vii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
  - (viii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Columns 1 of Table F, or
  - (ix) from an access licence that nominates a water supply work located in a trading zone listed in in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
  - (x) from an access licence that nominates a water supply work located in a water supply work located in a trading zone listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.
- (4) Dealings under section 71T of the Act are prohibited in these water sources between water sources if the dealing involves a unregulated river (special additional high flow) access licence.

## **66 Interstate access licence transfer and assignment of water allocation**

- (1) Dealings under section 71U of the Act involving the interstate transfer of access licence to or from these water sources are prohibited.
- (2) Dealings under section 71V of the Act involving the interstate assignment of water allocations to or from access licences in these water sources are prohibited.

## **67 Nomination of water supply works dealings**

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
  - (a) an access licence with a share component that specifies any of the Namoi Unregulated Rivers Water Sources being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
  - (b) an access licence which nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source to an access licence being amended to nominate a water supply work located on upstream of the

- offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source,
- (c) an access licence which does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source being amended to nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source,
  - (d) an access licence which nominates a water supply work in the Etoo and Talluba Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source being amended to nominate a water supply work in the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of the share components of all access licences in the Turragulla Creek Trading Zone to exceed the sum of the share components of all access licences with extraction components in the Turragulla Creek Trading Zone at the commencement of this Plan,
  - (e) an access licence which nominates a water supply work located in a trading zone in the Baradine Creek Water Source being amended to nominate a water supply work located in another trading zone in the Baradine Creek Water Source,
  - (f) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on an off-river pool in that water source,
  - (g) an access licence that nominates a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on another off-river pool in that water source, or
  - (h) an unregulated river (special additional high flow) access licence.
- (2) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources are prohibited.
  - (3) A dealing under section 71W of the Act is prohibited if it involves an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

## Part 11 Mandatory conditions

**Note.** Part 12 allows for amendments to be made to this Part.

### Division 1 General

#### 68 General

In this part:

- (a) a requirement to notify the Minister in writing will only be satisfied by writing to the address listed in Schedule 1 of this Plan or to the email address for enquiries on the Department's website, and

**Note.** At the commencement of this Plan, the email address for enquiries on the Department's website is [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with:
- (i) a meter that complies with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time, and
- (ii) a data logger, and
- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

**Note.** *Logbook* is defined in the Dictionary.

### Division 2 Access licences

**Note.** This Division is made in accordance with sections 17 (c), 20 and 66 of the Act.

#### 69 Namoi Unregulated Rivers Water Sources

- (1) Access licences in the Namoi Unregulated Rivers Water Sources must have mandatory conditions to give effect to the following:
- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
- (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:

- (i) notify the Minister as soon as practicable, and
  - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
  - (d) any other condition required to implement the provisions of this Plan.
- (2) Access licences in the Namoi Unregulated Rivers Water Sources, excluding access licences that nominate only metered water supply works with a data logger, must have mandatory conditions to give effect to the following:
  - (a) the holder of the access licence must keep a Logbook,
  - (b) the holder of the access licence must record the following in the Logbook:
    - (i) each date and start and end time during which water was taken under the access licence,
    - (ii) the volume of water taken on that date,
    - (iii) the water supply work approval number of the water supply work used to take the water on that date,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) for unregulated river access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in any three consecutive water years after the first water year of this Plan by comparison to the volume of water permitted to be taken in those years under clause 43 (3),
    - (vi) for domestic and stock access licences, unregulated river (special additional high flow) access licences and local water utility access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 43 (4),
    - (vii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.

- (3) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements of subclause (2).
- (4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.
- Note.** The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in these water sources by 1 December 2021.
- (5) Subclauses (2) - (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

**Note.** *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

## 69A Peel Unregulated River Water Sources

Access licences in the Peel Unregulated River Water Sources must have mandatory conditions to give effect to the following:

- (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
- (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan.
- (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
- (i) notify the Minister as soon as practicable, and
- (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
- (d) any other condition required to implement the provisions of this Plan.

## Division 3 Water supply work approvals

**Note.** This Division is made in accordance with sections 17 (c) and 100 of the Act.

## 70 Namoi Unregulated Rivers Water Sources

- (1) Water supply work approvals for water supply works in the Namoi Unregulated Rivers Water Sources must have mandatory conditions to give effect to the following:
- (a) when directed by the Minister by notice in writing, the approval holder must have metering equipment installed that meets the following requirements:
    - (i) the metering equipment must accurately measure and record the flow of all water taken through the water supply work,
    - (ii) the metering equipment must comply with Australian Standard AS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
    - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
    - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment,
    - (v) any other requirements as to type, standard or other criteria for the metering equipment specified in the notice,  
**Note.** The Minister may also direct a landholder or person to install, replace or properly maintain metering equipment under section 326 of the Act.
  - (b) if a water supply work will no longer be used, then the approval holder of that work must decommission that work. At least 90 days prior to decommissioning that work, the approval holder must provide the Minister with notice in writing that the approval holder intends to decommission that work,
  - (c) upon receiving notice of the intention to decommission from the approval holder under paragraph (b), the Minister may by notice in writing, require the water supply work not to be decommissioned, or for the water supply work to be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,  
**Note.** If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (b) being sent.
  - (d) if the approval holder receives a notice from the Minister under paragraph (c), the approval holder must proceed in accordance with any requirements in that notice,

- (e) if the approval holder does not receive a notice from the Minister under paragraph (c) within 60 days of providing notice of the intent to decommission under paragraph (b), the approval holder must decommission the water supply work,
  - (f) within 60 days of the water supply work being decommissioned under paragraphs (d) or (e), the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
  - (g) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must:
    - (i) notify the Minister as soon as practicable, and
    - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
  - (h) any other conditions required to implement the provisions of this Plan.
- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclauses (1) (a) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the Namoi Unregulated Rivers Water Sources in accordance with clause 230 (1) of the *Water Management Act (General) Regulation 2018*.
- Note.** Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the Namoi Unregulated Rivers Water Sources from 1 December 2021.
- (2) Water supply work approvals for water supply works in the Namoi Unregulated Rivers Water Sources, excluding a water supply work that is a metered water supply work with a data logger, must have mandatory conditions to give effect to the following:
- (a) the holder of a water supply work approval must keep a Logbook,
  - (b) the holder of a water supply work approval must record the following in the Logbook:
    - (i) each date and start and end time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,



- (iii) the number of the access licence under which water was taken on that date or if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) where metering equipment has been installed for use in connection with the water supply work, the meter reading before water is taken,
    - (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
    - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
  - (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and
  - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
- (3A) If an approval for a water supply work approval is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on day on which the condition applies to the approval.
- (3B) Subclauses (2) - (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

- (4) All water supply work approvals must contain mandatory conditions to require that the water supply work must not be used to take water unless, before water is taken, the holder of the water supply work approval confirms that the relevant cease to take conditions do not apply. Where the holder is required to keep a Logbook, the holder must record that confirmation and the means of confirmation (such as visual inspection or internet search) in the Logbook.
- (5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
  - (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
  - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 52 (4).

## **71 Peel Unregulated River Water Sources**

- (1) All water supply work approvals for water supply works in the Peel Unregulated River Water Sources must have mandatory conditions to give effect to the following:
  - (a) all approval holders must keep records:
    - (i) of any water management infrastructure used in connection with the operation of the water supply work, and
    - (ii) of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting,
  - (b) where metering equipment has been installed for use in connection with a water supply work, the approval holder must keep records of the time, date and quantity of water taken through the water supply work,

- (c) where metering equipment has not been installed for use in connection with a water supply work, the approval holder must keep records of all pumping activities for the water supply work including pump running hours, pump power usage and pump fuel usage,
  - (d) when required by the Minister by notice in writing, the approval holder must provide any records kept under paragraphs (a), (b) or (c) to the Minister within the time specified in the notice and to the standard specified in the notice,
  - (e) the records required to be kept under paragraphs (a), (b) or (c) must be kept for the duration of the approval,
  - (f) when required by the Minister by notice in writing, metering equipment must be installed and maintained for use in connection with the water supply work,
  - (g) if the Minister has specified in the notice issued under paragraph (f) that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with any type, standard or the other criteria specified by the Minister,  
**Note.** The Minister may direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.
  - (h) any other conditions required to implement the provisions of this Plan.
- (2) If an approval for a water supply work is subject to a mandatory metering condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (1) (a) – (g) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3) Subclauses (1) (a) – (g) and (2) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.
- Notes.**
- 1 The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2021.
  - 2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in these water sources from 1 December 2021.
- (4) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of

the dam to capture water is reduced to reflect any reduction in share components arising from:

- (a) a dealing under section 71Q or 71W of the Act,
  - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
  - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
  - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (5) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 52 (4).

## Part 12 Amendment of this Plan

### 72 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.  
**Note.** For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.
- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

### 73 Part 1

Part 1 may be amended to do any of the following:

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof), or to modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) from this Plan,
- (b) add, remove or modify a management zone, including the water sources to which a management zone applies and the boundaries of such a zone,
- (c) in relation to the Namoi Unregulated Rivers Water Sources only, add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, provided that any division of an extraction management unit into two or more extraction units may only be made following a review which is assessed as adequate by the Minister that investigates:
  - (i) the geographic distribution of actual or potential growth in extractions across the extraction management unit above the long-term average annual extraction limit or long-term average sustainable diversion limit for that extraction management unit, and
  - (ii) the potential for disproportionate growth in extractions in some water sources in the extraction management unit to cause an exceedance of the

long-term average annual extraction limit or long-term average sustainable diversion limit for that extraction management unit, and

- (d) amend the Plan Map.

#### **74 (Repealed)**

#### **75 Part 6**

- (1) Part 6 may be amended to do the following:

- (a) (repealed)

- (b) after year five of this Plan:

- (i) increase the period over which the average of annual extraction is compared to the long-term average annual extraction limit established in clause 29 in the assessment of the average annual extractions against the long-term average annual extraction limit in these water sources, or
- (ii) increase the percentage by which the average of the annual extraction can exceed the long-term average annual extraction limit established in clause 29 before available water determinations are to be reduced to return average annual extraction below the long-term average annual extraction limit for these water sources,

following a review by the Department which demonstrates to the Minister's satisfaction that the long-term average annual extraction limit compliance rules are being triggered, or are likely to be triggered, due to a transitory change in extraction rather than a lasting trend of increased extraction.

- (2) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of that access licence in one of these water sources, the Minister may vary the long-term average annual extraction limit that applies to these water sources.
- (3) Division 3 of Part 6 may be amended to combine the long-term average sustainable diversion limit for these water sources with the long-term sustainable diversion limit for the Peel Regulated River Water Source, the Upper Namoi Regulated River Water Source and the Lower Namoi Regulated River Water Source.

#### **76 Part 8**

- (1) Division 2 of Part 8 of this Plan may be amended to do any of the following:

- (a) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended,

during the term of this Plan as specified in clause 73, provided that the Minister is satisfied that the amendments maintain, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,

- (b) amend the flow classes for the Manilla River Management Zone in the Upper Manilla water source if, after the completion of augmentation of Barraba town water supply, a review demonstrates to the Minister's satisfaction that Barraba town water supply is less dependent on extraction from the Manilla River,
- (c) (repealed)
- (d) establish or assign new TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (e) establish or assign new TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,
- (f) amend or remove TDELs if TDELs have been established or assigned,
- (g) include rules for the establishment, assignment and removal of IDELs,
- (h) remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (e) or (g) to protect a proportion of flow within each flow class for the environment,
- (i) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (f) and (g),
- (j) for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source, reinstate flow classes, TDELs and/or IDELs established by the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and the Warrah Creek Water Sources 2003*,
- (k) subject to paragraph (l), for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source, if the flow classes established by the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and the Warrah Creek Water Sources 2003* are reinstated, the Minister may vary the very low flow levels established in clause 17 of that plan, and consequently the bottom of A class established in clause 17, following field verification,

- (1) for the Mooki River Water Source, any variation under subclause (k) should not result in a variation of the Very Low Flow Class established for the Mooki River Water Source in Table B, other than a variation that correlates to a cease to pump measured at the Mooki River at Ruvigne of no more than 50 ML/day for all access licences only nominating water supply works downstream of Breeza.
- (2) Division 2 of Part 8 may be amended to do any of the following in relation to rules for the Peel Unregulated River Water Sources:
  - (a) amend the rock bar reference point for the Cockburn River Management Zone in the Cockburn River Water Source in Column 6 of Table B to specify a new gauge at the rock bar on the Cockburn River should such a gauge be installed,
  - (b) if an amendment is made under paragraph (a) the corresponding flow or river height in Column 5 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively,
  - (c) the reference point for those licences nominating works downstream of Thortons Road Bridge in Dungowan Creek Management Zone in Column 6 of Table B may be amended to also specify a site at the end of Dungowan Creek if flow monitoring equipment is installed to allow implementation,
  - (d) if an amendment is made under paragraph (c) occurs, the corresponding flow or river height in Column 5 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively,
  - (e) if an amendment is made under paragraph (c), clause 48 subclause (3) may be amended to exclude those water supply works downstream of Thortons Road Bridge in the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source from the visible flow requirement,
  - (f) the Slippery Rock reference point for the Moore Creek Management Zone of the Lower Peel River Tributaries Water Source in Column 6 of Table B may be amended to specify a new gauge at Slippery Rock should such a gauge be installed,
  - (g) if an amendment is made under paragraph (f) the corresponding flow or river height in Column 5 in Table B should be amended from no visible flow at Slippery Rock to specify no flow at the new gauge,



- (h) to amend the flow or river height specified in Column 5 of Table B for those works nominating upstream of Slippery Rock and/or downstream of Slippery Rock in the Moore Creek Management Zone,
- (i) add, remove or modify the flow reference point for any of the Peel Unregulated River Water Sources or associated management zones other than those specified in paragraphs (a) to (i),
- (j) add, remove or modify the description of flows at the flow reference point for any of the Peel Unregulated River Water Sources or associated management zones as a result of an amendment under subclause (i), other than those specified in paragraphs (a) to (i),
- (k) add, remove or modify the commencement date for a flow class,
- (l) add, remove or modify the water sources or management zones to which these flow classes apply, other than those specified in paragraphs (a) to (i),
- (m) to amend clause 48 to:
  - (i) specify alternate access rules for lagoons, lakes, in-river pools and other lentic water features, and/or
  - (ii) allow a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence with a share component that specifies a water source or management zone with a Very Low Flow Class to continue taking water for domestic consumption when flows are in the Very Low Flow Class after year three of this Plan,

## **77 Part 9**

Part 9 may be amended to do any of the following:

- (a) amend clause 52 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third or higher order streams,
- (b) amend the definition of a replacement surface water supply work in clause 52 (4).

## **78 Part 10**

Part 10 may be amended to do any of the following:

- (a) after year two of this Plan, specify different dealing rules, taking into account any review that may be conducted or assessed as adequate by the Department including in relation to:

- (i) the impact of different dealing rules on hydrological stress over a range of flows, in-stream values, stream health and Aboriginal cultural assets,
  - (ii) the identification of water sources where dealing limits for trade are needed,
  - (iii) the identification of water sources which have hydrological connectivity and where dealing limits are not needed, and
  - (iv) the types of trade that may be made available between certain water sources, or
- (b) specify different dealing rules for the Manilla River Management Zone in the Upper Manilla Water Source if, after the completion of augmentation of Barraba town water supply, a review demonstrates to the Minister's satisfaction that Barraba town water supply is less dependent on extraction from the Manilla River,
- (c) to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

## **79 Part 11**

Part 11 may be amended in relation to metering and record keeping including in relation to requirements for Logbooks.

## **80 Dictionary**

The Dictionary may be amended to add, modify or remove a definition.

## **81 Schedules**

- (1) (Repealed)
- (1A) Schedule 1A may be amended to add a new access licence, if in the Minister's opinion the access licence was used to take water from an off-river pool in the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source, and the Warrah Creek Water Source before the commencement of the *Water Sharing Plan for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source 2003*. The holder of the access licence must, to the Minister's satisfaction, demonstrate a history of extraction regarding the taking of water from an off-river pool and provide any other information as required by the Minister.
- (1B) Schedule 1A may be amended to remove an access licence.

- (1C) Schedule 1A or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (2) Schedule 2 may be amended to add or remove or add access licences from Column 1 of Schedule 2 and amend, add or remove access rules from Column 3 of Schedule 2.
- (3) Schedule 3 may be amended to do any of the following:
- (a) add a new access licence to clause 1 of Schedule 3, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 47 (18) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
  - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 3, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 3 if:
    - (i) an access licence dealing results in water being taken under the licence from a different location, or
    - (ii) an alternative water supply is obtained, or
    - (iii) the access licence is surrendered or cancelled,
  - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 3 if:
    - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
    - (ii) the access licence is surrendered or cancelled.
- (4) Schedule 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedule 4 may be amended to do any of the following:
- (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 48 (5) (a)

and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,

- (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 4 if:
    - (i) an access licence dealing results in water being taken under the licence from a different location,
    - (ii) an alternative water supply is obtained, or
    - (iii) the access licence is surrendered or cancelled,
  - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 4 if:
    - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
    - (ii) the access licence is surrendered or cancelled.
- (6) Schedule 4 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (7) A schedule may be added to this Plan to list access licences subject to specific access rules for in-river pools, off-river pools and in-river dams, based on the following requirements:
- (a) the applicant has held a *Water Act 1912* entitlement that has been converted to an access licence on commencement of this Plan, and
  - (b) the applicant must demonstrate a history of extraction prior to commencement of this Plan regarding the taking of water from off-river pools or in-river pools and provide any other information as required by the Minister.

This subclause does not apply to an access licence with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek Water Source.

## 82 Other

- (1) This Plan may be amended to include rules for the following:
  - (a) (repealed)
  - (b) the management of floodplain harvesting within these water sources,
  - (c) the shepherding of water,  
**Note.** *Shepherding* is defined in the Dictionary.
  - (d) any new category of access licence established for the purpose of urban stormwater harvesting, or
  - (e) the interception of water before it reaches a stream or aquifer by plantations or other means.
- (2) Consequential amendments may be made to this Plan as a result of an amendment to the Act or regulations.
- (3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.
- (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.
- (5) This Plan may be amended after year five to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
  - (a) identify water dependent Aboriginal cultural assets,
  - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
  - (c) restrict the granting and amending of water supply work approval to protect water dependent Aboriginal cultural assets, or
  - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (5) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.

## Dictionary

**Note.** Unless otherwise defined in this Plan, words and expressions that are defined in the Act or in the regulations have the same meaning in this Plan.

**Aboriginal person** has the same meaning as under section 4 of the *Aboriginal Land Rights Act 1983*.

**annual actual take** has the same meaning as it has in section 6.10 of the Basin Plan.

**annual permitted take** has the same meaning as it has in section 6.10 of the Basin Plan.

**approved EP&A Act development** means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.

**baseline diversion limit** has the same meaning as it has in section 1.07 of the Basin Plan.

**Basin Plan** means the *Basin Plan 2012* made under section 44 (3) (b) (i) of the *Water Act 2007* of the Commonwealth.

**cease to take condition** means any term or condition on a water supply work approval, an access licence or *Water Act 1912* entitlement that prohibits the taking of water in a particular circumstance.

**floodplain harvesting** means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

**flow regimes** means, collectively, the magnitude, duration, frequency and patterns of flow that characterise a river or water source.

**full capacity** means the volume of water that is impounded in the pool, lagoon or lake when the pool, lagoon or lake is at the level when a visible flow out of that pool, lagoon or lake would cease.

**individual daily extraction limit (IDEL)** is the volume of water that may be extracted by an individual access licence from an unregulated river on a daily basis from a particular flow class.

**in-river dam** means a dam located in a river.

**in-river dam pool** means the area of water immediately upstream of an in-river dam where the river has pooled as a result of an in-river dam.

**in-river pool** means a natural pool, lagoon or lake that is within a river or stream (regardless of stream size) and excludes:

- (a) a pool that is on a flood-runner or floodplain, or
- (b) a pool that is on an effluent that only commences to flow during high flows.

**Note.** In the Dictionary to the Act, a **lake** is defined to include:

- (a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and
- (b) any water declared by the regulations to be a lake,

whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.

**Logbook**, in relation to an access licence or water supply work approval, means a written record, kept in hard copy or electronic form, which accurately records all information required to be kept in relation to the access licence or water supply work approval under the rules of this Plan.

**management zone** is an area within a water source in which rules particular to that management zone will apply, for example daily extraction limits and restrictions on dealings.

**Namoi SDL resource unit** has the same meaning as provided for in section 6.02 of the Basin Plan.

**off-river pool** means a natural pool, lagoon or lake that is:

- (a) not within a river or stream (regardless of stream size),
- (b) located on a flood-runner or floodplain, or
- (c) located on an effluent that only commences to flow during high flows.

**plantation forestry** means a commercial plantation as defined in section 1.07 of the Basin Plan.

**runoff harvesting dam** means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in the harvestable rights orders made under section 54 of the Act. For the purposes of this Plan, references to runoff harvesting dams as water supply works include any associated pumps or other works which take water from the dam. For the purpose of clarity, this definition includes dams that are also used to store water diverted into the dam from a river or other source of water.

**shepherding** means the delivery of a calculated volume of water that was created by the non-activation/reduced extraction at a nominated licence location to a more downstream location, after consideration of losses, where it will be made available for extraction or use for the environment.

**target ecological populations** means communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

**total daily extraction limit (TDEL)** is the volume of water that may be extracted under access licences from an unregulated river on a daily basis from a particular flow class.

**trading zone** is an area within a water source established under clause 60 of this Plan and shown on the Plan Map, to which restrictions on dealings apply.

**visible flow** means the continuous downstream movement of water that is perceptible to the eye.

**Water Act 1912 entitlement** has the same meaning as entitlement has in clause 2 of Schedule 10 to the Act.

**weighted average unit price** means the total value of all units sold divided by the number of units sold for a monetary value.

**Schedule 1    Office**

NSW Department of Planning, Industry and Environment - Water  
PO Box 550  
TAMWORTH NSW 2340



**Schedule 1A Access licences used to take surface water exempt from the access rule in clause 47 (4)**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<b>Access licences</b>

**Note.** At the commencement of this Plan there are no access licences listed in this Schedule. Clause 81 (1A) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

**Schedule 2 Access rule for unregulated river (special additional high flow) access licences subject to clause 47 (12)**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water Source</b>	<b>Access rule</b>
90SL100823H	Lower Namoi Water Source	Water must not be taken under this access licence unless the discharge of the Namoi River at the D/S Weeta Weir gauge (419068) exceeds 1,600 megalitres per day.

### **Schedule 3 Access licences used to take surface water exempt from cease to pump rules in the Namoi Unregulated Rivers Water Sources**

#### **1 General**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>
90SL040990 90SL041470 90SL100287 90SL100654

#### **2 Local water utility access licences and access licences of the subcategory “Town water supply”**

This clause applies to each access licence which replaces a *Water Act 1912* entitlement listed in the table below.

<b><i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of this Plan</b>
90SL004850 90SL004965 90SL021869 90SL023788 90SL042521 90SL048393 90SL100362

## **Schedule 4 Access licences used to take surface water exempt from cease to pump rules in the Peel Unregulated River Water Sources**

### **1 General**

This clause applies to each access licence which replaced a *Water Act 1912* entitlement listed in the table below.

<b><i>Water Act 1912</i> entitlements that were replaced by access licences on commencement of the <i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i>.</b>
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90SL040426
90SL043074
90SL028794
90SL033145
90SL044228

### **2 Local water utility access licences and access licences of the subcategory “Town water supply”**

This clause applies to each access licence which replaced a *Water Act 1912* entitlement listed in the table below.

<b><i>Water Act 1912</i> entitlements that were replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of the <i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i></b>
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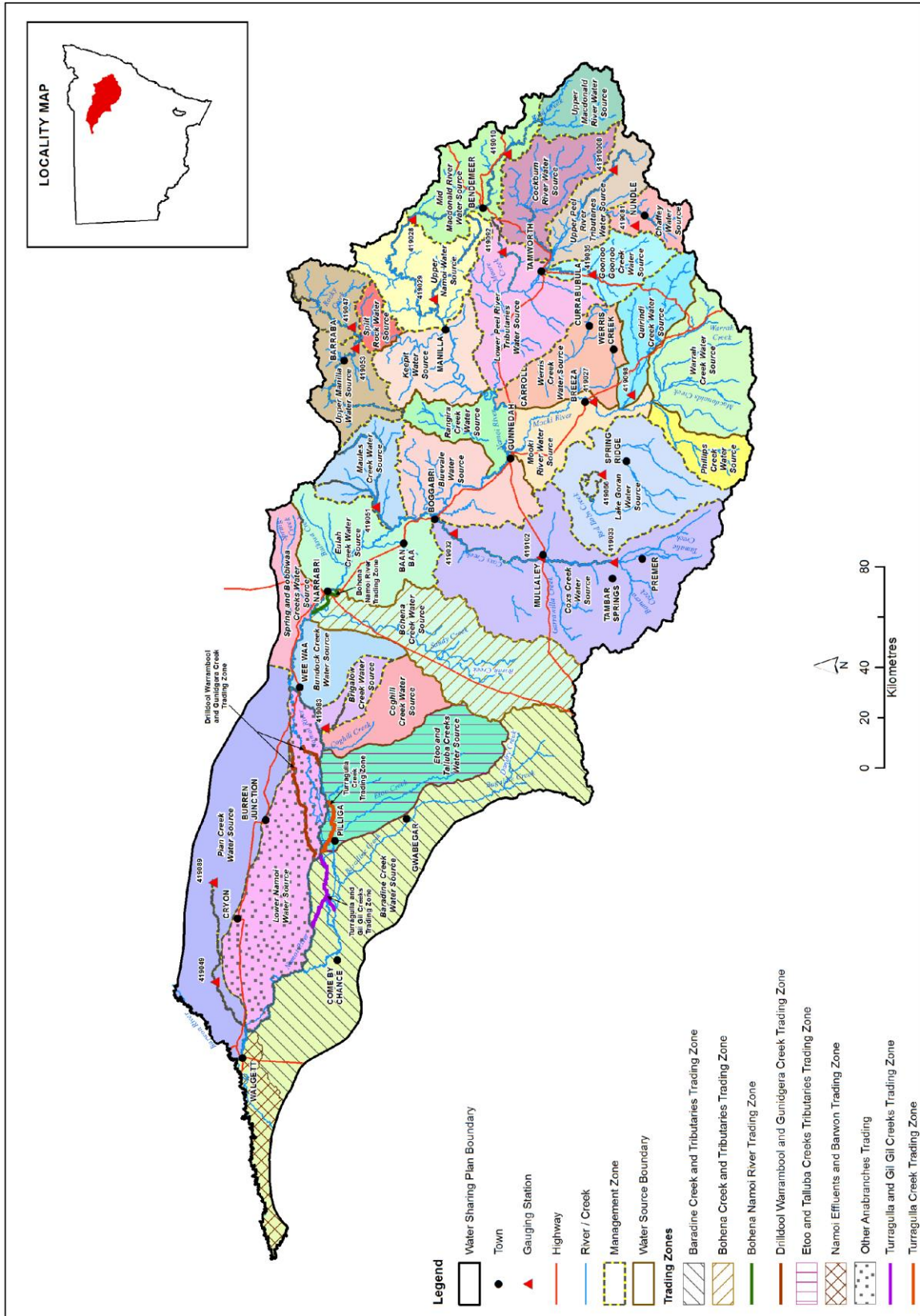
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**Schedule 5 (Repealed)**



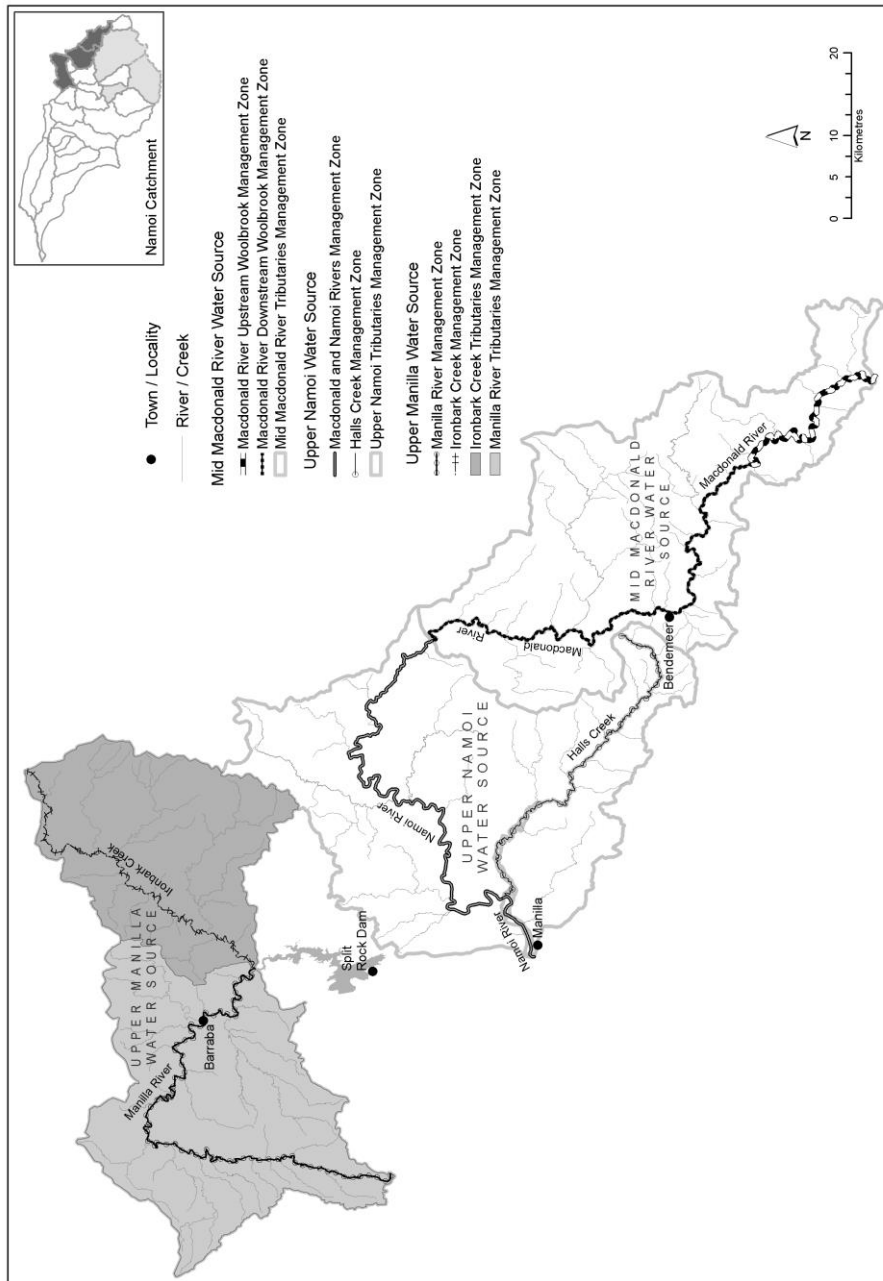
## Appendix 1 Overview of the Plan Map

### Plan Map (WSP021\_Version 4), Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012



## Appendix 2 Overview of the Management Zones covered by this Plan

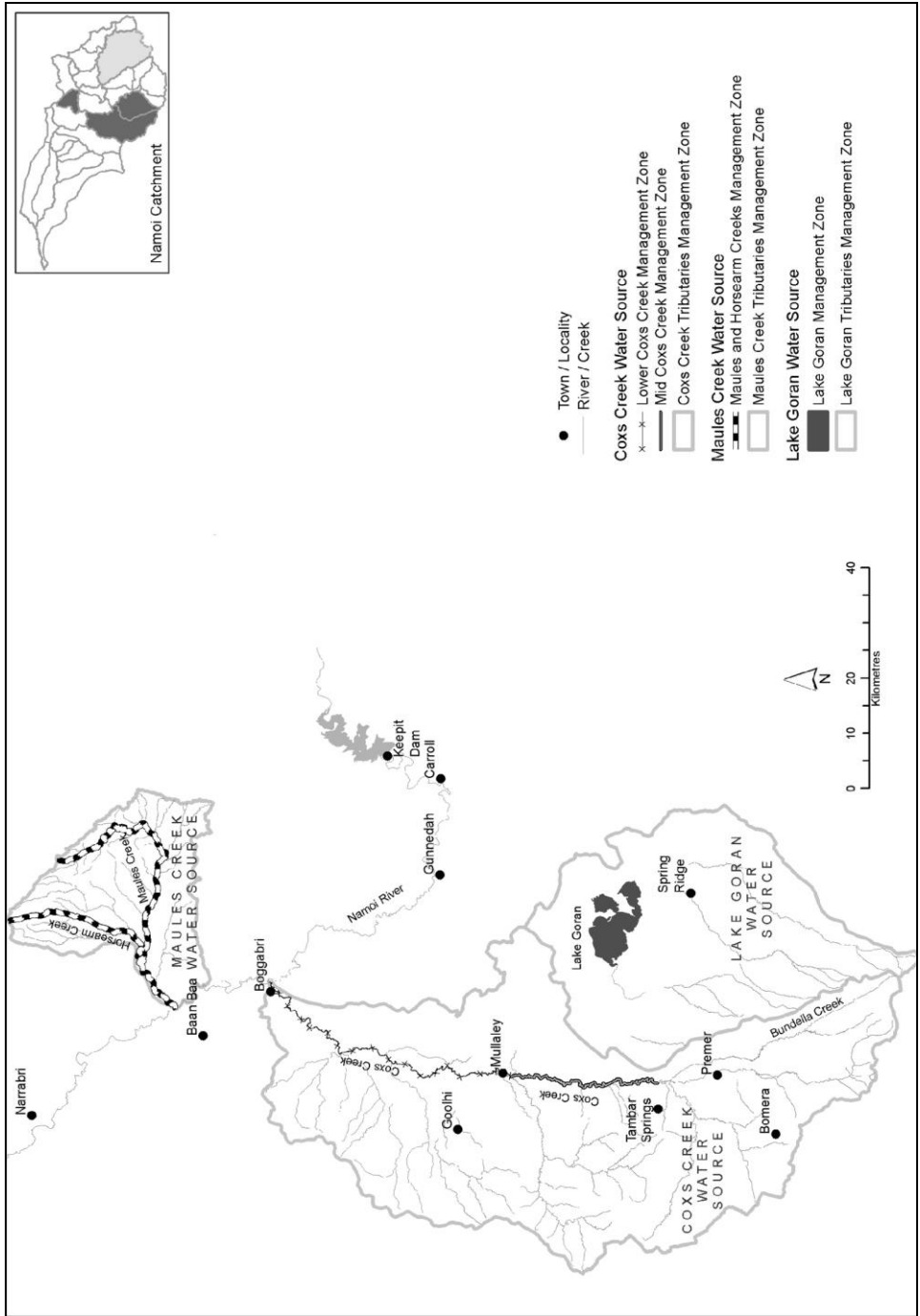
### Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



(Map 1 of 4)

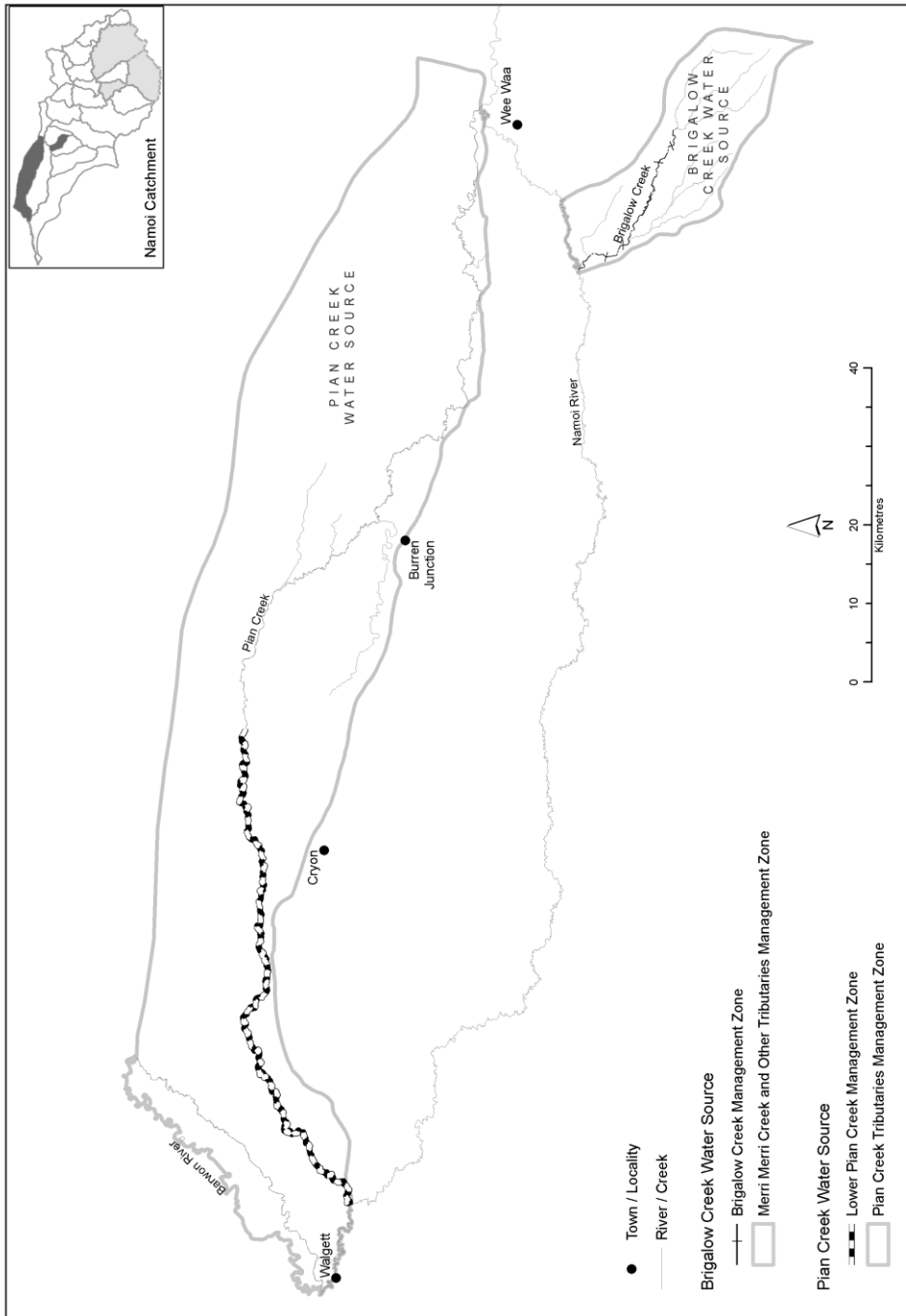


**Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources**



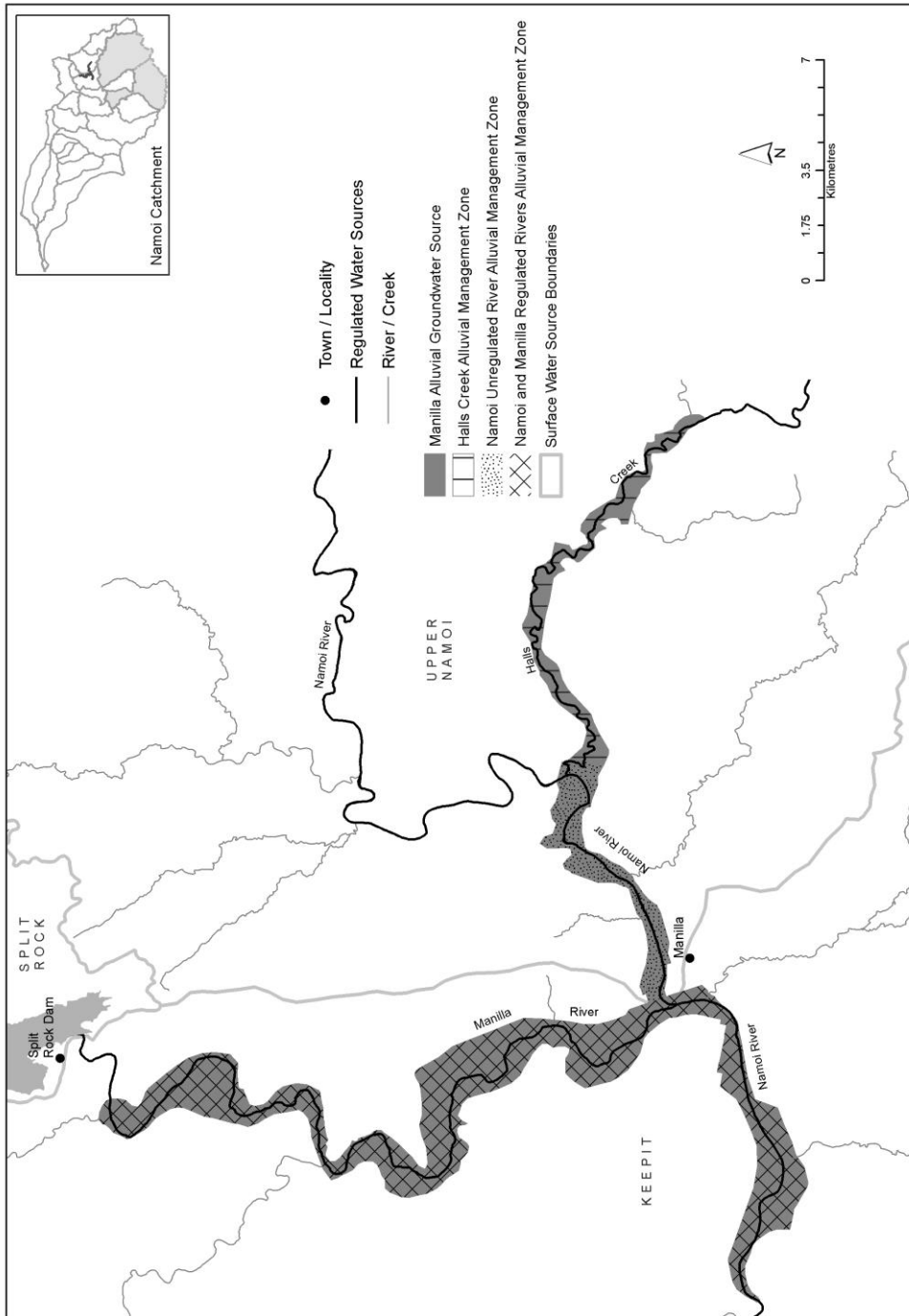
(Map 2 of 4)

### Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



Map 3 of 4

### Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



Map 4 of 4

### Appendix 3 Access licences subject to the cease to take condition specified in clause 47 (7) of this Plan

It is expected that those access licences which replace *Water Act 1912* entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the applicable *Water Act 1912* condition specified in Column 3 imposed as mandatory conditions to give effect to clause 47 (7) of this Plan.

Column 1	Column 2	Column 3
<b><i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan</b>	<b>Water Source</b>	<b><i>Water Act 1912</i> conditions</b>
90SL100823H	Lower Namoi Water Source	The authorised work shall not be used for the purpose of irrigating the authorised area or any part thereof, unless the discharge of the Namoi River at the downstream Weeta Weir Gauge exceeds 1600 megalitres per day (such discharge corresponding to a reading on the said gauge of 179.15 metres or such other reading as may be determined from time to time).
90SL45571	Werris Creek Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the unnamed watercourse immediately above its junction with the pool level maintained by the "Gap Railway Dam" on Werris Creek.
90SL101064	Upper Namoi River Water Source	The authorised work/s shall not be used for the purpose of irrigation unless there is a flow of 28 megalitres per day at the North Cuerindi Gauge on the Namoi River.
90SL100820	Upper Namoi River Water Source	The authorised 50 mm pump shall not be used for the purpose of irrigation unless there is a visible flow over the weir authorised by Licence No 90SL004754 held by Tamworth Regional Council and unless there is a flow in the Namoi River at Wittagoona/East Hills Gauge that exceeds 50 megalitres per day, with such flow corresponding to a gauge reading of 0.54 metres or such other reading as may be determined from time to time.
90SL100935	Upper Namoi River Water Source	Any pump over 250mm in capacity shall not be used for the purpose of irrigation unless there is a flow over the weir authorised by licence no. 90SL004754 held by Tamworth Regional Council of least 100 megalitres per day.

90SL100962	Upper Namoi River Water Source	The licensed 250mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 100 megalitres per day.
90SL100975	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100976	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100977	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL101041	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100934	Upper Namoi River Water Source	The licensed 380 mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 95 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.88 metre or such other reading as may be determined from time to time).
90SL042638	Upper Manilla Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Barraba Creek at the rock bar situated immediately downstream of the railway bridge on Lot 1 DP 709498, Parish of Barraba, County of Darling.
90SL045974	Upper Manilla Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in Paling Yard Creek at the road causeway on the Tiabundle Road located between Lots 166 and 40 of DP752197.
90SL100812	Upper Manilla Water Source	The authorised work must not be used for the purpose of irrigation unless the flow in Ironbark Creek at gauging station 419047 (at Woodreef) exceeds 7 megalitres per day. And there must be a visible flow of water over the causeway on Coonoor Road where it crosses Ironbark Creek approximately 150 metres downstream from the pump site.
90SL049694	Upper Macdonald River	The authorised work shall not be used for the

	Water Source	purpose of irrigation unless the flow in Smith's Creek overtops a permanent mark fixed to a rock bar located approximately 50 metres upstream of the south west boundary of Lot 66 DP 756468, Parish of Branga, County of Vernon. The level of the permanent mark (bolt) shall be fixed at not higher than 2 metres below the level of a bench mark established on a gum tree on the left bank of the watercourse near the control point and particulars of which are retained in the office of NSW Office of Water .
90SL100786	Pian Creek Water Source	No water shall be diverted from the Unnamed Watercourse unless water is being diverted into the said Unnamed Watercourse by means of the authorised works approval and associated access licence on the Namoi River and water has been continuously diverted for the preceding 12 hours.
90SL100948	Mid Macdonald River Water Source	The approval holder must not take any water from an approved work for the purpose of irrigation, unless the water level in the Macdonald River at the Retreat Gauge is greater than 38 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.53 metres or such other reading as may be determined from time to time).
90SL037340	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete causeway crossing of Maules Creek known as Merriendi Crossing.
90SL046395	Maules Creek Water Source	The pump shall not be used for the purpose of irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 200 megalitres per day (such discharge corresponding to a gauge reading of 0.49 metre or such other reading as may be determined from time to time).
90SL047307	Maules Creek Water Source	The 100 mm pump shall not be used for the purpose of irrigation unless the gauge height at Elfin Crossing exceeds 0.26 metres( which flow corresponds to a discharge of 14 ML/day).
90SL047307	Maules Creek Water Source	The 380 mm pump shall not be used for the diversion of water for any purpose from Maules Creek until the gauge height at Elfin Crossing exceeds 0.41 metres ( which flow corresponds to a discharge of 206 ML/day).
90SL047562	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Maules Creek over the Merriendi concrete road causeway, situated on portion 41, Parish of Therribri, County of Nandewar.
90SL100765	Maules Creek Water	The pump shall not be used for the purpose of

	Source	irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 206 megalitres per day ( such discharge corresponding to a gauge reading of 0.61 metre or such other reading as may be determined from time to time). You can obtain the latest information regarding Maules Creek flow and gauge heights by logging into the Departments WEB site at <a href="http://WWW.water.nsw.gov.au">WWW.water.nsw.gov.au</a> .
90SL100772	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL25851	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL28830	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL31646	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of portion 228, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL034807	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch

		Creek with the Namoi River.
90SL034951	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL48383	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL49194	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between part portion 55 and Portion 67, Parish of Gurleigh, county of White.
90SL50498	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between Lot 102 DP 814925 (formerly part portion 55) and Lot 67 DP 757105 (formerly portion 67), Parish of Gurleigh, county of White.
90SL051043	Coghill Creek Water Source	The authorised work shall not be used unless a visible flow exists and is maintained in Coghill Creek from the road bridge on the Wee Waa - Pilliga road, downstream to its confluence with the Namoi River.
90SL037282	Coxs Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Bomera Creek at the road crossing at the south- western corner of WR66, Parish of Bomera, County of Pottinger.
90SL050545	Coxs Creek Water Source	The authorised work shall not be used for the diversion of water from Cox's Creek in excess of 60 MLs/day unless; the discharge of Cox's Creek at the Mullaley Gauge is in excess of 15 ml/day; and the discharge of Cox's Creek at the Boggabri gauge is in excess of 20 ml/day, such discharge corresponding to readings on



		the said gauges of 0.66 metres and 0.44 metres respectively, or such other readings as may be determined from time to time.
90SL050545	Coxs Creek Water Source	The authorised work shall not be used for the diversion of water from Cox's Creek to its maximum capacity unless; the discharge of Cox's Creek at the Mullaley Gauge is in excess of 15MLs/day; and the discharge of Cox's Creek at the Boggabri gauge is in excess of 250 MLs/day, such discharge corresponding to readings on the said gauges of 0.66 metres and 0.98 metres respectively, or such other readings as may be determined from time to time.
90SL10056	Coxs Creek Water Source	When there is a flow in Dunnadie Creek, the pump(s) shall not be operated unless visible flows have firstly reached the flow level of the pipes in the causeway of the the shire road into "Kirkham", located between portions 96 and 98, Parish of Denison, County of Pottinger, provided that operation of the pump(s) must discontinue once flows cease at the Keringle-Ghoolendaadi road causeway.
90SA001791	Baradine Creek Water Source	During periods of inflow into the storage of the weir on Baradine Creek diversion by the authorised works from the storage of the weir shall not commence until the Bungle Gully Dam spills.
90SA001792	Baradine Creek Water Source	The authorised works shall not be used during periods of inflow into the storage of the weir on Turrugulla Creek unless there is a visible flow in the said creek at the bridge on the Epping Road.
90SA011749	Baradine Creek Water Source	When there is a flow in Turrugulla Creek the subject works shall not be used for the purpose of irrigation unless there is a visible flow in Turrugulla Creek at its confluence with the Namoi River.
90SL51241	Baradine Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Baradine Creek at its confluence with the Namoi River between portions 19 and 25, Parish of Cumberland, County of Baradine.