

Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012

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Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012

Part 1 Introduction

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.

1 Name of this Plan

This Plan is the *Water Sharing Plan for the Gwydir Unregulated River 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 notes to this Plan.

3 Commencement of this Plan

- (1) This Plan commences on 3 August 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 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 Gwydir surface water resource plan area.
 - 4 **Basin Plan** is defined in the Dictionary.
- (2) Despite subclause (1), the following provisions of this Plan commence on 1 December 2020:

- (a) clause 40,
- (b) subclause 42 (8),
- (c) subclause 43 (6A),
- (d) clause 43A,
- (e) clause 45A.

Notes.

1. This means that the rules to protect Active Environmental Water will not commence until 1 December 2020.
2. **Active Environmental Water** is defined in the Dictionary.

4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Gwydir Unregulated River Water Sources (hereafter *these water sources*) within the Gwydir Water Management Area:
 - (a) Roumalla Creek Water Source,
 - (b) Rocky River Water Source,
 - (c) Boorolong Creek Water Source,
 - (d) Upper Gwydir River Water Source,
 - (e) Laura Creek Water Source,
 - (f) Bakers Creek Water Source,
 - (g) Georges Creek Water Source,
 - (h) Moredun Creek Water Source,
 - (i) Keera Creek Water Source,
 - (j) Copeton Dam Water Source,
 - (k) Halls Creek Water Source,
 - (l) Mackenzies Flat Water Source,
 - (m) Myall Creek Water Source,
 - (n) Gurley Creek Water Source,
 - (o) Tycannah Creek Water Source,
 - (p) Warialda Creek Water Source,
 - (q) Millie Creek Water Source,
 - (r) Slaughterhouse Creek Water Source,

(s) Mosquito Creek Water Source,

(t) Moree Water Source,

(u) Gil Gil Creek Water Source,

(v) Thalaba Creek Water Source,

(w) Mehi River Water Source,

(x) Gwydir Water Source,

(y) Carole Creek Water Source,

Note. This water source applies to the catchment area of Carole Creek. Carole Creek itself is regulated and water sharing rules in this creek are detailed in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016*.

(z) Gingham Watercourse Water Source,

(aa) Barwon Water Source, and

(ab) Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

Note. The Gwydir Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* 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 (WSP019_Version 4)*, *Water Sharing Plan for the Gwydir Unregulated River 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 consist of 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 Gwydir Regulated River Water Source to which the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016* applies, and

(b) contained in the Barwon-Darling Unregulated River Water Source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies, and

(c) 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 Gwydir Unregulated and Alluvial Water Sources Amendment Order 2020*, replaces the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*.
- (7) This Plan, as amended by the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Upper Gwydir Alluvial Groundwater Source.

Note. The *Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020* applies to the Upper Gwydir Alluvial Groundwater Source.

5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:
 - (a) Halls Creek Water Source:
 - (i) Halls Creek Management Zone, and
 - (ii) Halls Creek Tributaries Management Zone, and
 - (b) Gingham Watercourse Water Source:
 - (i) Upper Gingham Watercourse Management Zone, and
 - (ii) Lower Gingham Watercourse Management Zone, and
 - (c) Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source:
 - (i) Rocky Creek Management Zone, and
 - (ii) Cobbadah Management Zone, and
 - (iii) Upper Horton Management Zone, and
 - (iv) Lower Horton Management Zone, and.
 - (d) Mehi River Water Source:
 - (i) Mallowa Creek Management Zone, and
 - (ii) Mehi Management Zone.
- (2) Management zones in subclause (1) are shown on the Plan Map.

Notes.

- 1 Overview maps of the management zones are shown in Appendix 3.
- 2 **Management zone** is defined in the Dictionary.

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 to 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 Gwydir 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 the 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 objectives of this Plan are 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, purple-spotted gudgeon, and olive perchlet,
 - (b) native vegetation including carex sedgeland, river redgum woodland and black box-coolibah woodland,
 - (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 Ramsar wetlands, and the associated ecological communities such as waterbirds and lignum shrublands, are primarily managed by the NSW Environmental Water Manager according to the rules of the *Water Sharing Plan for the Gwydir Regulated River Water Source 2016*. The targeted objectives and monitoring activities for these assets and communities are provided in the MER Plan for these water sources.
- 4 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 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 Gwydir Water Resource Plan Area SW15 and the NSW State Water Quality Assessment and Monitoring Plan.
- (d) the lagoons, waterholes, wetlands and swamps specified in Schedules 4 and 5 to this Plan.

- (3) The strategies for reaching the targeted environmental objectives 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 from 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,
Note. The provisions in clause 43 of this Plan 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 on third order or higher streams, and lagoons, waterholes, wetlands and swamps specified in Schedule 4 or 5,
Notes.
1 The provisions in clause 47 prevent the granting of a water supply work approval which may be used to take water from a lagoon, waterhole, wetland or swamp specified in Schedule 4 or 5.
2 References in this Plan to a third order or higher stream relate to the stream order defined by the Strahler stream ordering method. The Strahler stream ordering method is as described in Schedule 2 to the *Water Management (General) Regulation 2018*.
- (e) reserve a portion of flows to maintain hydrological connectivity between these water sources and other connected water sources including the Gwydir Regulated River Water Source,
Note. The provisions in clauses 42 and 43 of this Plan ensure that very low flows are protected from extraction.
- (f) restrict the take of water to protect Active Environmental Water.
Note. *Active Environmental Water* is defined in the Dictionary.
- (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 objectives 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 Schedule 4 and Schedule 5 of this Plan have accurately identified the presence and location of environmentally significant lagoons, waterholes, wetlands and swamps, including upland wetlands, lagoons and swamps of the New England Tablelands Bioregion, within these water sources,
- (e) 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, decisions made by the NSW Environmental Water Manager 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 and assignment of water allocations between access licences.
 - (b) provide a stable and predictable framework for sharing water among water users,

Note. The compliance with extraction and diversion limit provisions in Part 6 of this Plan and the flow class and access provisions in Part 8 of this Plan provide certainty in how water will be shared between different categories of access licences.
 - (c) provide flexibility of access to water,

Note. The individual account management provisions in clause 39 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 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 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 rules in clause 43 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 other connected water sources.

Note. The provisions in clauses 42 and 43 ensure a portion of 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,
 - (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 other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objectives 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 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 r fish that are important to recreational fishing,
 - (c) the recorded takes of native fish that are important to 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 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 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 clauses 42 and 43 of this Plan,

Note. The rules in clauses 42 and 43 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) the 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 of this Plan provide for a reduction in available water determinations when the long-term average annual extraction limit or the long-term average sustainable diversion limit has 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 total 5.51 megalitres per day (hereafter **ML/day**), distributed as follows:

- (a) 0.23 ML/day in the Roumalla Creek Water Source,
- (b) 0.30 ML/day in the Rocky River Water Source,
- (c) 0.16 ML/day in the Boorolong Creek Water Source,
- (d) 0.30 ML/day in the Upper Gwydir River Water Source,
- (e) 0.38 ML/day in the Laura Creek Water Source,
- (f) 0.10 ML/day in the Bakers Creek Water Source,
- (g) 0.24 ML/day in the Georges Creek Water Source,

- (h) 0.39 ML/day in the Moredun Creek Water Source,
- (i) 0.21 ML/day in the Keera Creek Water Source,
- (j) 0.33 ML/day in the Copeton Dam Water Source,
- (k) 0.06 ML/day in the Halls Creek Water Source,
- (l) 0.01 ML/day in the Mackenzies Flat Water Source,
- (m) 0.22 ML/day in the Myall Creek Water Source,
- (n) 0.06 ML/day in the Gurley Creek Water Source,
- (o) 0.23 ML/day in the Tycannah Creek Water Source,
- (p) 0.26 ML/day in the Warialda Creek Water Source,
- (q) 0.07 ML/day in the Millie Creek Water Source,
- (r) 0.05 ML/day in the Slaughterhouse Creek Water Source,
- (s) 0.12 ML/day in the Mosquito Creek Water Source,
- (t) 0.01 ML/day in the Moree Water Source,
- (u) 0.27 ML/day in the Gil Gil Creek Water Source,
- (v) 0.24 ML/day in the Thalaba Creek Water Source,
- (w) 0.07 ML/day in the Mehi River Water Source,
- (x) 0.11 ML/day in the Gwydir Water Source,
- (y) 0.01 ML/day in the Carole Creek Water Source,
- (z) 0.10 ML/day in the Gingham Watercourse Water Source,
- (aa) 0.11 ML/day in the Barwon Water Source,
- (bb) (repealed)
- (cc) 0.87 ML/day in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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) 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 exercised in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

21 Harvestable rights

The requirements 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 extract water from these water sources total 470.5 ML/year, distributed as follows:

- (a) 24.5 ML/year in the Roumalla Creek Water Source,
- (b) 18 ML/year in the Rocky River Water Source,
- (c) 6 ML/year in the Boorolong Creek Water Source,
- (d) 27.5 ML/year in the Upper Gwydir River Water Source,
- (e) 16.5 ML/year in the Laura Creek Water Source,
- (f) 0 ML/year in the Bakers Creek Water Source,
- (g) 0 ML/year in the Georges Creek Water Source,
- (h) 14.5 ML/year in the Moredun Creek Water Source,
- (i) 0 ML/year in the Keera Creek Water Source,
- (j) 31 ML/year in the Copeton Dam Water Source,

- (k) 5 ML/year in the Halls Creek Water Source,
- (l) 0 ML/year in the Mackenzies Flat Water Source,
- (m) 35 ML/year in the Myall Creek Water Source,
- (n) 6.5 ML/year in the Gurley Creek Water Source,
- (o) 18 ML/year in the Tycannah Creek Water Source,
- (p) 6.5 ML/year in the Warialda Creek Water Source,
- (q) 34 ML/year in the Millie Creek Water Source,
- (r) 0 ML/year in the Slaughterhouse Creek Water Source,
- (s) 9 ML/year in the Mosquito Creek Water Source,
- (t) 4 ML/year in the Moree Water Source,
- (u) 38.5 ML/year in the Gil Gil Creek Water Source,
- (v) 21.5 ML/year in the Thalaba Creek Water Source,
- (w) 86 ML/year in the Mehi River Water Source,
- (x) 16.5 ML/year in the Gwydir Water Source,
- (y) 0 ML/year in the Carole Creek Water Source,
- (z) 5 ML/year in the Gingham Watercourse Water Source,
- (aa) 20 ML/year in the Barwon Water Source,
- (bb) (repealed)
- (cc) 27 ML/year in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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 extract water from these water sources total 757 ML/year, distributed as follows:

- (a) 621 ML/year in the Rocky River Water Source,
- (b) 93 ML/year in the Moredun Creek Water Source,
- (c) 43 ML/year in the Gil Gil Creek Water Source,
- (d) (repealed)
- (e) 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 extract water from these water sources total 67,318 unit shares, distributed as follows:

- (a) 632 unit shares in the Roumalla Creek Water Source,
- (b) 47 unit shares in the Rocky River Water Source,
- (c) 225 unit shares in the Boorolong Creek Water Source,
- (d) 1561 unit shares in the Upper Gwydir River Water Source,
- (e) 804 unit shares in the Laura Creek Water Source,
- (f) 35 unit shares in the Bakers Creek Water Source,
- (g) 24 unit shares in the Georges Creek Water Source,
- (h) 2237 unit shares in the Moredun Creek Water Source,
- (i) 192 unit shares in the Keera Creek Water Source,
- (j) 1025 unit shares in the Copeton Dam Water Source,
- (k) 570 unit shares in the Halls Creek Water Source,
- (l) 27 unit shares in the Mackenzies Flat Water Source,
- (m) 1389 unit shares in the Myall Creek Water Source,
- (n) 5 unit shares in the Gurley Creek Water Source,
- (o) 2768 unit shares in the Tycannah Creek Water Source,
- (p) 151 unit shares in the Warialda Creek Water Source,
- (q) 9967 unit shares in the Millie Creek Water Source,
- (r) 0 unit shares in the Slaughterhouse Creek Water Source,
- (s) 778 unit shares in the Mosquito Creek Water Source,
- (t) 2510 unit shares in the Moree Water Source,
- (u) 1421 unit shares in the Gil Gil Creek Water Source,
- (v) 2492 unit shares in the Thalaba Creek Water Source,
- (w) 16580 unit shares in the Mehi River Water Source,
- (x) 9720 unit shares in the Gwydir Water Source,
- (y) 0 unit shares in the Carole Creek Water Source,
- (z) 3322 unit shares in the Gingham Watercourse Water Source,

- (aa) 3240 unit shares in the Barwon Water Source,
- (bb) 5596 unit shares in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

25 (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,
- (b) a long-term average sustainable diversion limit.

Division 1 Calculations under this Part

26 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 27,
 - (b) the annual extraction under clause 28,
 - (c) the annual permitted take under clause 31,
 - (d) the annual actual take under clause 31.

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 28 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, and
 - (c) in relation to the long-term average annual extraction limit only, be varied by any changes to the amount of water committed as licensed environmental water under section 8F of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 27 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

27 Calculation of the long-term average annual extraction limit

- (1) The long-term average annual extraction limit for these water sources is:
 - (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 these water sources, plus
 - (b) the annual water requirements pursuant to basic landholder rights from the following water sources at the commencement of this Plan:
 - (i) Roumalla Creek Water Source,
 - (ii) Rocky River Water Source,
 - (iii) Boorolong Creek Water Source,
 - (iv) Upper Gwydir River Water Source,
 - (v) Laura Creek Water Source,
 - (vi) Bakers Creek Water Source,
 - (vii) Georges Creek Water Source,
 - (viii) Moredun Creek Water Source,
 - (ix) Keera Creek Water Source,
 - (x) Copeton Dam Water Source,
 - (xi) Halls Creek Water Source,
 - (xii) Mackenzies Flat Water Source,
 - (xiii) Myall Creek Water Source,
 - (xiv) Gurley Creek Water Source,
 - (xv) Tycannah Creek Water Source,
 - (xvi) Warialda Creek Water Source,
 - (xvii) Millie Creek Water Source,
 - (xviii) Slaughterhouse Creek Water Source,
 - (xix) Mosquito Creek Water Source,
 - (xx) Moree Water Source,
 - (xxi) Gil Gil Creek Water Source,
 - (xxii) Thalaba Creek Water Source,

- (xxiii) Mehi River Water Source,
- (xxiv) Gwydir Water Source,
- (xxv) Carole Creek Water Source,
- (xxvi) Gingham Watercourse Water Source,
- (xxvii) Barwon Water Source, plus
- (c) (repealed)
- (d) the annual water requirements pursuant to basic landholder rights from the Rocky Creek Water Source, Cobbadah Water Source, the Upper Horton Water Source and the Lower Horton Water Source at the commencement of the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*, plus
- (e) 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
- (f) 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.

28 Calculation of annual extraction

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.

29 Assessment of compliance with the long-term average annual extraction limit

- (1) Following the calculation under clause 28, the Minister is to compare the average of the total annual extraction for these water sources over the preceding five 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 five water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

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

30 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 Gwydir 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 Gwydir surface water SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from both the Gwydir Regulated River Water Source and the Gwydir Unregulated River Water Sources.

31 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.

Note. *Basin Plan* is defined in the Dictionary

- (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.

31A Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 31 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

31B Action following non-compliance

- (1) Subject to subclause (2) to (4), if an assessment under clauses 29 or 31A 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 make available water determinations for unregulated river access licences of less than 1 ML per unit share for the water year after the assessment.
- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 31A 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) 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

32 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.

33 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.

34 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.

35 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 share component or such lower amount as determined under clause 31B 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 the long-term average sustainable diversion limit for these water sources has been assessed to have been exceeded.

36 (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 will be subject to mandatory conditions and may be subject to discretionary conditions.

37 Specific purpose access licences

Note. Section 61 of the Act allows for a person to apply for a specific purpose access licence where the regulations or relevant water sharing plan provides that an application can be made..

- (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.

Note. Subject to the restrictions in subclause (2), applications for the categories and subcategories of specific purpose access licences may be made in accordance with clause 10 of the *Water Management (General) Regulation 2018*.

- (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.

38 (Repealed)

Part 8 Rules for managing access licences

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

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.

39 Individual access licence account management rules

- (1) This clause applies to the taking of water under an access licence with a share component that specifies one of these water sources.
- (2) In the first three water years 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 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, the 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 the lesser of:
 - (a) the sum of:
 - (i) the water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
 - (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 (4),

- (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 recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) The maximum water allocation that can be carried over from one year to the next in the water allocation account for a domestic and stock access licence, a local water utility access licence, or an unregulated river access licence is equal to:
 - (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 access licence share component, for access licences with share components expressed as a number of unit shares.

40 Rules for access licences intending to protect water from extraction

- (1) A licence holder may notify the Minister of the licence holder's intent to have water that would otherwise be permitted to be taken under that access licence protected from extraction.
- (2) The licence holder must make, and the Minister must assess, a notification under subclause (1) in accordance with the Active Management Procedures Manual.

Note. *Active Management Procedures Manual* is defined in the Dictionary.

- (3) The water allocation account of an access licence referred to in subclause (1) is to be debited by an amount determined by the Minister, in accordance with the Active Management Procedures Manual.

Note. This clause 40 commences on 1 December 2020 (clause 3 (2) of this Plan).

Division 2 Flow classes and daily access rules

41 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.

42 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B as the basis 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 flow 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), 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) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B, as adjusted under subclause (8).
- (4) If, in the Minister's opinion, accurate flow data is not available on a particular 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.
- (5) For the purpose of determining the flow class that applies on a particular day under subclause (4), 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 6 or check the Department's website to find out what flow class applies on that day.
- (6) The flow classes commence in the year specified in Column 4 of Table B.
- (7) For the purpose of Table B, Year 1 of this Plan means from the date of commencement of this Plan.
- (8) The Minister is to determine and announce any adjustments to flows specified in Column 5 of Table B for the Very Low Flow Class and A Class in the Upper Gingham Watercourse Management Zone of the Gingham Watercourse Water Source as necessary

to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

Notes.

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

2. Subclause 42 (8) commences on 1 December 2020 (clause 3 (2) of this Plan).

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	Flow reference point	Day on which flow class applies
Gingham Watercourse	Upper Gingham Watercourse	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 250 ML/day	Gingham channel at Tillaloo	Same day
Source	Management Zone	A Class	Year 1 of this Plan	More than 250 ML/day	bridge gauge (418076)	Same day
	Lower Gingham Watercourse Management Zone	Very Low Flow Class	Year 1 of this Plan	A flow of less than 175 ML/day at the Gingham Bridge gauge (418079) within the previous 12 months, or less than 4000 ML/year at the Gingham Bridge gauge over the previous 12 months, or no visible flow in the Gingham Watercourse at the Morialta Road	Gingham channel at Gingham Bridge gauge (418079) and Gingham Watercourse at Morialta Road	Same day
		A Class	Year 1 of this Plan	A flow equal to or more than 175 ML/day at the Gingham Bridge gauge within the previous 12 months, and equal to or more than 4000 ML/year at the Gingham Bridge gauge over the previous 12 months, and a visible flow in the Gingham		Same day

			Watercourse at the Morialta Road			
Gwydir Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 250 ML/day	Gwydir River at Millewa gauge (418066)	Same day
		A Class	Year 1 of this Plan	More than 250 ML/day		Same day
Halls Creek Water Source	Halls Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Halls Creek at Bingara gauge (418025) in the South East Corner of TSR 29609, Parish of Bingara	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source	Lower Horton Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Horton River at Rider gauge (418015)	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day		Same day

Notes.

- 1 For Gingham Channel at Tillaloo Bridge gauge (418076), 250 ML/day corresponds to the estimated 10th percentile flow.
- 2 For Gingham Channel at Gingham Bridge gauge (418079):
 - 175 ML/day corresponds to the estimated 21st percentile flow, and
 - 4000 ML/year corresponds to the estimated 2nd percentile flow.
- 3 For Halls Creek at Bingara gauge (418025), no visible flow corresponds to a gauge height of 0.1m.
- 4 For Gwydir River at Millewa gauge (418066), 250 ML/day corresponds to the estimated 9th percentile flow.
- 5 For the Horton River at Rider gauge (418015), 4 ML/day corresponds to the estimated 92nd percentile flow.

43 Access rules for the taking of surface water

- (1) This clause applies to the taking of water under an access licence from these 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, and

- (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, and
 - (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 (13), 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 an off-river pool.

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

- (3) Subject to subclause (13), 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 (13), in water sources where flow classes have not commenced, water must not be taken under an access licence from an in-river pool when the volume of that water in that pool is less than the full capacity of the pool.

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

- (5) Subject to subclause (13), 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 an access licence listed in Schedule 1A of this Plan.

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

when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement as adjusted under subclause (6A). 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 Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

Note. *Runoff harvesting dam* is defined in the Dictionary.

(6A) The flows specified in subclause (6) for access licences in the Upper Gingham Watercourse Management Zone of the Gingham Watercourse Water Source are to be adjusted by an amount to be determined and announced by the Minister as necessary to protect Active Environmental Water in accordance with the Active Management Procedures Manual.

Note. This subclause (6A) commences on 1 December 2020 (clause 3 (2) of this Plan).

(7) The cease to take condition that arises from subclause (6) applies to water supply works that are nominated by the access licence following a dealing under section 71S or 71W of the Act.

(8) Water must not be taken under an access licences specified in Column 1 of Schedule 2 in contravention of the access rule specified in Column 2 of Schedule 2 in the water source specified in Column 3 of Schedule 2.

(9) 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.

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

(10) 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/or
- (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.

- (11) 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 (10) are:
- (a) the conditions for construction, operation and maintenance that were specified in conditions imposed 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.
- (12) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (10) are:
- (a) the flows and circumstances that were specified 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.
- (13) Subclauses (2)–(5) 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 (14):
 - (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 water sources, excluding the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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 Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*, and
 - (ii) with a share component that specifies the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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 from a runoff harvesting dam or from an in-river dam pool, and
 - (e) the taking of water under a local water utility access licence or an unregulated river (subcategory “Town water supply”) access licence to which clause 2 of Schedule 3 applies.
- (14) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (13) (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.

43A Additional access rules to protect Active Environmental Water

- (1) This clause applies to an unregulated river access licence with an extraction component that specifies any of the following management zones:
 - (a) Upper Gingham Watercourse Management Zone,
 - (b) Lower Gingham Watercourse Management Zone,
 - (c) Mallowa Creek Management Zone.
- (2) The Minister may announce that, for a specified period, water must not be taken under a specified access licence from a management zone listed in subclause (1) if the Minister has determined and announced, in accordance with the Active Management Procedures Manual, that there is only either of the following present in that management zone:

- (a) planned environmental water resulting from the access rules specified in clauses 42 and 43 of this Plan and Active Environmental Water, or
 - (b) Active Environmental Water.
- (3) If the Minister has not made an announcement under subclause (2) the Minister may, in order to protect Active Environmental Water from extraction and in accordance with the Active Management Procedures Manual, announce a maximum amount of water permitted to be taken under a specified access licence from a management zone listed in subclause (1) for a specified period.
- Note.** The taking of water under an access licence to which an announcement under subclause (3) applies will still be subject to the access rules specified in clause 43 relevant to that access licence.
- (4) Water must not be taken under a licence in excess of that announced by the Minister under subclause (3).

Note. This clause 43A commences on 1 December 2020 (clause 3 (2) of this Plan).

44 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 45.
- 2 **Total daily extraction limit** is defined in the Dictionary.

45 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 44 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.

45A Active Management Procedures Manual

The Minister must prepare and publish on the Department's website an Active Management Procedures Manual that includes but is not limited to the following:

- (a) the means for identifying and determining Active Environmental Water on any given day,

- (b) the requirements for access licence holders intending to protect water from extraction to notify the Minister under clause 40,
- (c) the means for assessing a notification and determining the amounts to be debited from access licence water allocation accounts under clause 40,
- (d) the means for determining and announcing any adjustments to flows under clauses 42 and 43,
- (e) the means for determining and announcing the presence of planned environmental water and Active Environmental Water under clause 43A,
- (f) the means for announcing the water permitted to be taken under an access licence under clause 43A,
- (g) any other matter the Minister considers relevant.

Note: This clause commences on 1 December 2020 (clause 3 (2) of this Plan).

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 of this Plan 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

46 General

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

47 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 on a third order or higher stream within the following water sources:
 - (a) the Rocky River Water Source,
 - (b) the Laura Creek Water Source,
 - (c) the Georges Creek Water Source,
 - (d) the Halls Creek Water Source,
 - (e) the Gwydir Water Source,
 - (f) the Gingham Watercourse Water Source, and
 - (g) the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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 47 (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 and/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 a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5.

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 65 (1) (c) and (d) of this Plan.
- (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 a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 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, 3

48–54 (Repealed)

Part 10 Access licence dealing rules

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

55 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) Upper Gwydir River Water Source:
 - (i) Gwydir River Trading Zone, and
 - (ii) Upper Gwydir River Tributaries Trading Zone,
 - (b) Moredun Creek Water Source:
 - (i) Gwydir River Trading Zone, and
 - (ii) Moredun Creek and Tributaries Trading Zone,
 - (c) Copeton Dam Water Source:
 - (i) Gwydir River and Copes Creek Trading Zone, and
 - (ii) Copeton Tributaries Trading Zone, and
 - (d) Mehi River Water Source:
 - (i) Mallowa Creek Trading Zone, and
 - (ii) Mehi River Tributaries Trading Zone.

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

- (3) The trading zones in subclause (2) are shown on the Plan Map.

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.

56 Conversion of access licence to new category

Dealings under section 71O of the Act are prohibited.

57 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:

- (a) from an access licence that does not nominate a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 to an access licence that nominates a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5, or
 - (b) from an access licence that nominates a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 to an access licence that nominates a water supply work being used to take water from another lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5, or
 - (c) from an access licence that nominates a water supply work located in the Gwydir River Trading Zone in the Upper Gwydir River Water Source to an access licence that nominates a water supply work in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source, or
 - (d) from an access licence that nominates a water supply work located in a trading zone in the Moredun Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Moredun Creek Water Source, or
 - (e) from an access licence that nominates a water supply work located in a trading zone in the Copeton Dam Water Source to an access licence that nominates a water supply work located in another trading zone in the Copeton Dam Water Source, or
 - (f) from an access licence that nominates a water supply work located in a trading zone in the Mehi River Water Source to an access licence that nominates a water supply work located in another trading zone in the Mehi River Water Source, or
 - (g) between access licences with share components that specify one of the following water sources:
 - (i) Slaughterhouse Creek Water Source,
 - (ii) Carole Creek Water Source, or
 - (h) from an access licence with an extraction component that nominates a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source to an access licence with an extraction component that specifies another management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources.

58 Amendment of share component dealings (change of water source)

Dealings under section 71R of the Act are prohibited in these water sources.

59 Amendment of extraction component dealings

Dealings under section 71S of the Act are prohibited if the dealing:

- (a) is between access licences with share components that specify one of the following water sources:
 - (i) Slaughterhouse Creek Water Source,
 - (ii) Carole Creek Water Source, or
- (b) involves an access licence with an extraction component that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source being varied to specify an access licence with an extraction component that specifies another management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

60 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:
 - (a) from an access licence that does not nominate a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 to an access licence that nominates a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5,
 - (b) from an access licence that nominates a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 to an access licence that nominates a water supply work located on another lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5,
 - (c) from an access licence that nominates a water supply work located in the Gwydir River Trading Zone in the Upper Gwydir River Water Source to an access licence that nominates a water supply work located in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir River Water Source,
 - (d) from an access licence that nominates a water supply work located in a trading zone in Moredun Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Moredun Creek Water Source,
 - (e) from an access licence that nominates a water supply work located in a trading zone in the Copeton Dam Water Source to an access licence that nominates a

water supply work located in another trading zone in the Copeton Dam Water Source,

- (f) from an access licence that nominates a water supply work located in a trading zone in the Mehi River Water Source to an access licence that nominates a water supply work located in another trading zone in the Mehi River Water Source,
 - (g) between access licences with share components that specify one of the following water sources:
 - (i) Slaughterhouse Creek Water Source,
 - (ii) Carole Creek Water Source, or
 - (h) from an access licence with an extraction component that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source to an access licence with an extraction component that specifies another management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.
- (2) Dealings under section 71T of the Act between different water sources are prohibited in these water sources.

61 Interstate transfer of access licences and assignment of water allocation

- (1) Dealings under section 71U of the Act involving the interstate transfer of an 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.

62 Nomination of water supply works dealings

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
 - (a) an access licence 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 that does not nominate a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 being amended to nominate a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5,
 - (c) an access licence that nominates a water supply work being used to take water from a lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5 being amended to nominate a water supply work being used to take water from another lagoon, waterhole, wetlands or swamp specified in Schedule 4 or 5,
-

- (d) an access licence that nominates a water supply work located in the Gwydir River Trading Zone in the Upper Gwydir Water Source being amended to nominate a water supply work located in the Upper Gwydir River Tributaries Trading Zone in the Upper Gwydir Water Source,
 - (e) an access licence that nominates a water supply work located in a trading zone in the Moredun Creek Water Source being amended to nominate a water supply work located in another trading zone in the Moredun Creek Water Source,
 - (f) an access licence that nominates a water supply work located in a trading zone in the Copeton Dam Water Source being amended to nominate a water supply work located in another trading zone in the Copeton Dam Water Source,
 - (g) an access licence that nominates a water supply work located in a trading zone in the Mehi River Water Source being amended to nominate a water supply work located in another trading zone in the Mehi River Water Source,
 - (h) an access licence being amended to nominate a water supply work located in one of the following water sources:
 - (i) Slaughterhouse Creek Water Source, or
 - (ii) Carole Creek Water Source.
- (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 of this Plan allows for amendments to be made to this Part.

Division 1 General

63 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 6 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.

- (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.

64 General

- (1) Access licences in these water sources must have mandatory conditions where required 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 these 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 domestic and stock access licences, local water utility access licences and unregulated river access licences with share components that specify one of these water sources, the volume of water taken, assigned under section 71T of the Act or otherwise withdrawn from a water allocation account in any three consecutive water years after the first water year in which this Plan has effect, by comparison to the volume of water permitted to be taken or assigned in those years under clause 39 (3),
 - (vi) 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,
 - (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) If required by the Minister, the holder of the access licence that nominates only a metered water supply work with a data logger must 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 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*.

Division 3 Water supply work approvals

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

65 General

- (1) Water supply work approvals for water supply works in these water sources must have mandatory conditions where required to give effect to the following:
- (a) (Repealed)
 - (b) 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 into or out of the pipe, channel or conduit between water source and metering equipment, and
 - (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.
- (c) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in accordance with any direction from the Minister.

The Minister may direct that any such water supply work need not be decommissioned,

- (d) within sixty days of the decommissioning of the water supply work, the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
 - (e) 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,
 - (f) 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) (b) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclause (1) (b) 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 these water sources in accordance with clause 230 (1) of the *Water Management (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 these water sources from 1 December 2021.
- (2) Water supply work approvals for water supply works in these water sources, excluding a water supply work that is a metered water supply work with a data logger or is used for the purpose of taking water under basic landholder rights only, 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 of subclause (2).
- (3A) If an approval for a 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 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 47 (4).

66 (Repealed)

Part 12 Amendment of this Plan

67 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) Amendments authorised by this Plan are 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.

68 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) add, remove or modify an extraction management unit, including the water sources to which an extraction management unit applies, and
- (d) amend the Plan Map.

69 (Repealed)

70 Part 6

- (1) 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 an 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.
- (2) 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 average sustainable diversion limit for the Gwydir Regulated River Water source.

71 Part 8

Part 8 of this Plan may be amended to do any of the following:

- (a) after year five of this Plan, clause 39 may be amended to specify different individual account management rules, taking into account the results of any review of the rules undertaken or assessed as adequate by the Department including in relation to the variability of the unregulated system flows, usage data and any other relevant information, provided that before making an amendment pursuant to this paragraph, the Minister should consult with relevant stakeholders,
- (b) establish a new flow class or 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 68,
- (c) (repealed)
- (d) establish or assign 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 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) and/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) amend existing flow classes, establish new or additional flow classes or amend the flow reference point in order to establish TDELs and IDELs, excluding the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
- (k) for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source, reinstate flow classes, TDELs and/or IDELs established by the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*,
- (l) include rules to facilitate active management to share flows, including requiring the taking of water to be carried out in accordance with Ministerial notices or announcements or to require licence holders to express interest in accessing their entitlement during an event.

72 Part 9

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

- (a) amend clause 47 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise an in-river dam on a third or higher order stream,
- (b) amend the definition of a replacement surface water supply work in clause 47 (4).

73 Part 10

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

- (a) to 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 alternate 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,
- (b) amend the access licence dealing rules 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.

74 Part 11

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

75 Dictionary

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

76 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 Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source before the commencement of the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton 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 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 a *Water Act 1912* entitlement or access licence from Column 1 and the associated access condition in Column 2 and water source in Column 3 of Schedule 3.
- (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 43 (13) (a) and that purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
 - (b) add a local water utility access licence or an unregulated river (subcategory “town water supply”) access licence 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 a *Water Act 1912* entitlement from Schedule 3 if:
 - (i) an access licence dealing results in water being taken under the access licence from a different location,
 - (ii) an alternative water supply is obtained,
 - (iii) the access licence is surrendered or cancelled, or
 - (d) remove a local water utility access licence or 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 extract, store and deliver water has undergone major augmentation since the commencement of this Plan, or
 - (ii) the access licence is cancelled or surrendered.
- (4) Schedule 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedules 4 and 5 may be amended to add or remove a lagoon, wetlands, waterhole or swamp.

- (6) Schedule 6 may be amended to add or remove an office.
- (7) (Repealed)
- (8) The Plan Map may be amended to add, remove or modify a trading zone, including the water sources to which a trading zone applies and the boundaries of such a zone.

77 Other

- (1) This Plan may be amended to include rules for any of the following:
 - (a) the management of floodplain harvesting within these water sources,
 - (b) the shepherding of water,
Note. *Shepherding* is defined in the Dictionary.
 - (c) any new category of access licence established for the purpose of urban stormwater harvesting,
 - (d) 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 claim 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) identifying water dependent Aboriginal cultural assets,
 - (b) amending the access rules to protect water dependent Aboriginal cultural assets,
 - (c) restricting the granting and amending of water supply work approvals to protect water-dependent Aboriginal cultural assets, or
 - (d) amending 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.
 - (8) This Plan may be amended to include or amend access rules for unregulated river access licences so as to protect Active Environmental Water from extraction.
-

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*.

Active Environmental Water is the water in these water sources identified or determined by the Minister on any given day as requiring protection from extraction, in accordance with the Active Management Procedures Manual, that arises from the following:

- (a) held environmental water flowing from a water source that is upstream of either the Upper Gingham Watercourse Management Zone, the Lower Gingham Watercourse Management Zone, or the Mallowa Creek Management Zone,
- (b) a notification by a licence holder to the Minister of the licence holder's intention to protect the water from extraction under clause 40 of this Plan.

Active Management Procedures Manual means the manual established by the Minister under clause 45A.

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 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, 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, unless otherwise specified in Schedules to this Plan, 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.

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

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.

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.

pump capacity means the volume of water in litres per second that a pump is able to take from a water source.

replacement surface water supply work has the meaning given to that term in clause 47(4) of this Plan.

runoff harvesting dam means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in 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 in clause 55 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 (Repealed)

Schedule 1A Access licences used to take surface water exempt from the access rule in clause 43 (5)

This clause applies to each access licence listed in the table below.

Access licences

Note. At the commencement of this Plan there are no access licences listed in this Schedule. Clause 76 (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 rules for unregulated river access licences subject to clause 43 (8)

General

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

Column 1 Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Access rule	Column 3 Water Source
90SL047595	<p>Water must not be taken under an access licence when:</p> <p>(a) there is no visible flow in Roumalla Creek over the rock bar situated immediately downstream of the pump site on Lot 16, DP 753641, Parish of Baldwin, County of Hardinge, or</p> <p>(b) when there is no visible flow in Roumalla Creek over the sand bar at the confluence of Ponds Creek (known locally as Sandy Creek) on Lot 40, DP 753641, Parish of Baldwin, County of Hardinge.</p>	Roumalla Creek Water Source
90SL037775	<p>Water must not be taken under an access licence when the water level in the Gwydir River at the pump site located on Lot 1, DP 195429, Parish of Darbysleigh and County of Hardinge and authorised by the water supply work approval that replaced licence 90SL019920 (Bundarra Water Supply), is more than 2.27 metres below the bench mark established on the top of the pump well at the site. Details of the benchmark are retained in the Moree office of the Department.</p>	More dun Creek Water Source

Schedule 3 Access licences used to take surface water exempt from cease to pump rules

1 General

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

Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan

90SL100697

90SL045781

90SL023654

90SL100615

90SL101070

2 Local water utility and unregulated river (subcategory “Town water supply”) access licences

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

Water Act 1912 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

90SL019920

90SL044305

90SL021318

Schedule 4 Identified lagoons, waterholes and wetlands

Column 1	Column 2	Column 3	Column 4
Water Source	Name of lagoon, waterhole or wetlands	Location	Parish
Barwon Water Source	Unnamed Lagoon	Portion 2 in DP 750421 and Lot 4, DP 750421	Banarway
Barwon Water Source	Unnamed Lagoon	Lot 15, DP 45246	Banarway
Barwon Water Source	Unnamed Lagoon	Lot 2, DP 750421	Banarway
Barwon Water Source	Unnamed Lagoon	Primarily Lot 15, DP 752231	Barwon
Barwon Water Source	Unnamed Lagoon	Crown Land Lot 7002, DP 1050328	Barwon
Barwon Water Source	Unnamed Lagoon	Lot 16, DP 705383 and Lot 21, DP 750441	Caidmurra
Barwon Water Source	Butti Lagoon	Lot 58, DP 45315	Collymongle
Barwon Water Source	Unnamed Lagoon	Lot 58, DP 45315	Collymongle
Barwon Water Source	Unnamed Lagoon	Portion 2 in DP 750474 and adjacent Crown Land	Keelo
Barwon Water Source	Unnamed Lagoon	Crown Land parcel 7002, DP 1051873	Murkadool
Barwon Water Source	Unnamed Lagoon	Crown Land parcels 7001 and 7002, DP 1051873	Murkadool
Barwon Water Source	Unnamed Lagoon	Lot 24, DP 752256	Murkadool

Barwon Water Source	Unnamed Lagoon	Crown Land parcel 7002, DP 1051873	Murkadool
Gil Gil Creek Water Source	Unnamed Lagoon	Lot 3, DP 43358 and Lot 16, DP 750441	Caidmurra
Gil Gil Creek Water Source	Unnamed Lagoon	Lot 24, DP 750441	Caidmurra
Moree Water Source	Yarraman Lagoon	Lots 1 and 2, DP 632672 and Lot 2, DP 629669	Mia Mia
Moree Water Source	Unnamed Lagoon	Lot 7085, DP 1066044	Moree
Thalaba Creek Water Source	Collytootela Lagoon	Lots 7, 12, 15 and 17, DP 750494	Oreel
Slaughterhouse Creek Water Source	Moboullboona Waterhole	Lot 14, DP 751750	Biniguy
Slaughterhouse Creek Water Source	Emmotts Waterhole	Lot 1, DP 596939	Biniguy
Slaughterhouse Creek Water Source	Barbers Lagoon	Lot 2, DP 795771; Lot 18, DP 751138 and Lot 95, DP 41022	Yagobe
Mehi River Water Source	Mallowa Wetlands	Lot 11, DP 750477; Lot 10, DP 750477; Lot 12, DP 750477; Lot 20, DP 750477; Lot 22, DP 750477; Lot 4, DP 750477; Lot 19, DP 750477 and Lot 14, DP 750477	Mallowa
Mehi River Water Source	Mallowa Wetlands	Lot 1, DP 1121419; Lot 5, DP 750483; Lot 24, DP 750483; Lot 7001, DP 1112488; Lot 8, DP	Mongyer

		750483; Lot 26, DP	
		750483; Lot 23, DP	
		750483; Lot 7006, DP	
		1112098; Lot 7007, DP	
		1112098; Lot 7002, DP	
		1112488; Lot 2, DP	
		750483 and Lot 28 DP	
		750483	
Mehi River Water Source	Mallowa Wetlands	Lot 24, DP 45251; Lot 1, Carbeenbri DP 48429; Lot 26, DP 721442; Lot 10, DP 750442; Lot 25, DP 45251 and Lot 27, DP 721442	
Mehi River Water Source	Mongyer Lagoon	Crown waterway, DP 620338 and DP 750484	Moomin
Gwydir Water Source	Ramsar wetlands	Lot 4, DP 793888 and Lot 36, DP 750508	Wandoona
Gwydir Water Source	Ramsar wetlands	Lot 58, DP 750500	Tiela
Gingham Watercourse Water Source	Ramsar wetlands	Lot 26, DP 750465 and Lot 14, DP 750465	Gingham
Gingham Watercourse Water Source	Ramsar wetlands	Lot 9, DP 750444	Collyu
Gingham Watercourse Water Source	Ramsar wetlands	Lot 8, DP 750461	Dundunga
Gingham Watercourse Water Source	Ramsar wetlands	Lot 39, DP 705409 and Lot 19, DP 750451	Crinoline
Gingham Watercourse Water Source	Ramsar wetlands	Lot 8, DP 750444	Collyu

Schedule 5 Upland wetlands, lagoons and swamps of the drainage divide of the New England Tablelands Bioregion endangered ecological community

Column 1	Column 2	Column 3	Column 4
Water Source	Name of wetlands, lagoon or swamp	Location	Parish
Boorolong Creek Water Source	Little Lagoon	Lots 126, 128, 129, 205 in DP 755823	Exmouth
Laura Creek Water Source	Mother of Ducks Lagoon	Lots 309, 311, 343, 344, DP 753659; Lots 358, 359, DP 46361; Lots 363, 364, DP 704039; Lot 361, DP 704011, Lot 350 DP 39608 & others	Elderbury
Rocky River Water Source	Racecourse Lagoon	Crown Land	Uralla
Rocky River Water Source	Dangars Lagoon	Lot 7009, DP 1051118	Uralla
Keera Creek Water Source	Howle's Swamp		

Schedule 6 Office

Department of Planning, Industry and Environment - Water

66-68 Frome Street

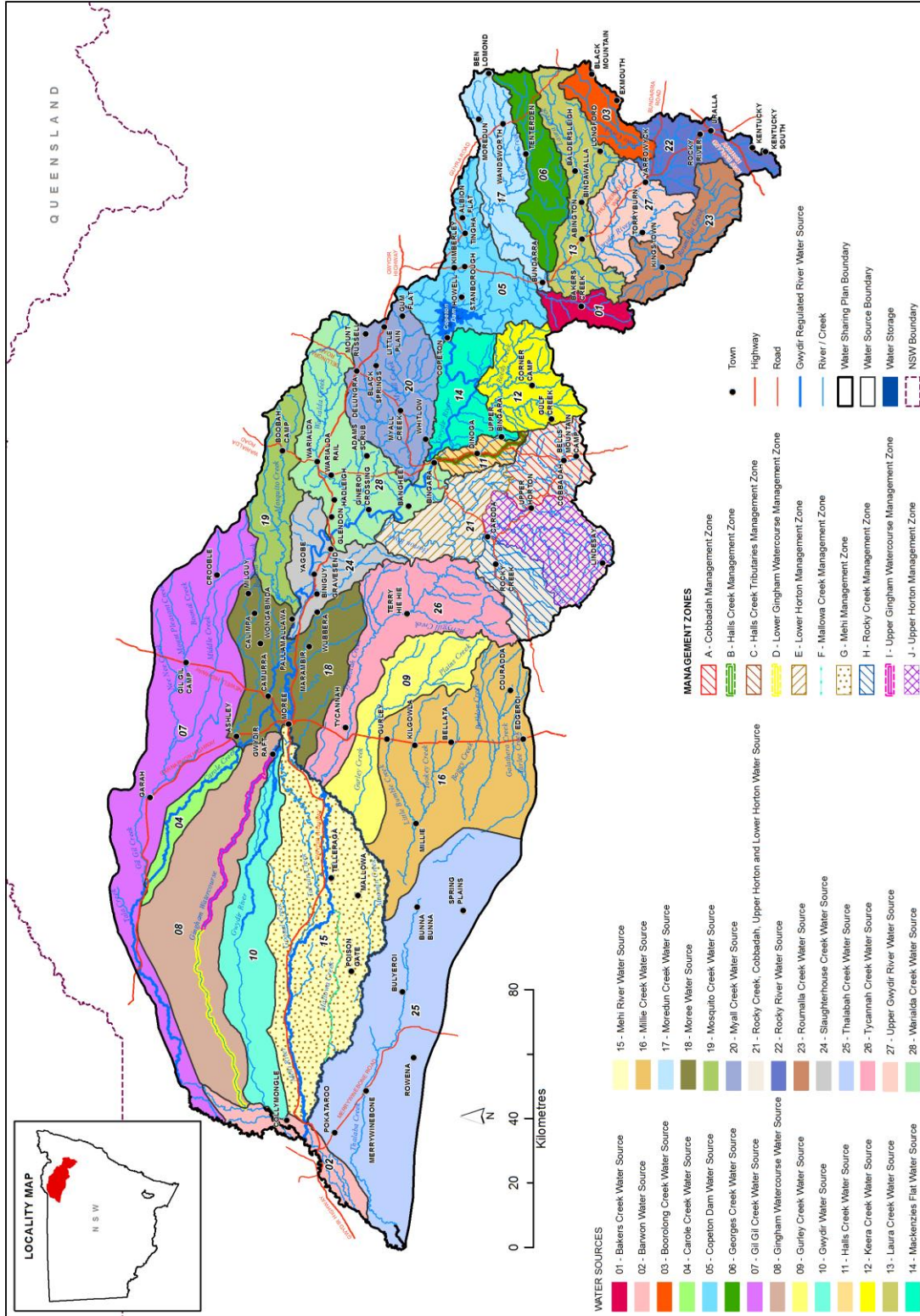
MOREE NSW 2400

Schedule 7 (Repealed)

Schedule 8 (Repealed)

Appendix 1 Overview of the Plan Map

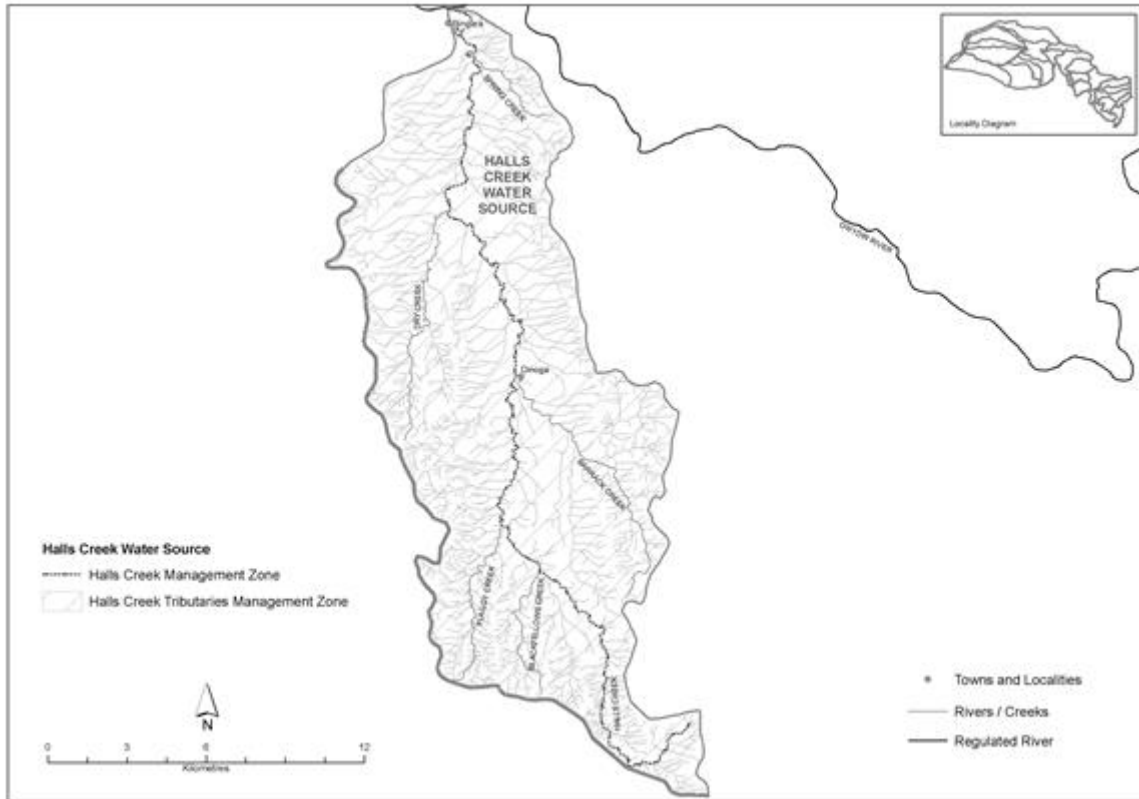
Overview of the Plan Map (WSP019_Version 4), Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012



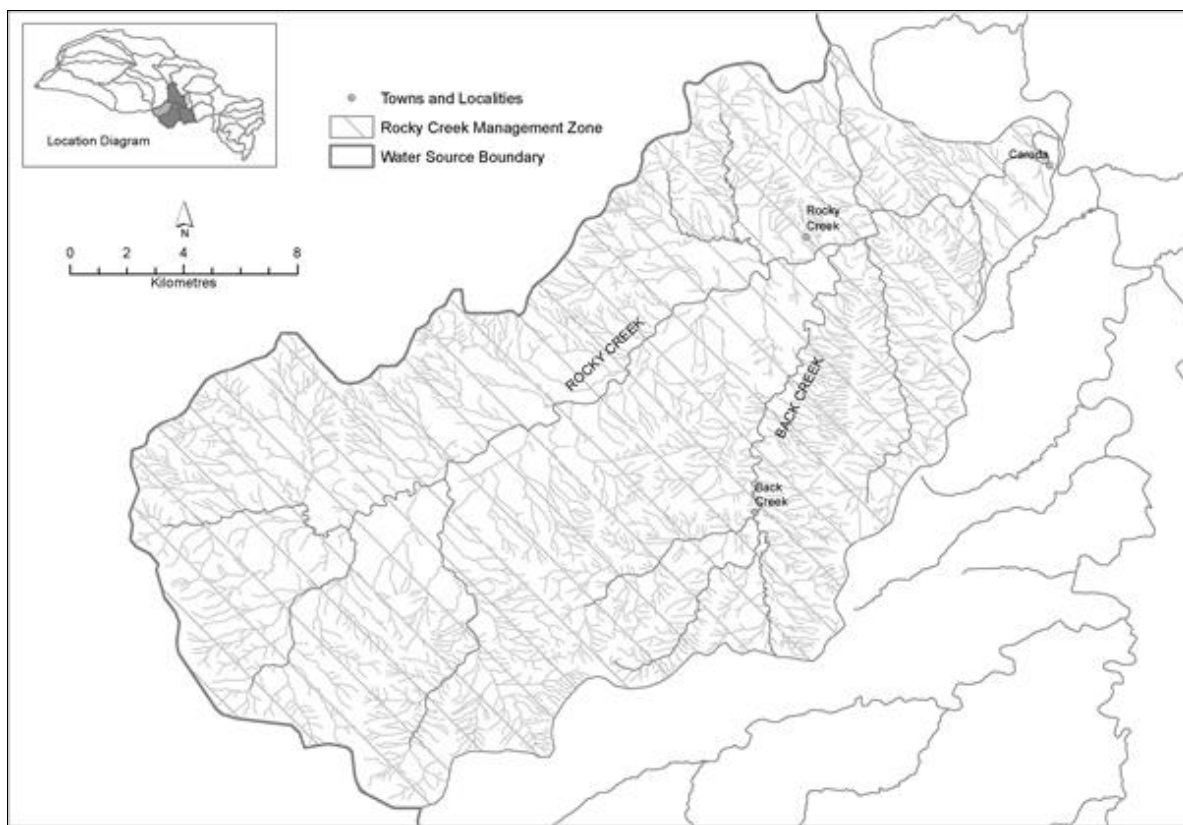
Appendix 2 (Repealed)

Appendix 3 Overview of the management zones covered by this Plan

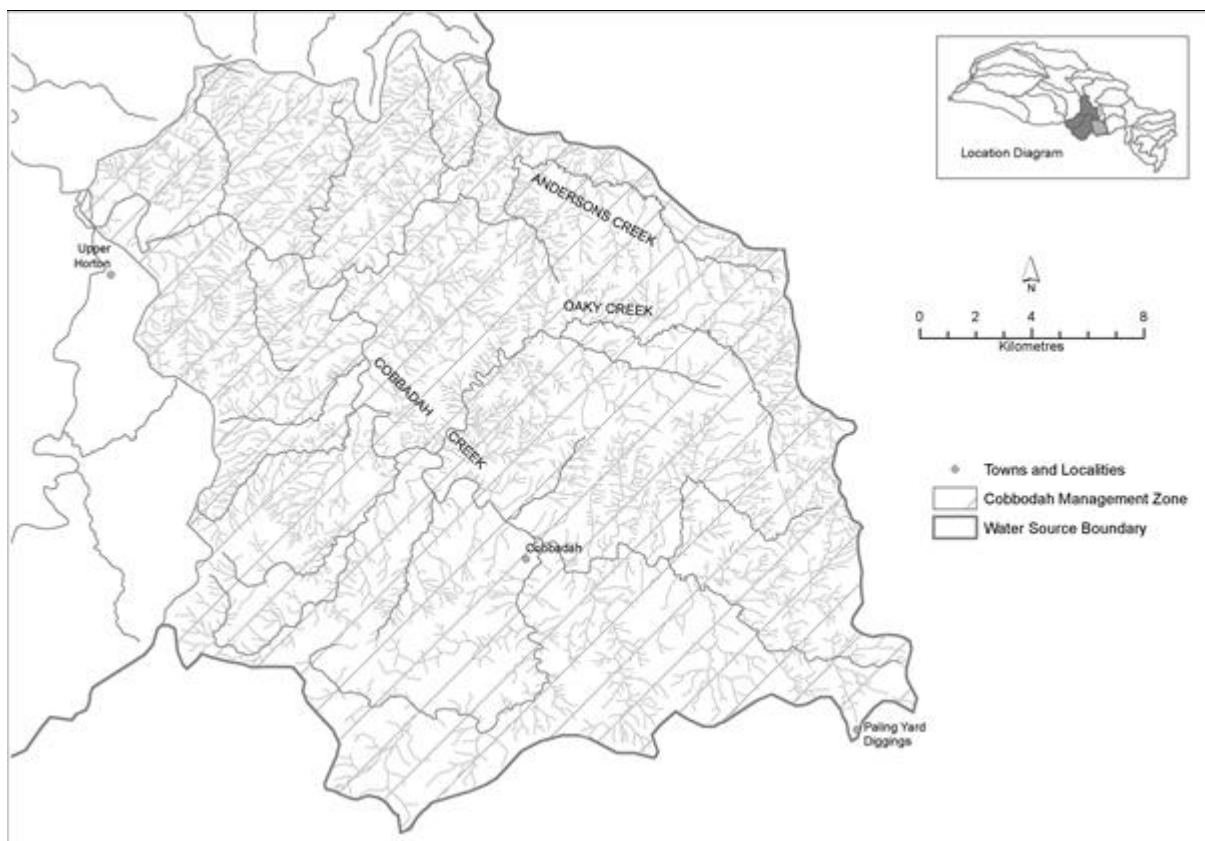
Overview of the Halls Creek Water Source management zones



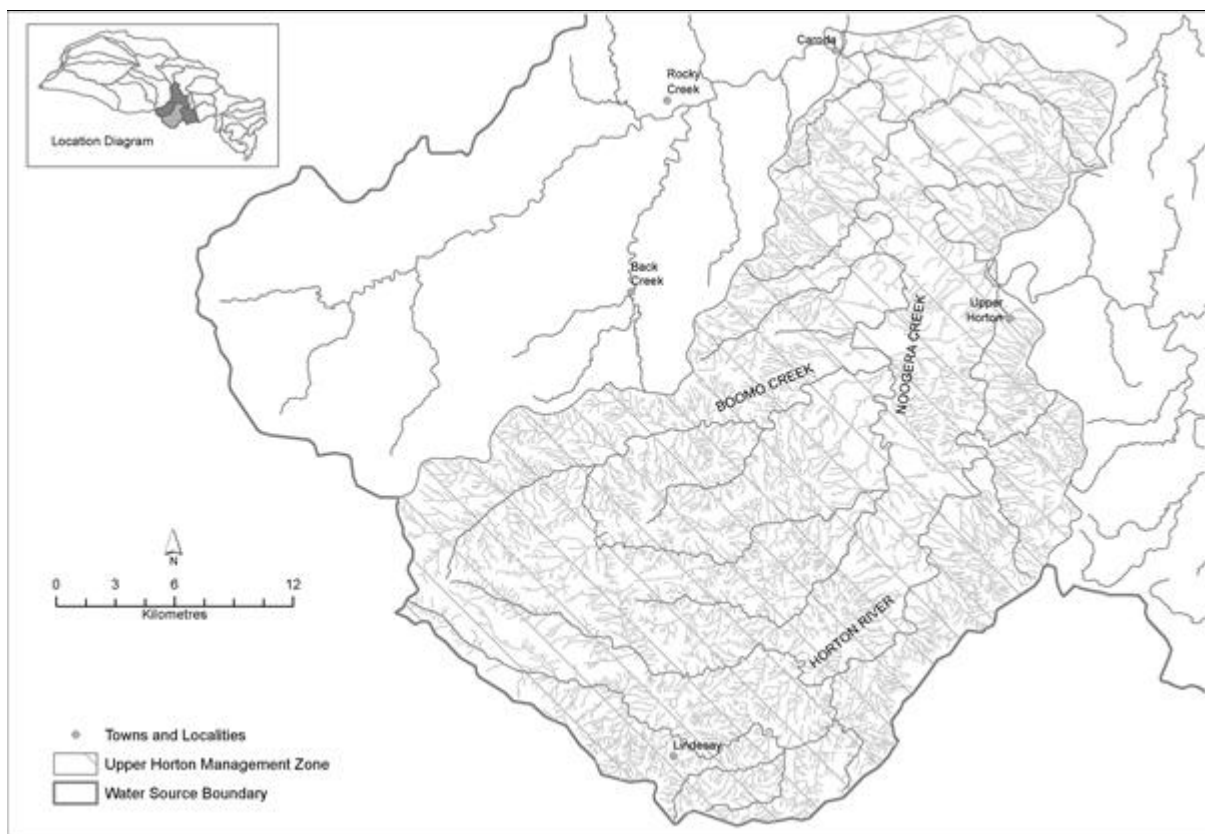
Overview of the Rocky Creek management zones



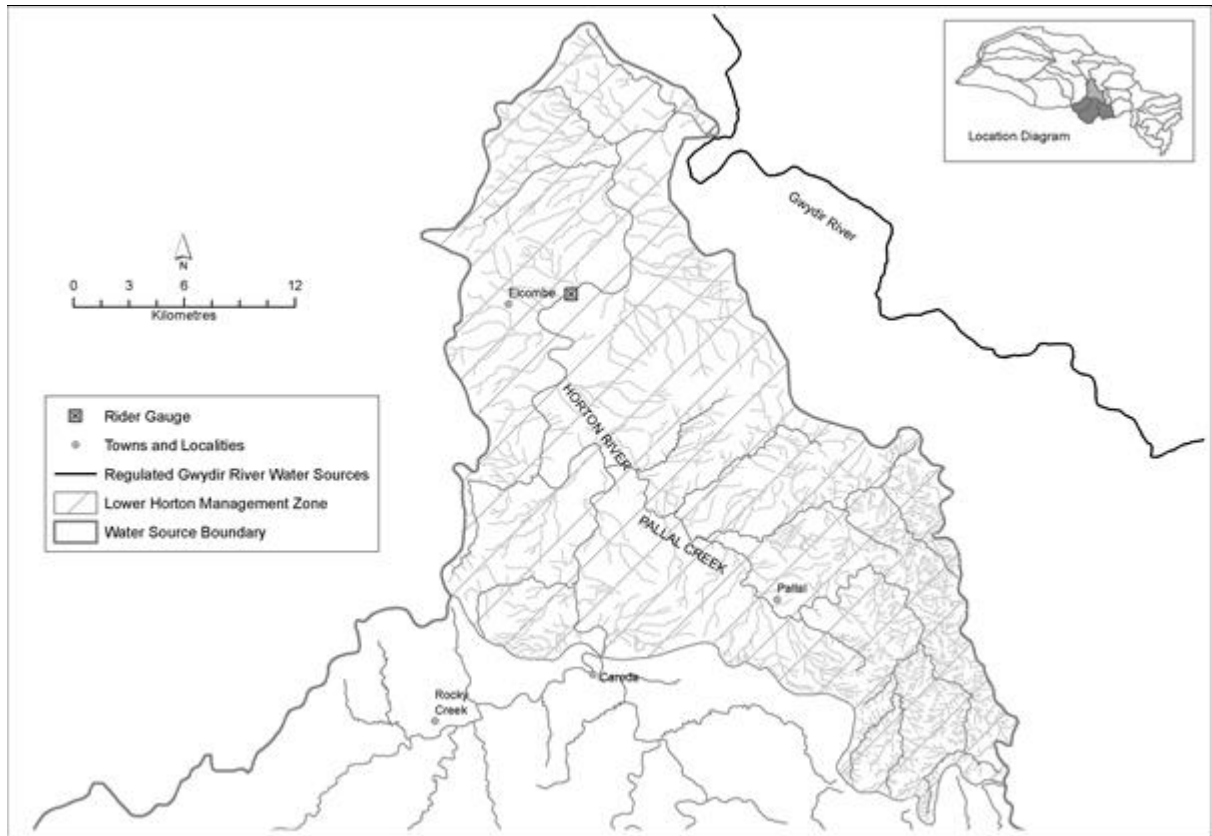
Overview of the Cobbadah management zones



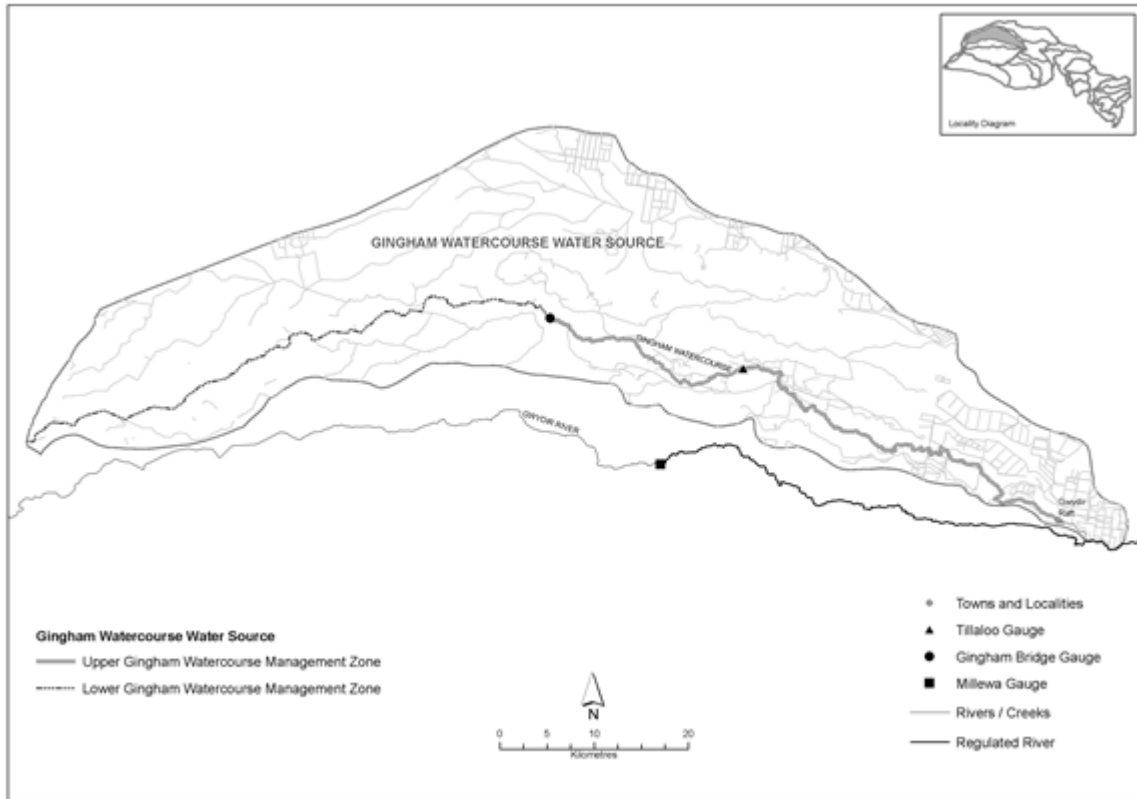
Overview of the Upper Horton management zones



Overview of the Lower Horton management zones



Overview of the Gingham Watercourse Water Source management zones



Appendix 4 Access licences subject to cease to take conditions specified in clause 43 (6) 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 adjusted to protect Active Environmental Water, imposed as mandatory conditions to give effect to clause 43 (6) of this Plan. Where *Water Act 1912* entitlements include conditions that are linked to other conditions, condition numbers have been provided in Column 4.

Column 1 Water Act 1912 entitlements that will be replaced by access licences on commencement of this Plan	Column 2 Water Source	Column 3 Water Act 1912 conditions	Column 4 Condition Number
90SL043379	Roumalla Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW MAINTAINED IN ROUMALLA CREEK AT THE CAUSEWAY IN KINGSTOWN.	
90SL047336	Roumalla Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS: A VISIBLE FLOW IN ROMALLA CREEK OVER THE ROCK BAR SITUATED IMMEDIATELY DOWNSTREAM OF THE PUMP SITE ON PORTION 16, PARISH OF BALDWIN, COUNTY OF HARDINGE. NOTWITHSTANDING, THERE MUST ALSO BE A VISIBLE FLOW IN ROMALLA CREEK OVER THE SAND BAR AT THE CONFLUENCE OF PONDS CREEK (LOCAL NAME, SANDY CREEK) ON PORTION 40, PARISH OF BALDWIN, COUNTY OF HARDINGE.	
90SL026052	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.	
90SL036246	Moredun Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION WHEN THE LEVEL OF THE WATER IN THE	

		<p>GWYDIR RIVER AT THE SITE OF THE PUMP AUTHORISED BY LICENSE 90SL019920 (BUNDARRA WATER SUPPLY) IS MORE THAN 2.27 METRES BELOW THE BENCH MARK ESTABLISHED ON THE TOP OF THE PUMP WELL AT THE SITE. PARTICULARS OF THE BENCH MARK ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER.</p>
90SL036466	Moredun Creek Water Source	<p>THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN MOREDUN CREEK AT BOTH THE ACCESS CROSSING WITHIN LOT 1 DP 559154, PARISH OF CLERKNES AND THE PIPED CAUSEWAY LOCATED BETWEEN LOT 41 DP 753652 PARISH OF CLERKNES AND LOT 55 DP 753646 PARISH OF BUNDARRA, ALL COUNTY OF HARDINGE.</p>
90SL037199	Moredun Creek Water Source	<p>THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN MOREDUN CREEK AT BOTH THE ACCESS CROSSING WITHIN LOT 1 DP 559154, PARISH OF CLERKNES AND THE PIPED CAUSEWAY LOCATED BETWEEN LOT 41 DP 753652 PARISH OF CLERKNES AND LOT 55 DP 753646 PARISH OF BUNDARRA, ALL COUNTY OF HARDINGE.</p>
90SL037542	Moredun Creek Water Source	<p>THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN MOREDUN CREEK AT THE CONCRETE SLAB IMMEDIATELY DOWNSTREAM OF MACLEAN BRIDGE LOCATED BETWEEN LOT 114 DP 46397, PARISH OF BUNDARRA AND LOT 1 DP 388878, PARISH OF CLERKNES, BOTH COUNTY OF HARDINGE.</p>
90SL039705	Moredun Creek Water Source	<p>THE PUMPS SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.</p>
90SL040942	Moredun Creek Water Source	<p>THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION FROM THE GWYDIR RIVER UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.</p>

90SL043602	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.	
90SL044066	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION FROM THAT SECTION OF THE RIVER KNOWN LOCALLY AS TAYLORS POND, WHEN THE LEVEL OF THE WATER IN THE GWYDIR RIVER AT THE SITE OF THE PUMP AUTHORISED BY LICENSE 90SL019920 (BUNDARRA WATER SUPPLY) IS MORE THAN 2.27 METRES BELOW THE BENCH MARK ESTABLISHED ON THE TOP OF THE PUMP WELL AT THE SITE. PARTICULARS OF THE BENCH MARK ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER.	
90SL044642	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.	
90SL046992	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED UNLESS THERE IS A VISIBLE FLOW IN MOREDUN CREEK AT THE TENTERDEN-TINGHA ROAD CAUSEWAY.	
90SL047310	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.	
90SL051438	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR RIVER AT THE LOW LEVEL EMU BRIDGE ON THE BUNDARRA-ARMIDALE ROAD, IMMEDIATELY UPSTREAM OF BUNDARRA.	
90SL100142	Moredun Creek Water Source	SUBJECT TO CONDITION (9), THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THE LEVEL OF THE GAUGE WITHIN THE PUMPING POOL EXCEEDS 0.2 METRE (OR SUCH OTHER READING AS THE DEPARTMENT OF WATER AND ENERGY MAY DETERMINE FROM TIME TO TIME).	8

90SL100142	Moredun Creek Water Source	THE AUTHORISED WORK SHALL NOT BE OPERATED UNLESS NSW OFFICE OF WATER THROUGH ITS MOREE OFFICE HAS FIRSTLY BEEN ADVISED IN ADVANCE OF GAUGE HEIGHT AND INTENTION TO IRRIGATE.	9
90SL100252	Moredun Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED DURING PUMPING OPERATIONS, AT THE ROCK BAR CONNECTION BETWEEN “WOORABINDA POND” AND “TAYLORS POND”, WITHIN LOT 93, DP753652, PARISH OF CLERKNES, COUNTY OF HARDINGE.	
90SL100970	Moredun Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS A VISIBLE FLOW IS MAINTAINED IN THE GWYDIR R AT THE LOW LEVEL ‘EMU’ BRIDGE ON THE BUNDARRA/ARMIDALE RD IMMEDIATELY UPSTREAM OF BUNDARRA. THE VISIBLE FLOW SHALL BE EQUAL TO THE EXTRACTION RATE OF THE INSTALLED PUMP UP TO THE AUTHORISED CAPACITY.	
90SL049729	Keera Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN MACINTYRE CREEK AT A POINT APPROXIMATELY 31 METERS DOWNSTREAM OF THE COMMON BOUNDARY BETWEEN LOT 1 DP 578782 AND LOT 56 DP 754821, PARISH OF CAPEL, COUNTY OF MURCHISON.	
90SL049735	Keera Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN MACINTYRE CREEK AT A POINT APPROXIMATELY 31 METERS DOWNSTREAM OF THE COMMON BOUNDARY BETWEEN LOT 1 DP 578782 AND LOT 56 DP 754821, PARISH OF CAPEL, COUNTY OF MURCHISON.	
90SL041113	Copeton Dam Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN AUBURN VALE CREEK AT THE INVERELL-COPETON-BINGARA ROAD CROSSING ADJACENT TO LOT 2 DP 456761, PARISH OF AUBURN VALE, COUNTY OF HARDINGE.	
90SL051314	Copeton Dam Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN	

		SANDY CREEK AT THE BRIDGE CROSSING ON THE EASTERN SIDE OF LOT 1 DP 738271, PARISH OF TIENGA, COUNTY OF HARDINGE, ON THE BUNDARRA/INVERELL ROAD.
90SL100824	Copeton Dam Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN FERGUSONS CREEK WITHIN THE NEXT RIFFLE SECTION DOWNSTREAM OF THE EXTRACTION SITE.
90SL100854	Copeton Dam Water Source	THE AUTHORISED WORK ON SANDY CREEK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW BELOW THE WATERHOLE AT THE SITE OF THE AUTHORISED WORKS.
90SL101036	Copeton Dam Water Source	THE AUTHORISED DIVERSION PIPES WITHIN LOT 84 DP 754840, PARISH OF GUM FLAT, COUNTY OF MURCHISON, SHALL NOT BE USED FOR THE PURPOSE OF DIVERTING WATER FOR IRRIGATION PURPOSES UNLESS THERE IS A VISIBLE FLOW IN BACK CREEK ADJACENT TO THE NORTH WEST BOUNDARY OF LOT 145 DP 754840, BEING A POINT 20 METRES UPSTREAM OF THE JUNCTION OF AN UNNAMED WATERCOURSE WITH BACK CREEK.
90SL016629	Halls Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN HALLS CREEK AT THE BINGARA-BARRABA ROAD BRIDGE NEAR THE SOUTH-EASTERN CORNER OF T.S.R.29608, PARISH OF BINGARA, COUNTY OF MURCHISON.
90SL026218	Halls Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN HALLS CREEK AT THE BINGARA-BARRABA ROAD BRIDGE NEAR THE SOUTH-EASTERN CORNER OF TSR 29608, PARISH OF BINGARA, COUNTY OF MURCHISON.
90SL045153	Halls Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN HALLS CREEK AT THE BINGAR-BARRABA ROAD BRIDGE NEAR THE SOUTH-EASTERN CORNER OF T S R 29608, PARISH OF BINGARA, COUNTY OF MURCHISON.
90SL048568	Halls Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN HALLS CREEK AT THE

		BINGARA-BARRABA ROAD BRIDGE NEAR THE SOUTH-EASTERN CORNER OF T S R 29608, PARISH OF BINGARA, COUNTY OF MURCHISON.
90SL050312	Halls Creek Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN HALLS CREEK AT THE BINGARA-BARRABA ROAD BRIDGE NEAR THE SOUTH-EASTERN CORNER OF T S R 29608, PARISH OF BINGARA, COUNTY OF MURCHISON.
90SL043932	Myall Creek Water Source	WHEN THERE IS A FLOW IN MYALL CREEK AT THE ROAD CROSSING WITHIN LOT 181 DP 754840, PARISH OF GUM FLAT, COUNTY OF MURCHISON, THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN THE SAID CREEK AT THE ROAD CROSSING BETWEEN LOT 132 DP 456434 AND LOT 136 DP 754840, SAID PORTION OF GUM FLAT.
90SL045918	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN MYALL CREEK IMMEDIATELY UPSTREAM OF ITS CONFLUENCE WITH TURRAWARRA CREEK AND PROVIDED THAT AT THE SAME TIME A VISIBLE FLOW IS MAINTAINED AT "THE WATERFALL" LOCATED BETWEEN LOT 32 DP 754863, PARISH OF TURRAWARRA AND LOT 75 DP 754861, PARISH OF STAG, BOTH BEING COUNTY OF MURCHISON.
90SL046281	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN MYALL CREEK IMMEDIATELY UPSTREAM OF ITS CONFLUENCE WITH TURRAWARRA CREEK AND PROVIDED THAT AT THE SAME TIME A VISIBLE FLOW IS MAINTAINED AT "THE WATERFALL" LOCATED BETWEEN LOT 32 DP 754863, PARISH OF TURRAWARRA AND LOT 75 DP 754861, PARISH OF STAG, BOTH BEING COUNTY OF MURCHISON.
90SL046552	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN MYALL CREEK IMMEDIATELY UPSTREAM OF ITS CONFLUENCE WITH TURRAWARRA CREEK AND PROVIDED THAT AT THE SAME TIME A VISIBLE FLOW IS MAINTAINED AT "THE WATERFALL" LOCATED BETWEEN

		LOT 32 DP 754863, PARISH OF TURRAWARRA AND LOT 75 DP 754861, PARISH OF STAG, BOTH BEING COUNTY OF MURCHISON.	
90SL047320	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW THROUGH THE PIPE AT THE CONCRETE ROAD CAUSEWAY ON LOT 3 DP 456606, PARISH OF DELUNGRA, COUNTY OF MURCHISON.	
90SL051218	Myall Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN EXCESS OF A DESIGNATED MARK 10 MM ABOVE THE INVERT OF A 90 DEGREE "V" NOTCH CONSTRUCTED TO THE SATISFACTION OF THE NSW OFFICE OF WATER (DETAILS OF WHICH SHALL BE RETAINED IN THE OFFICE OF THE DEPARTMENT), IN THE VICINITY UPSTREAM AND ACCESSIBLE BY THE PUBLIC ON MYALL CREEK AT "HAVILAH" CROSSING (LOCATED BETWEEN LOT 181 DP 754840 AND LOT 183 DP 754840, PARISH OF GUM FLAT, COUNTY OF MURCHISON.	
90SL051585	Myall Creek Water Source	NOTWITHSTANDING CONDITION 4, WHEN THERE IS A VISIBLE FLOW IN WHITLOW CREEK AT THE BINGARA-INVERELL ROAD BRIDGE, THE AUTHORISED WORK MAY BE USED TO FILL A GROUND TANK ADJACENT TO THE DWELLING FOR STOCK AND DOMESTIC PURPOSES.	5
90SL051585	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED TO FILL A MANUFACTURED ABOVE-GROUND TANK, NOT EXCEEDING 22,200 LITRES (5,000 GALLONS) USED FOR STOCK AND DOMESTIC PURPOSES FOR A DWELLING HOISE UNLESS THERE IS A VISIBLE FLOW IN WHITLOW CREEK NEAR THE NORTH-WESTERN BOUNDARY OF PORTION 38, PARISH OF MYALL, COUNTY OF MURCHISON, KNOWN LOCALLY AS THE "WOODBINE" CROSSING.	4
90SL051585	Myall Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED TO FILL A MANUFACTURED ABOVE-GROUND TANK, NOT EXCEEDING 22,200 LITRES (5,000 GALLONS) USED FOR STOCK AND DOMESTIC PURPOSES FOR A DWELLING HOUSE UNLESS THERE IS A VISIBLE FLOW IN WHITLOW CREEK NEAR THE NORTH-WESTERN BOUNDARY OF LOT 38 DP 754853, PARISH OF MYALL, COUNTY	

		OF MURCHISON, KNOWN LOCALLY AS THE “WOODBINE” CROSSING.
90SL100040	Myall Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN EXCESS OF A DESIGNATED MARK 10 MM ABOVE THE INVERT OF A 90 DEGREE “V” NOTCH CONSTRUCTED TO THE SATISFACTION OF THE NSW OFFICE OF WATER (DETAILS OF WHICH SHALL BE RETAINED IN THE OFFICE OF THE DEPARTMENT), IN THE VICINITY UPSTREAM AND ACCESSIBLE BY THE PUBLIC ON MYALL CREEK AT “HAVILAH” CROSSING (LOCATED BETWEEN LOT 181 DP 754840 AND LOT 183 DP 754840, PARISH OF GUM FLAT, COUNTY OF MURCHISON.
90SL100012	Gurley Creek Water Source	WATER SHALL NOT BE ABSTRACTED FROM GURLEY CREEK BY MEANS OF THE PUMPS REFERRED TO IN THIS LICENSE WHEN THE LEVEL OF THE WATER IN THE SAID CREEK AT THE CROSSING OF THE NARRABRI-MOREE STOCK ROUTE IN C.R. 8723, PARISH OF BURRANBAH, COUNTY OF COURALLIE IS LOWER THAN 1.52 METRES BELOW THE LEVEL OF A BENCHMARK ESTABLISHED ON A GUM TREE ON THE LEFT BANK OF THE WATERCOURSE NEAR THE SAID CROSSING.
90SL017933	Tycannah Creek Water Source	WHEN THERE ARE FLOWS IN TYCANNAH CREEK THE PUMP SHALL NOT BE OPERATED UNLESS SUCH FLOWS SHALL HAVE OVERTOPPED THE TELECOM CONCRETE SPILLWAY LOCATED DOWNSTREAM OF THE NEWELL HIGHWAY, FOR A PERIOD OF NOT LESS THAN 24 HOURS PRIOR TO THE COMMENCEMENT OF DIVERSION AND PROVIDED THAT A FLOW IS MAINTAINED OVER THE SAID SPILLWAY.
90SL051691	Tycannah Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN TYCANNAH CREEK AT THE ROAD BRIDGE SITUATED ON LOT 79 DP 751776, PARISH OF WIRRIBURLDONGA, COUNTY OF COURALLIE.
90SL100666	Tycannah Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW AT THE BERRYGILL CREEK ROAD CROSSING BETWEEN LOTS 51 AN 24, DP 751764, PARISH OF DOWNS, COUNTY OF COURALLIE.

90SL101052	Tycannah Creek Water Source	THE APPROVAL HOLDER MUST NOT TAKE ANY WATER FROM AN APPROVED WORK FOR THE PURPOSE OF IRRIGATION, UNLESS THERE IS A VISIBLE FLOW IN TYCANNAH CREEK AT THE TYCANNAH CREEK BRIDGE ON THE NEWELL HIGHWAY.
90SL045545	Warialda Creek Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THERE IS A VISIBLE FLOW IN BLACK CREEK AT THE ROAD CAUSEWAY BETWEEN LOT 133 DP 751107, PARISH OF GRAGIN AND LOT 172 DP 721468, PARISH OF MYALLA, BOTH COUNTY OF BURNETT.
90SL100865	Warialda Creek Water Source	THE LICENSED WORK SHALL NOT BE USED FOR RECREATIONAL IRRIGATION PURPOSES UNLESS THERE IS A VISIBLE FLOW THROUGH THE PIPES SITUATED IN THE LOW LEVEL CROSSING ON WARIALDA CREEK AT THE EASTERN END OF HOPE STREET, WARIALDA.
90SL043604	Moree Water Source	THE PUMP SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION OR FILLING AN OFF-RIVER STORAGE UNLESS MARSHALLS PONDS CREEK IS FLOWING OVER THE LOW LEVEL BITUMEN ROAD BYPASS AT THE ASHLEY ROAD BRIDGE.
90SL100459	Moree Water Source	NEITHER PUMP SHALL BE USED FOR THE PURPOSE OF IRRIGATION OR FILLING AN OFF-RIVER STORAGE UNLESS MARSHALL'S PONDS CREEK IS FLOWING OVER THE LOW LEVEL BITUMEN ROAD BYPASS AT THE ASHLEY ROAD BRIDGE.
90SL041067	Mehi River Water Source	THE AUTHORISED WORK SHALL NOT BE USED WHEN THE LEVEL OF WATER IN MONGYER LAGOON FALLS BELOW R L 158.5 AUSTRALIAN HEIGHT DATUM.
90SL041802	Mehi River Water Source	THE AUTHORISED WORK SHALL NOT BE USED WHEN THE LEVEL OF WATER IN MONGYER LAGOON FALLS BELOW RL 158.5 AUSTRALIAN HEIGHT DATUM.
90SL043893	Mehi River Water Source	SUBJECT TO CONDITION 8, THE AUTHORISED WORK SHALL NOT BE USED FOR IRRIGATION OR WATER CONSERVATION FOR IRRIGATION UNLESS: THE DEPARTMENT HAS ANNOUNCED THAT SURPLUS FLOW AND OFF-ALLOCATION CONDITIONS EXIST DOWNSTREAM OF THE GUNDARE REGULATOR, AND THE DISCHARGE AT THE MALLOWA CREEK OFF TAKE REGULATOR EXCEEDS 400 ML/D (SUCH DISCHARGE CORRESPONDING TO

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THE GAUGE READING OF 171.40 METERS OR SUCH OTHER READING AS MAY BE DETERMINED FROM TIME TO TIME), AND

THERE IS A VISIBLE FLOW IN MALLOWA CREEK WHERE IT CROSSES THE WESTERN BOUNDARY OF LOT 17 DP 750454, PARISH OF CURROTHA, COUNTY OF BENARBA.

90SL043893	Mehi River Water Source	<p>NOTWITHSTANDING CONDITION 7, BUT SUBJECT TO CONDITION 7 (1) HAVING BEEN SATISFIED, APPLICATION MAY BE MADE TO THE WATER DELIVERY MANAGER OF STATE WATER AT GOONDIWINDI FROM TIME TO TIME FOR PERMISSION TO USE THE AUTHORISED WORK DURING ANY LIMITED PERIOD, OTHERWISE THAN IN ACCORDANCE WITH THE SAID LIMITATIONS AND CONDITIONS. IF ANY SUCH APPLICATION BE GRANTED IN WHOLE OR IN PART BY THE SAID DEPARTMENT THEN THE AUTHORISED WORK MAY BE OPERATED FOR THE PERIOD IN ACCORDANCE WITH THE CONDITIONS TO BE SPECIFIED BY THE SAID DEPARTMENT IN GRANTING THE APPLICATION. THE APPLICATION AND THE GRANTING THEREOF BY THE SAID DEPARTMENT SHALL BE IN WRITING.</p>	8
90SL044131	Mehi River Water Source	<p>SUBJECT TO CONDITION 8, THE AUTHORISED WORK SHALL NOT BE USED FOR IRRIGATION OR WATER CONSERVATION FOR IRRIGATION UNLESS: NSW OFFICE OF WATER HAS ANNOUNCED THAT SURPLUS FLOW AND OFF-ALLOCATION CONDITIONS EXIST DOWNSTREAM OF THE GUNDARE REGULATOR, AND THE DISCHARGE AT THE MALLOWA CREEK OFF TAKE REGULATOR EXCEEDS 400 ML/D (SUCH DISCHARGE CORRESPONDING TO THE GAUGE READING OF 171.40 METERS OR SUCH OTHER READING AS MAY BE DETERMINED FROM TIME TO TIME) AND</p> <p>THERE IS A VISIBLE FLOW IN MALLOWA CREEK WHERE IT CROSSES THE WESTERN BOUNDARY OF LOT 17 DP 750454, PARISH OF CURROTHA, COUNTY OF BENARBA.</p>	7
90SL044131	Mehi River Water Source	<p>NOTWITHSTANDING CONDITION 7 BUT SUBJECT TO CONDITION 7 (A) HAVING BEEN SATISFIED, APPLICATION MAY BE MADE TO NSW OFFICE OF WATERS'</p>	8

SUPERINTENDENT GWYDIR/BORDER RIVERS AT MOREE FROM TIME TO TIME FOR PERMISSION TO USE THE AUTHORISED WORK DURING ANY LIMITED PERIOD, OTHERWISE THAN IN COMPLIANCE WITH THE SAID LIMITATIONS AND CONDITIONS. IF ANY SUCH APPLICATIONS BE GRANTED IN WHOLE OR IN PART BY THE SAID DEPARTMENT THEN THE AUTHORISED WORK MAY BE OPERATED FOR THE PERIOD AND IN ACCORDANCE WITH THE CONDITIONS TO BE SPECIFIED BY THE SAID DEPARTMENT IN GRANTING THE APPLICATION. THE APPLICATION AND THE GRANTING THEREOF BY THE SAID DEPARTMENT SHALL BE IN WRITING.

90SL044924	Mehi River Water Source	SUBJECT TO CONDITION 8, THE AUTHORISED WORK SHALL NOT BE USED FOR IRRIGATION OR WATER CONSERVATION FOR IRRIGATION UNLESS: THE DEPARTMENT HAS ANNOUNCED THAT SURPLUS FLOW AND OFF-ALLOCATION CONDITIONS EXIST DOWNSTREAM OF THE GUNDARE REGULATOR, AND THE DISCHARGE AT THE MALLOWA CREEK OFF TAKE REGULATOR EXCEEDS 400 ML/D (SUCH DISCHARGE CORRESPONDING TO THE GAUGE READING OF 171.40 METERS OR SUCH OTHER READING AS MAY BE DETERMINED FROM TIME TO TIME) AND THERE IS A VISIBLE FLOW IN MALLOWA CREEK WHERE IT CROSSES THE WESTERN BOUNDARY OF LOT 17 DP 750454, PARISH OF CURROTHA, COUNTY OF BENARBA.	7
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90SL044924	Mehi River Water Source	NOTWITHSTANDING CONDITION 7, BUT SUBJECT TO CONDITION (1) HAVING BEEN SATISFIED, APPLICATION MAY BE MADE TO THE DEPARTMENT'S WATER SUPERINTENDENT, AT MOREE FROM TIME TO TIME FOR PERMISSION TO USE THE AUTHORISED WORK DURING ANY LIMITED PERIOD, OTHERWISE THAN IN ACCORDANCE WITH SAID LIMITATIONS AND CONDITIONS. IF SUCH APPLICATION BE OPERATED FOR THE PERIOD AND IN ACCORNDACE WITH THE CONDITIONS TO BE SPECIFIED BY THE SAID DEPARTMENT IN GRANTING THE APPLICATION. THE APPLICATION AND THE GRANTING THEREOF BY THE SAID DEPARTMENT SHALL BE IN WRITING.	8
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90SL050573	Mehi River Water Source	<p>WHEN THERE ARE NATURAL FLOWS IN TARRAN CREEK ENTERING BOONALDOON THE PIPES REFERRED TO IN CONDITIONS 2, 4, 6, 8 SHALL BE SO OPERATED TO MAINTAIN AN EQUIVALENT FLOW DOWNSTREAM OF THE DAMS, PROVIDED HOWEVER THAT THEY MAY BE CLOSED WHEN EITHER OF THE FOLLOWING FLOW CONDITIONS EXIST:</p> <p>TARRAN CREEK FLOWS HAVE CEASED AT THE “KEYTAH-BOONALDOON” BOUNDARY,</p> <p>TARRAN CREEK FLOWS HAVE REACHED A LEVEL OF 0.5 METRES AT THE GUNDARE ROAD CROSSING, OR</p> <p>SURPLUS FLOWS IN THE MEHI RIVER, VIA BROWNS CREEK, HAVE CAUSED TARRAN CREEK TO REACH A LEVEL OF 0.5 METRES AT THE GUNDARE ROAD CROSSING.</p>	9
90SL050573	Mehi River Water Source	<p>THE LEVEL OF THE CREST OF THE BYWASH OF THE DAM SHOWN AS NUMBER 1 ON A PLAN, PARTICULARS OF WHICH ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER SHALL BE FIXED AT NOT LOWER THAN 1.12 METRES BELOW THE LEVEL OF THE BENCH MARK ESTABLISHED ON A NAIL IN A STRAINER POST ON THE LEFT BANK OF THE WATERCOURSE NEAR THE WORK.</p>	1
90SL050573	Mehi River Water Source	<p>A PIPE WITH A DIAMETER OF NOT LESS THAN 500MM FITTED WITH A STOP VALVE OR OTHER CONTROL DEVICE SHALL BE CONSTRUCTED THROUGH THE DAM REFERRED TO IN CONDITION (1) TO THE SATISFACTION OF THE NSW OFFICE OF WATER. THE LEVEL OF THE SAID PIPE SHALL BE FIXED AT OR NEAR THE BED LEVEL OF THE CREEK.</p>	2
90SL050573	Mehi River Water Source	<p>THE LEVEL OF THE CREST OF THE BYWASH OF THE DAM SHOWN AS NUMBER 2 ON A PLAN, PARTICULARS OF WHICH ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER SHALL BE FIXED AT NOT HIGHER THAN 2.90 METRES ABOVE THE BED LEVEL OF THE CREEK.</p>	3
90SL050573	Mehi River Water Source	<p>A PIPE WITH A DIAMETER OF NOT LESS THAN 500MM FITTED WITH A STOP VALVE OR OTHER CONTROL DEVICE SHALL BE CONSTRUCTED THROUGH THE DAM REFERRED TO IN CONDITION (3), TO THE SATISFACTION OF THE NSW OFFICE OF</p>	4

		WATER. THE LEVEL OF THE INVERT OF THE SAID PIPE SHALL BE FIXED AT OR NEAR THE BED LEVEL.	
90SL050573	Mehi River Water Source	THE LEVEL OF THE CREST OF THE BYWASH OF THE DAM SHOWN AS NUMBER 3 ON A PLAN, PARTICULARS OF WHICH ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER SHALL BE FIXED AT NOT HIGHER THAN 1.60 METRES ABOVE THE BED LEVEL OF THE CREEK.	5
90SL050573	Mehi River Water Source	A PIPE WITH A DIAMETER OF NOT LESS THAN 500MM FITTED WITH A STOP VALVE OR OTHER CONTROL DEVICE SHALL BE CONSTRUCTED THROUGH THE DAM REFERRED TO IN CONDITION (5), TO THE SATISFACTION OF THE NSW OFFICE OF WATER. THE LEVEL OF THE INVERT OF THE SAID PIPE SHALL BE FIXED AT OR NEAR THE BED LEVEL.	6
90SL050573	Mehi River Water Source	THE LEVEL OF THE CREST OF THE BYWASH OF THE DAM SHOWN AS NUMBER 4 ON A PLAN, PARTICULARS OF WHICH ARE RETAINED IN THE OFFICE OF THE NSW OFFICE OF WATER SHALL BE FIXED AT NOT HIGHER THAN 2.31 METRES ABOVE THE BED LEVEL OF THE CREEK.	7
90SL050573	Mehi River Water Source	A PIPE WITH A DIAMETER OF NOT LESS THAN 500MM FITTED WITH A STOP VALVE OR OTHER CONTROL DEVICE SHALL BE CONSTRUCTED THROUGH THE DAM REFERRED TO IN CONDITION (7), TO THE SATISFACTION OF THE NSW OFFICE OF WATER. THE LEVEL OF THE INVERT OF THE SAID PIPE SHALL BE FIXED AT OR NEAR THE BED LEVEL.	8
90SL100740	Mehi River Water Source	THE AUTHORISED WORK SHALL NOT BE USED WHEN THE LEVEL OF WATER IN MONGYER LAGOON FALLS BELOW R.L. 158.5 AUSTRALIAN HEIGHT DATUM.	
90SL100811	Mehi River Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THE ALMA GAUGE ON MOOMIN CREEK IS ABOVE 2 METRES AND A FLOW EMANATING FROM THE UPSTREAM WOLONGIMBA CREEK CATCHMENT IS RESPONSIBLE FOR THE READING ABOVE 2 METRES ON THE SAID GAUGE.	
90SL100821	Mehi River Water Source	THE AUTHORISED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION UNLESS THE ALMA GAUGE ON MOOMIN CREEK IS ABOVE 2 METRES AND A FLOW EMANATING FROM THE UPSTREAM	

		WOLONGIMBA CREEK CATCHMENT IS RESPONSIBLE FOR THE READING ABOVE 2 METRES ON THE SAID GAUGE.	
90SL101039	Gingham Watercourse Water Source	THE AUTHORISED WORK SHALL NOT BE USED UNLESS FLOWS IN THE GINGHAM WATERCOURSE ARE NOT LESS THAN 500 MEGALITRES PER DAY AT THE GINGHAM BRIDGE PROVIDED THAT SUCH FLOWS SHALL HAVE REACHED THE WOODLANDS ROAD.	
90SL101039	Gingham Watercourse Water Source	SUBJECT TO CONDITION (12), THE LICENSED WORK SHALL NOT BE USED FOR THE PURPOSE OF IRRIGATION WHEN FLOWS TARGETED FOR STOCK, DOMESTIC OR ENVIRONMENTAL ALLOWANCE, AS DISTINCT FROM FLOOD FLOWS, ARE BEING DISTRIBUTED TO AUGMENT THE GINGHAM WETLANDS. MORE SPECIFICALLY, THESE FLOWS REFER TO: DECLARED RELEASES OUT OF THE 25,000 ML ENVIRONMENTAL CONTINGENCY ALLOWANCE, 50:50 SHARING OF DELARED OFF ALLOCATION FLOWS, WHEN YARRAMAN EXCEEDS 1,000 MLS/DAY BUT IS LESS THAN A DECLARED MINOR FLOOD EVENT, MINIMUM STOCK AND DOMESTIC RELEASES UP TO 500 MLS/DAY FROM THE GINGHAM WATER USERS ANNUAL ALLOCATION.	13
90SL101039	Gingham Watercourse Water Source	THE AUTHORISED WORK SHALL NOT BE USED UNLESS FLOWS IN THE GINGHAM WATERCOURSE ARE NOT LESS THAN 500 MEGALITRES PER DAY AT THE GINGHAM BRIDGE PROVIDED SUCH FLOWS SHALL HAVE REACHED THE WOODLANDS ROAD.	12

Appendix 5 (Repealed)