



New South Wales

## **Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012**

under the

**Water Management Act 2000**

I, the Minister for Primary Industries, in pursuance of section 50 of the *Water Management Act 2000*, do, by this Order, make the following Minister's Plan for the Namoi Unregulated and Alluvial Water Sources.

Dated this 19th day of September 2012.

KATRINA HODGKINSON, MP

**Minister for Primary Industries**

### **Explanatory note**

This Order is made under section 50 of the *Water Management Act 2000*.

The object of this Order is to make the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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# Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

## Part 1 Introduction

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

### 1 Name of this Plan

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

### 2 Nature and status of this Plan

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

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

### 3 Commencement of this Plan

This Plan commences on 4 October 2012.

#### **Notes.**

- 1 In accordance with section 43 of the Act, this Plan will have effect for 10 years from 1 July 2013.
- 2 The Minister may extend this Plan for a further period of 10 years after it is due to expire, in accordance with section 43A of the Act.

### 4 Application of this Plan

- (1) This Plan applies to the following water sources known as the Namoi Unregulated and Alluvial Water Sources (hereafter *these water sources*) within the Namoi Water Management Area:
  - (a) the Namoi Unregulated Rivers Water Sources (hereafter *the Namoi*

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*Unregulated Rivers Water Sources*) comprised of:

- (i) Upper Macdonald River Water Source,
- (ii) Mid Macdonald River Water Source,
- (iii) Upper Namoi Water Source,
- (iv) Werris Creek Water Source,
- (v) Keepit Water Source,
- (vi) Split Rock Water Source,
- (vii) Upper Manilla Water Source,
- (viii) Rangira Creek Water Source,
- (ix) Bluevale Water Source,
- (x) Lake Goran Water Source,
- (xi) Coss Creek Water Source,
- (xii) Maules Creek Water Source,
- (xiii) Eulah Creek Water Source,
- (xiv) Bohena Creek Water Source,
- (xv) Bundock Creek Water Source,
- (xvi) Brigalow Creek Water Source,
- (xvii) Coghill Creek Water Source,
- (xviii) Etoo and Talluba Creeks Water Source,
- (xix) Spring and Bobbiwaa Creeks Water Source,
- (xx) Pian Creek Water Source,

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(xxi) Lower Namoi Water Source, and

(xxii) Baradine Creek Water Source,

(b) the Namoi Alluvial Groundwater Sources (hereafter *the Namoi Alluvial Groundwater Sources*) comprised of:

(i) Manilla Alluvial Groundwater Source,

(ii) Currabubula Alluvial Groundwater Source,

(iii) Quipolly Alluvial Groundwater Source, and

(iv) Quirindi Alluvial Groundwater Source.

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

(2) These water sources are shown on the Plan Map called *Plan Map (WSP0021\_Version 1)*, *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012* (hereafter the *Plan Map*) held by the Department.

**Note.** The Plan Map is part of this Plan. An overview of the Plan Map is shown in Appendix 1. Copies of the Plan Map may be inspected at the offices listed in Appendix 2 and are available at the NSW Legislation website.

(3) Subject to subclause (5), the Namoi Unregulated Rivers Water Sources include all water:

(a) occurring naturally on the surface of the ground within the boundaries of the Namoi Unregulated Rivers Water Sources shown on the Plan Map, and

(b) in rivers, lakes and wetlands within the boundaries of the Namoi Unregulated Rivers Water Sources shown on the Plan Map.

(4) Subject to subclause (5), the Namoi Alluvial Groundwater Sources include all water contained within all alluvial sediments below the surface of the ground within the boundaries of the Namoi Alluvial Groundwater Sources shown on the Plan Map.

**Note.** *Alluvial sediments* is defined in the Dictionary.

(5) These water sources do not include water:

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- (a) contained in any fractured rock or porous rock,  
**Note.** *Fractured rock* and *porous rock* are defined in the Dictionary.
- (b) contained in the water sources to which the following water sharing plans apply:
  - (i) the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*,
  - (ii) the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*,
  - (iii) the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, and
  - (iv) the *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*,
- (c) taken under a floodplain harvesting access licence with a share component that specifies a water source to which this Plan does not apply,
- (d) contained in the sections of the watercourses specified in Column 2 of Schedule 1.

**Note.** The sections of watercourses specified in Schedule 1 are to be included in the proposed water sharing plan for the Barwon-Darling Unregulated River Water Source.

## 5 Management zones

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

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- (i) Macdonald and Namoi Rivers Management Zone,
- (ii) Halls Creek Management Zone, and
- (iii) Upper Namoi Tributaries Management Zone,
- (c) Upper Manilla Water Source:
  - (i) Manilla River Management Zone,
  - (ii) Manilla River Tributaries Management Zone,
  - (iii) Ironbark Creek Management Zone, and
  - (iv) Ironbark Creek Tributaries Management Zone,
- (d) Lake Goran Water Source:
  - (i) Lake Goran Management Zone, and
  - (ii) Lake Goran Tributaries Management Zone,
- (e) Coxs Creek Water Source:
  - (i) Mid Coxs Creek Management Zone,
  - (ii) Lower Coxs Creek Management Zone, and
  - (iii) Coxs Creek Tributaries Management Zone,
- (f) Maules Creek Water Source:
  - (i) Maules and Horsearm Creeks Management Zone, and
  - (ii) Maules Creek Tributaries Management Zone,
- (g) Brigalow Creek Water Source:
  - (i) Merri Merri Creek and Other Tributaries Management Zone, and
  - (ii) Brigalow Creek Management Zone,



- (h) Pian Creek Water Source:
  - (i) Lower Pian Creek Management Zone, and
  - (ii) Pian Creek Tributaries Management Zone, and
- (i) Manilla Alluvial Groundwater Source:
  - (i) Namoi and Manilla Regulated Rivers Alluvial Management Zone,
  - (ii) Namoi Unregulated River Alluvial Management Zone, and
  - (iii) Halls Creek Alluvial Management Zone.

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

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

**Note.** Overview maps of the management zones in subclause (1) (a) to (i) are shown in Appendix 3.

## 6 Extraction management units for these water sources

- (1) This Plan applies to that part of the Namoi Unregulated Rivers Extraction Management Unit (hereafter *the EMU*) that includes the water sources specified in Column 2 of Table A to this clause.

**Note.** The Namoi Unregulated Rivers Extraction Management Unit also includes the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source, and the Cockburn River Water Source as defined in the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, and the Phillips Creek Water Source, the Mooki River Water Source, Quirindi Creek Water Source and the Warrah Creek Water Source as defined in the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003* to which this Plan does not apply.

- (2) The EMU specified in subclause (1) is shown on the Plan Map.

### Notes.

- 1 A long-term average annual extraction limit is established in Part 6 of this Plan for the EMU. The long-term average annual extraction limit determines the maximum volume of water that may be extracted under access licences from all water sources within the EMU on a long-term average annual basis.
- 2 The Namoi Unregulated Rivers Extraction Management Unit was established under the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*.

**Table A – Extraction management unit**

<b>Column 1 – Extraction management unit</b>	<b>Column 2 – Water sources</b>
<b>Namoi Unregulated Rivers Extraction Management Unit</b>	Upper Macdonald River Water Source Mid Macdonald River Water Source Upper Namoi Water Source Werris Creek Water Source Keepit Water Source Split Rock Water Source Upper Manilla Water Source Rangira Creek Water Source Bluevale Water Source Lake Goran Water Source Coxs Creek Water Source Maules Creek Water Source Eulah Creek Water Source Bohena Creek Water Source Bundock Creek Water Source Brigalow Creek Water Source Coghill Creek Water Source Etoo and Talluba Creeks Water Source Spring and Bobbiwaa Creeks Water Source

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	Pian Creek Water Source
	Lower Namoi Water Source
	Baradine Creek Water Source

## 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 regulations made under the Act have the same meaning in this Plan.
- (3) Unless otherwise specified in this Plan, a clause that applies to a category of access licence also applies to any subcategories of that category of access licence.
- (4) The Dictionary and Schedules to this Plan form part of this Plan.
- (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

**Note.** This Part is made in accordance with section 35 (1) of the Act.

### 9 Vision statement

The vision for this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in these water sources.

### 10 Objectives

The objectives of this Plan are to:

- (a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources,  
**Note.** *Groundwater dependent ecosystems* is defined in the Dictionary.
- (b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources,
- (c) protect basic landholder rights,
- (d) manage these water sources to ensure equitable sharing between users,
- (e) provide opportunities for enhanced market based trading of access licences and water allocations within environmental and system constraints,
- (f) provide water allocation account management rules which allow sufficient flexibility in water use,
- (g) contribute to the maintenance of water quality,
- (h) provide recognition of the connectivity between surface water and groundwater,
- (i) adaptively manage these water sources, and
- (j) contribute to the “environmental and other public benefit outcomes” identified

under the “Water Access Entitlements and Planning Framework” in the *Intergovernmental Agreement on a National Water Initiative (2004)* (hereafter *the NWI*).

**Note.** Under the NWI, water that is provided by NSW to meet agreed environmental and other public benefit outcomes as defined within relevant water plans is to:

- (a) be given statutory recognition and have at least the same degree of security as water access entitlements for consumptive use and be fully accounted for,
- (b) be defined as the water management arrangements required to meet the outcomes sought, including water provided on a rules basis or held as a water access entitlement, and
- (c) if held as a water access entitlement, may be made available to be traded (where physically possible) on the temporary market when not required to meet the environmental and other public benefit outcomes sought and provided such trading is not in conflict with these outcomes.

## 11 Strategies

The strategies of this Plan are to:

- (a) establish performance indicators,
- (b) establish environmental water rules,
- (c) identify water requirements for basic landholder rights,
- (d) identify water requirements for access licences,
- (e) establish rules for the granting and amending of access licences and approvals,
- (f) establish rules that place limits on the availability of water for extraction,
- (g) establish rules for making available water determinations,
- (h) establish rules for the operation of water allocation accounts,
- (i) establish rules which specify the circumstances under which water may be extracted,
- (j) establish access licence dealing rules, and
- (k) identify triggers for and limits to changes to the rules in this Plan.

## 12 Performance indicators

The following indicators are to be used to measure the success of the strategies to reach the objectives of this Plan:

- (a) change in low flow regime,
- (b) change in moderate to high flow regime,
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limits,
- (d) change in local water utility access,
- (e) change in the ecological value of key water sources and their dependent ecosystems,
- (f) the extent to which domestic and stock rights and native title rights requirements have been met,
- (g) the extent to which local water utility requirements have been met,
- (h) the change in economic benefits derived from water extraction and use, and
- (i) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.

## **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 Division 1 of 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 to be made contained in Division 2 of 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 contained in Division 1 of 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 and groundwater levels in these water sources by having provisions that:

- (a) manage the sharing of water in these water sources 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 reduction in the availability of water due to an increase in the average annual extraction against the long-term average annual extraction limit, contained in Division 1 of Part 6 of this Plan, and
- (b) manage the sharing of water in specified water sources on a daily basis in these water sources, 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**

### **Notes.**

- 1      This Part is made in accordance with sections 8, 8A and 20 of the Act.
- 2      Part 12 allows for amendments to be made to this Part.

### **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)    Planned environmental water is established in these water sources as follows:
  - (a)    it is the physical presence of water:
    - (i)    in the Namoi Unregulated Rivers Water Sources that results from the access rules specified in Division 2 of Part 8 of this Plan,

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**Note.** The rules in Division 2 of Part 8 of this Plan for the Namoi Unregulated Rivers Water Sources set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.

- (ii) in the Currabubula Alluvial Groundwater Source that is 82% of the long-term annual average rainfall recharge, and

**Note.** At the commencement of this Plan the long-term average annual rainfall recharge for the Currabubula Alluvial Groundwater Source is estimated to be 335 megalitres per year.

- (iii) in the Namoi Alluvial Groundwater Sources that is within the groundwater storage of the Namoi Alluvial Groundwater Sources over the long term,

**Note.** In highly connected alluvial groundwater sources a significant proportion of recharge comes from rivers. The average annual volume of water permitted to be extracted under the rules in this Plan is less than the average annual recharge of the Namoi Alluvial Groundwater Sources from all recharge sources over the long term, ensuring that water within the groundwater storage of the Namoi Alluvial Groundwater Sources is protected from extraction.

- (b) it is the long-term average annual commitment of water as planned environmental water in:

- (i) the Namoi Unregulated Rivers Water Sources that results from the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determination rules as specified in Division 2 of Part 6 of this Plan, and

- (ii) the Currabubula Alluvial Groundwater Source that is 82% of the long-term annual average rainfall recharge, and

- (c) it is the water remaining in these water sources after water has been taken pursuant to basic landholder rights and access licences, in accordance with the rules specified in Parts 6 and 8 of this Plan.

**Note.** The water remaining in the Namoi Alluvial Groundwater Sources over the long term after water has been taken pursuant to basic landholder rights and access licences is equal to the water within the groundwater storage plus all recharge in excess of the long-term average annual extraction limit for each of the Namoi Alluvial Groundwater Sources.

- (2) The planned environmental water established under subclause (1) (a) is maintained in:

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- (a) the Namoi Unregulated Rivers Water Sources by the rules specified in Division 2 of Part 8 of this Plan, and
  - (b) the Namoi Alluvial Groundwater Sources by the rules specified in Parts 6 and 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained in these water sources by the application of the long-term average annual extraction limit and compliance rules as specified in Division 1 of Part 6 of this Plan and the available water determinations as specified in Division 2 of Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained in these water sources, by the rules specified in Parts 6 and 8 of this Plan.

**Note.** The rules 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 limits. The rules in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limits have been assessed to have been exceeded.

## Part 5 Requirements for water

### Division 1 General

#### 18 Application

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

- (1) At the commencement of this Plan, the water requirements of persons entitled to domestic and stock rights in these water sources are estimated to total 1,618.8 megalitres per year (hereafter *ML/year*), distributed as follows:

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- (a) 101.2 ML/year in the Upper Macdonald River Water Source,
- (b) 144.6 ML/year in the Mid Macdonald River Water Source,
- (c) 190 ML/year in the Upper Namoi Water Source,
- (d) 59.6 ML/year in the Werris Creek Water Source,
- (e) 69 ML/year in the Keepit Water Source,
- (f) 11.5 ML/year in the Split Rock Water Source,
- (g) 189.6 ML/year in the Upper Manilla Water Source,
- (h) 22.7 ML/year in the Rangira Creek Water Source,
- (i) 34.6 ML/year in the Bluevale Water Source,
- (j) 77.4 ML/year in the Lake Goran Water Source,
- (k) 191 ML/year in the Coxs Creek Water Source,
- (l) 55.4 ML/year in the Maules Creek Water Source,
- (m) 28.4 ML/year in the Eulah Creek Water Source,
- (n) 67.5 ML/year in the Bohena Creek Water Source,
- (o) 0.6 ML/year in the Bundock Creek Water Source,
- (p) 3.8 ML/year in the Brigalow Creek Water Source,
- (q) 22.8 ML/year in the Coghill Creek Water Source,
- (r) 37.4 ML/year in the Etoo and Talluba Creeks Water Source,
- (s) 24.1 ML/year in the Spring and Bobbiwaa Creeks Water Source,
- (t) 43.3 ML/year in the Pian Creek Water Source,
- (u) 19.3 ML/year in the Lower Namoi Water Source,

- (v) 164.5 ML/year in the Baradine Creek Water Source,
- (w) 24.7 ML/year in the Manilla Alluvial Groundwater Source,
- (x) 17.8 ML/year in the Currabubula Alluvial Groundwater Source,
- (y) 3.9 ML/year in the Quipolly Alluvial Groundwater Source,
- (z) 14.1 ML/year in the Quirindi Alluvial Groundwater 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.
- 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**

At the commencement of this Plan, there are no native title rights in these water sources. Therefore the water requirements for native title rights are 0 ML/year.

**Note.** A change in native title rights may occur pursuant to the provisions of the *Native Title Act 1993* (Cth).

## **21 Harvestable rights**

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

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

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

It is estimated that at the time of commencement of this Plan the share components of domestic and stock access licences authorised to take water from these water sources total 627 ML/year, distributed as follows:

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- (a) 0 ML/year in the Upper Macdonald River Water Source,
- (b) 51.5 ML/year in the Mid Macdonald River Water Source,
- (c) 39.5 ML/year in the Upper Namoi Water Source,
- (d) 0 ML/year in the Werris Creek Water Source,
- (e) 5 ML/year in the Keepit Water Source,
- (f) 0 ML/year in the Split Rock Water Source,
- (g) 28.5 ML/year in the Upper Manilla Water Source,
- (h) 21 ML/year in the Rangira Creek Water Source,
- (i) 5 ML/year in the Bluevale Water Source,
- (j) 88 ML/year in the Lake Goran Water Source,
- (k) 107 ML/year in the Coxs Creek Water Source,
- (l) 7 ML/year in the Maules Creek Water Source,
- (m) 35 ML/year in the Eulah Creek Water Source,
- (n) 11.5 ML/year in the Bohena Creek Water Source,
- (o) 36.5 ML/year in the Bundock Creek Water Source,
- (p) 14 ML/year in the Brigalow Creek Water Source,
- (q) 0 ML/year in the Coghill Creek Water Source,
- (r) 15 ML/year in the Etoo and Talluba Creeks Water Source,
- (s) 5 ML/year in the Spring and Bobbiwaa Creeks Water Source,
- (t) 49 ML/year in the Pian Creek Water Source,
- (u) 37 ML/year in the Lower Namoi Water Source,

- (v) 71.5 ML/year in the Baradine Creek Water Source,
- (w) 0 ML/year in the Manilla Alluvial Groundwater Source,
- (x) 0 ML/year in the Currabubula Alluvial Groundwater Source,
- (y) 0 ML/year in the Quipolly Alluvial Groundwater Source,
- (z) 0 ML/year in the Quirindi Alluvial Groundwater Source.

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

It is estimated that at the time of commencement of this Plan the share components of local water utility access licences authorised to take water from these water sources total 1,733 ML/year, distributed as follows:

- (a) 463 ML/year in the Mid Macdonald River Water Source,
- (b) 564 ML/year in the Upper Namoi Water Source,
- (c) 421 ML/year in the Upper Manilla Water Source,
- (d) 60 ML/year in the Manilla Alluvial Groundwater Source,
- (e) 25 ML/year in the Currabubula Alluvial Groundwater Source,
- (f) 200 ML/year in the Quirindi Alluvial Groundwater Source,
- (g) 0 ML/year in all other water sources.

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

It is estimated that at the time of commencement of this Plan the share components of unregulated river access licences authorised to take water from these water sources total 109,040.5 unit shares, distributed as follows:

- (a) 30 unit shares in the Upper Macdonald River Water Source,
- (b) 4,818 unit shares in the Mid Macdonald River Water Source,
- (c) 10,081 unit shares in the Upper Namoi Water Source,



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- (d) 1,321 unit shares in the Werris Creek Water Source,
- (e) 745 unit shares in the Keepit Water Source,
- (f) 0 unit shares in the Split Rock Water Source,
- (g) 1,661 unit shares in the Upper Manilla Water Source,
- (h) 1,458 unit shares in the Rangira Creek Water Source,
- (i) 1,635 unit shares in the Bluevale Water Source,
- (j) 32,171 unit shares in the Lake Goran Water Source,
- (k) 17,521.5 unit shares in the Coxs Creek Water Source,
- (l) 1,406 unit shares in the Maules Creek Water Source,
- (m) 2,034 unit shares in the Eulah Creek Water Source,
- (n) 984 unit shares in the Bohena Creek Water Source,
- (o) 5,106 unit shares in the Bundock Creek Water Source,
- (p) 1,243 unit shares in the Brigalow Creek Water Source,
- (q) 600 unit shares in the Coghill Creek Water Source,
- (r) 1,392 unit shares in the Etoo and Talluba Creeks Water Source,
- (s) 748 unit shares in the Spring and Bobbiwaa Creeks Water Source,
- (t) 2,031 unit shares in the Pian Creek Water Source,
- (u) 2,646 unit shares in the Lower Namoi Water Source,
- (v) 19,409 unit shares in the Baradine Creek Water Source.

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

It is estimated that at the time of commencement of this Plan the share components of

unregulated river (special additional high flow) access licences authorised to take water from these water sources total 0 unit shares, distributed as follows:

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

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

## **26 Share components of aquifer access licences**

It is estimated that at the time of commencement of this Plan the share components of aquifer access licences authorised to take water from these water sources total 4,968 unit shares, distributed as follows:

- (a) 1,214 unit shares in the Manilla Alluvial Groundwater Source,
- (b) 327 unit shares Currabubula Alluvial Groundwater Source,
- (c) 737 unit shares in the Quipolly Alluvial Groundwater Source,
- (d) 2,690 unit shares in the Quirindi Alluvial Groundwater Source.

## **27 Share components of aquifer (general security) access licences**

It is estimated that at the time of commencement of this Plan the share components of aquifer (general security) access licences authorised to take water from the Manilla Alluvial Groundwater Sources total 2,311 unit shares.

## **Part 6 Limits to the availability of water**

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

### **Division 1 Long-term average annual extraction limits**

#### **28 General**

The availability of water for extraction in these water sources on a long-term basis is to be managed in accordance with this Part.

#### **29 Volume of the long-term average annual extraction limits**

- (1) This clause establishes the long-term average annual extraction limits for the EMU and each of the Namoi Alluvial Groundwater Sources.
- (2) Subject to any variation under subclause (7), the long-term average annual extraction limit for the EMU 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 the following water sources:
    - (i) Upper Macdonald River Water Source,
    - (ii) Mid Macdonald River Water Source,
    - (iii) Upper Namoi Water Source,
    - (iv) Werris Creek Water Source,
    - (v) Keepit Water Source,
    - (vi) Split Rock Water Source,
    - (vii) Upper Manilla Water Source,
    - (viii) Rangira Creek Water Source,

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- (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coxs Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xviii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source, and
  - (xxii) Baradine Creek Water Source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources at the commencement of this Plan:
- (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Werris Creek Water Source,
  - (v) Keepit Water Source,
  - (vi) Split Rock Water Source,

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- (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coks Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xivii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source, and
  - (xxii) Baradine Creek Water Source, plus
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting access licences were later issued in the EMU, plus
- (d) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source and the Cockburn River Water Source at the commencement of the

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*Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, plus

- (e) the annual water requirements pursuant to domestic and stock rights and native title rights in the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source and the Cockburn River Water Source at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, plus
  - (f) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 under entitlements issued under Part 2 of the *Water Act 1912* from the Phillips Creek Water Source, the Mooki River Water Source, Quirindi Creek Water Source and the Warrah Creek Water Source at the commencement of the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*, plus
  - (g) the annual water requirements pursuant domestic and stock rights and native title rights in the Phillips Creek Water Source, the Mooki River Water Source, Quirindi Creek Water Source and the Warrah Creek Water Source at the commencement of the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*.
- (3) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is 1229.2 megalitres per year (hereafter **ML/year**).

**Note.** The long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source at the commencement of this Plan, plus
  - (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (4) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Currabubula Alluvial Groundwater Source is 60.1 ML/year.

**Note.** The long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of

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the *Water Act 1912* in this water source at the commencement of this Plan, plus

- (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (5) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Quipolly Alluvial Groundwater Source is 475.6 ML/year.

**Note.** The long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source at the commencement of this Plan, plus
  - (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (6) Subject to any variation under subclause (7), the long-term average annual extraction limit for the Quirindi Alluvial Groundwater Source is 1231.4 ML/year.

**Note.** The long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is as follows:

- (a) an estimate of annual extractions of water for those entitlements issued under Part 5 of the *Water Act 1912* in this water source at the commencement of this Plan, plus
  - (b) an estimate of annual water requirements for domestic and stock rights and native title rights in this water source at the commencement of this Plan.
- (7) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of that access licence in one of these water sources, the Minister may vary the respective long-term average annual extraction limit that applies to the EMU or that water source.

**Notes.**

- 1 An example of where the Minister may vary the long-term average annual extraction limit under subclause (7) is where water is surrendered and cancelled to benefit the environment.
- 2 Under Section 8F of the Act the long-term average annual extraction limit is taken to be varied by the amount of any change to the amount of water committed as licensed environmental water, excluding water committed under section 8C of the Act. Water committed as licensed environmental water is not to be accounted for as extraction. The variation in the long-term average annual extraction limit is to be determined in accordance with a methodology approved by the Minister and published in the Gazette.

### 30 Calculation of current levels of annual extraction

After each water year, the total volume of water taken during that water year:

- (a) under all categories of access licences, and

(b) pursuant to domestic and stock rights and native title rights,

must be calculated for the EMU and each of the Namoi Alluvial Groundwater Sources.

**31 Assessment of average annual extractions against long-term average annual extraction limits**

- (1) An assessment of average annual extractions against the long-term average annual extraction limit is to be conducted for the EMU and each of the Namoi Alluvial Groundwater Sources as set out in this clause.
- (2) Commencing in the fourth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 29 for the EMU against the average of the annual extractions in the preceding three water years as calculated under clause 30 for the EMU.
- (3) Commencing in the sixth water year in which this Plan has effect, the assessment referred to in subclause (1) must compare the long-term average annual extraction limit established in clause 29 for each of the Namoi Alluvial Groundwater Sources against the average of the annual extractions in the preceding five water years as calculated under clause 30 for each of those water sources.

**32 Compliance with the long-term average annual extraction limits for the EMU**

- (1) Compliance with the long-term average annual extraction limits established for the EMU is to be managed in accordance with this clause.
- (2) Commencing in the fourth water year in which this plan has effect, if in the Minister's opinion, the assessment under clause 31 demonstrates that the average of the annual extractions in the EMU in the preceding three water years has exceeded the long-term average annual extraction limit established under clause 29 for the EMU by 5% or more, then the available water determinations for unregulated river access licences and unregulated river (special additional high flow) access licences in the EMU are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's



opinion, necessary to return the long-term average annual extractions in the EMU to the long-term average annual extraction limit for the EMU established in this Part, provided that the reduction applied to available water determinations for unregulated river (special additional high flow) access licences must be 200% of the reduction applied to available water determinations for unregulated river access licences.

**Note.** Any reductions to available water determinations under subclause (2) will apply to all unregulated river access licences and unregulated (special additional high flow) access licences in the Namoi Unregulated Rivers Extraction Management Unit, including those access licences within the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source, and the Cockburn River Water Source to which the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* applies, and the Phillips Creek Water Source, the Mooki River Water Source, Quirindi Creek Water Source and the Warrah Creek Water Source to which the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003* applies.

### **33 Compliance with the long-term average annual extraction limits for the Namoi Alluvial Groundwater Sources**

- (1) Compliance with the long-term average annual extraction limits established for the Namoi Alluvial Groundwater Source is to be managed in accordance with this clause.
- (2) Commencing in the sixth water year in which this Plan has effect, if in the Minister's opinion, the assessment under clause 31 demonstrates that the average of the annual extractions in the Namoi Alluvial Groundwater Sources in the preceding five water years has exceeded the long-term average annual extraction limit for the respective Namoi Alluvial Groundwater Source by 10% or more, then the available water determinations for aquifer access licences and aquifer (general security) access licences in the Namoi Alluvial Groundwater Sources are to be reduced for the following water year in accordance with subclause (3).
- (3) The reduction under subclause (2) is to be of an amount that is, in the Minister's opinion, necessary to return the average annual extractions in the respective groundwater source to the long-term average annual extraction limit established in this Part.

## **Division 2 Available water determinations**

### **34 General**

- (1) Available water determinations for access licences with share components that specify

any one of these water sources are to be expressed as either:

- (a) a percentage of the share component for access licences where share components are specified as ML/yr, or
  - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) Subject to subclause (3), 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 or such lower amount that is determined under Division 1 of this Part, for all access licences where share components are specified as ML/yr, or
  - (b) 1 megalitre per unit share of the access licence share component or such lower amount that is determined under Division 1 of this Part, for all access licences, where share components are specified as a number of unit shares.
- (3) For the first water year in which this Plan has effect, subclause (2) does not apply to unregulated river access licences with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.

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

- (1) In making available water determinations for domestic and stock access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.
- (3) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for domestic and stock access licences with a share component that specifies one of the Namoi Alluvial

Groundwater Sources.

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

- (1) In making available water determinations for local water utility access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.
- (3) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 100% of the access licence share component should be made for local water utility access licences with a share component that specifies one of the Namoi Alluvial Groundwater Sources.

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

- (1) In making available water determinations for unregulated river access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan, an available water determination of 2 ML per unit of share component should be made for unregulated river access licences with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.
- (3) At the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river access licences with a share component that specifies one of the Namoi Unregulated Rivers Water Sources.

**Note.** Division 1 of this Part provides for available water determinations for unregulated river access licences to be reduced where the long-term average annual extraction limit for the EMUs has been assessed to have been exceeded, as per clauses 31 and 32.

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

- (1) In making available water determinations for unregulated river (special additional high flow) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for unregulated river (special additional high flow) access licences with a share component that specifies one of the Namoi Unregulated River Water Sources.

**Note.** Division 1 of this Part provides for available water determinations for unregulated river (special additional high flow) access licences to be reduced where the long-term average annual extraction limit for the EMU has been assessed to have been exceeded, as per clauses 31 and 32.

**39 Available water determinations for aquifer access licences**

- (1) In making available water determinations for aquifer access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect, an available water determination of 1 ML per unit of share component, or such lower amount that is determined under Division 1 of this Part, should be made for aquifer access licences with a share component that specifies one of the Namoi Alluvial Groundwater Sources.

**Note.** Division 1 of this Part provides for available water determinations for aquifer access licences to be reduced where the long-term average annual extraction limit for the Namoi Alluvial Groundwater Sources has been assessed to have been exceeded, as per clauses 31 and 33.

**40 Available water determinations for aquifer (general security) access licences**

- (1) In making available water determinations for aquifer (general security) access licences, the Minister should consider the rules in this clause.
- (2) At the commencement of this Plan and at the commencement of each water year after the first water year in which this Plan has effect an available water determination should be made for aquifer (general security) access licences in the Manilla Alluvial

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Groundwater Source equal to:

- (a) 85% of the available water determination for aquifer access licences or such lower amount that is determined under Division 1 of this Part, plus
- (b) 15% of the available water determination made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source to which the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003* applies.

**Note.** Aquifer (general security) access licences relate to extraction from the Namoi and Manilla Regulated Rivers Management Zone within the Manilla Alluvial Groundwater Source. The available water determinations for aquifer (general security) access licences have been informed by hydrogeological assessment, showing that 15% of the water extracted under an average annual pumping scenario originates from the Upper Namoi Regulated River Water Source.

- (3) After the available water determination under subclause (2) has been made, further available water determinations for aquifer (general security) access licences may be made whenever additional available water determinations for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source are made.
- (4) Available water determinations made under subclause (3) should be equal to 15% of the available water determinations for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source.

**Note.** Division 1 of this Part provides for available water determinations for aquifer (general security) access licences to be reduced where the long-term average annual extraction limit for the Manilla Alluvial Groundwater Source has been assessed to have been exceeded, as per clauses 31 and 33.

## Part 7 Rules for granting access licences

### Notes.

- 1 This Part is made in accordance with sections 20, 61 and 63 of the Act.
- 2 Access licences granted in these water sources will be subject to mandatory conditions and discretionary conditions.

### 41 Specific purpose access licences

- (1) 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 restriction in subclause (1), 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 2011*.

- (2) 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.
- (3) An access licence of the subcategory “Aboriginal cultural” may only be granted for the taking of water by an Aboriginal person or Aboriginal community for any personal, domestic or communal purpose, including drinking, food preparation, washing, manufacturing traditional artefacts, watering domestic gardens, cultural teaching, hunting, fishing, gathering and for recreational, cultural and ceremonial purposes.

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

### 42 Granting of access licences as a result of controlled allocation

The Minister may grant an access licence where the right to apply for the licence has been acquired in a manner prescribed by an order made under section 65 of the Act.

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

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

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

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

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

- (i) water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years,
    - (ii) the water allocations carried over in the water allocation account for the access licence from the water year prior to those three water years under subclause (5),
    - (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,
    - (ii) the share component of the access licence at the beginning of the second of those three water years,
    - (iii) the share component of the access licence at the beginning of the third of those three water years,
    - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
    - (v) any water allocations re-credited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.
- (4) In any water year in which this Plan has effect, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river (special additional high flow) access licence must not exceed a volume equal to:
- (a) the sum of water allocations accrued to the water allocation account for the



- access licence from available water determinations in that water year, plus
- (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (5) The maximum water allocation that can be carried over from one water year to the next in the water allocation account for an unregulated river access licence is equal to 1 ML per unit share of the access licence share component.
- (6) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence, or an unregulated river (special additional high flow) access licence cannot be carried over from one water year to the next.

#### **44 Individual access licence account management rules for the Namoi Alluvial Groundwater Sources**

- (1) The rules in this clause apply to the taking of water under an access licence with a share component that specifies one of the Namoi Alluvial Groundwater Sources.
- (2) In any water year in which this Plan has effect, water taken under an access licence must not exceed a volume equal to:
  - (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in that water year, plus
  - (b) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in that water year, plus
  - (c) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in that water year.
- (3) Water allocations remaining in the water allocation account for an access licence cannot be carried over from one water year to the next.

## Division 2 Flow classes and daily access rules

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

### 45 General

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

### 46 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B for the sharing of flows on a daily basis in these water sources.
- (2) The flow classes in Column 3 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) and (5), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) or lake level (in metres Australian Height Datum, hereafter *m AHD*) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) For flow classes that are determined based on flows at more than one flow measuring gauge, on any day that it is not possible to determine the flow at a flow reference point specified in Column 6 of Table B due to flow data not being available from a flow measuring gauge, then the flow class applies for the relevant management zone when flows as measured at the remaining functioning gauge specified in Column 6 of Table B are equal to the flows specified in Column 5 of Table B for that gauge.
- (5) Subject to subclause (4), if in the Minister's opinion, accurate flow data is not available on any day from a flow measuring gauge used to determine a flow class, the Minister may determine the flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department's website.

**Note.** There is a general requirement for holders of water supply work approvals to record in a Logbook, where one is required to be kept, a confirmation and means of confirmation that the relevant cease to take conditions do not apply before taking water. Holders of access licences may contact the Department's Tamworth office at the address listed in Appendix 5 or check the

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Department's website to find out what flow class applies that day and note this as required in the Logbook. In determining whether access to water is permitted that day, the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

- (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.

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

Table B — Flow Classes

Column 1 Water source	Column 2 Management zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/day) or lake level (m AHD)	Column 6 Reference point	Column 7 Day on which flow class applies
Mid Macdonald River Water Source	Macdonald River Upstream Woolbrook Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Woolbrook gauge (419010)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day		
	Macdonald River Downstream Woolbrook Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Retreat gauge (419028)	Same day
		A Class	Year 1 of this Plan	More than 10 ML/day		
Upper Namoi Water Source	Macdonald and Namoi Rivers Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow over the crest of the Manilla Weir	Manilla Weir on the Namoi River	Same day
		A Class	Year 1 of this Plan	Visible flow over the crest of the Manilla Weir		
	Halls Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Halls Creek at Ukolan gauge (419029)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		
Upper Manilla Water Source	Manilla River Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 3 ML/day	Manilla River at Black Springs gauge (419053)	Same day
		A Class	Year 1 of this Plan	More than 3 ML/day		
	Ironbark Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 3 ML/day	Ironbark Creek at Woodsreef gauge (419047)	Same day
		A Class	Year 1 of this Plan	More than 3 ML/day		
Lake Goran Water Source	Lake Goran Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 294.7 metres AHD	Lake Goran at Hokey Pokey gauge (419066)	Same day
		A Class	Year 1 of this Plan	More than 294.7 metres AHD		Same day

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Column 1 Water source	Column 2 Management zone	Column 3 Flow class	Column 4 Commencement	Column 5 Flow (ML/ day) or lake level (m AHD)	Column 6 Reference point	Column 7 Day on which flow class applies
Coxs Creek Water Source	Mid Coxs Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 17.5 ML/day at Tambar Springs gauge or less than or equal to 15 ML/day at Tourable gauge	Coxs Creek at Tambar Springs gauge (419033) and Cox Creeks at Tourable gauge (419102)	Same day
		A Class	Year 1 of this Plan	More than 17.5 ML/day at Tambar Springs gauge and more than 15 ML/day at Tourable gauge		
	Lower Coxs Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 15 ML/day at Tourable gauge or less than or equal to 11 ML/day at Boggabri gauge	Coxs Creek at Tourable gauge (419102) and Coxs Creek at Boggabri gauge (419032)	Same day
		A Class	Year 1 of this Plan	More than 15 ML/day at Tourable gauge and more than 11 ML/day at Boggabri gauge		
Maules Creek Water Source	Maules and Horsearm Creeks Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 1 ML/day	Maules Creek at Avoca East gauge (419051)	Same day
		A Class	Year 1 of this Plan	More than 1 ML/day		
Brigalow Creek Water Source	Brigalow Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Brigalow Creek at Tharlane gauge (419083)	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day		
Pian Creek Water Source	Lower Pian Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 43 ML/day at Dempseys Bridge gauge or less than or equal to 5 ML/day at Waminda gauge	Pian Creek at Dempseys Bridge gauge (419089) and Pian Creek at Waminda gauge (419049)	Same day
		A Class	Year 1 of this Plan	More than 43 ML/day at Dempseys Bridge gauge and more than 5 ML/day at Waminda gauge		

**Notes.**

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

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- 1 For the Macdonald River at Woolbrook gauge (419010), 10 ML/day corresponds to the estimated 93<sup>rd</sup> percentile flow.
- 2 For the Macdonald River at Retreat gauge (419028), 10 ML/day corresponds to the estimated 92<sup>nd</sup> percentile flow.
- 3 In the Macdonald and Namoi River Management Zone in the Upper Namoi Water Source, pumping is permitted only when there is a visible flow over the crest of the weir. Pumping is not permitted when there is a visible flow through the Manilla Weir fishway, but not a visible flow over the crest of the weir.
- 4 For the Halls Creek at Ukolan gauge (419029), 1 ML/day corresponds to the estimated 91<sup>st</sup> percentile flow.
- 5 For the Manilla River at Black Springs gauge (419053), 3 ML/day corresponds to the estimated 80<sup>th</sup> percentile flow.
- 6 For the Ironbark Creek at Woodsreef gauge (419047), 3 ML/day corresponds to the estimated 57<sup>th</sup> percentile flow.
- 7 For the Lake Goran Management Zone at the Hokey Pokey Gauge 294.7 metres ADH corresponds to approximately 13.5 GL or 11% of the nominal full containment volume of 123 GL.
- 8 For the Coxs Creek at Tambar Springs gauge (419033), 17.5 ML/day corresponds to the estimated 19<sup>th</sup> percentile flow.
- 9 For the Coxs Creek at the recently installed Tourable gauge (419102) 15 ML/day corresponds to the estimated 22<sup>nd</sup> percentile flow, based on data from the previously operational Mullaley gauge.
- 10 For the Coxs Creek at Boggabri gauge (419032) 11 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow.
- 11 For the Maules Creek at Avoca East gauge (419051), 1 ML/day corresponds to the estimated 88<sup>th</sup> percentile flow.
- 12 For the Brigalow Creek at Tharlane gauge (419083), 4 ML/day corresponds to the estimated 15<sup>th</sup> percentile flow.
- 13 For the Pian Creek at Dempseys Bridge gauge (419089), 43 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow.
- 14 For the Pian Creek at Waminda gauge (419049), 5 ML/day corresponds to the estimated 47<sup>th</sup> percentile flow.

#### **47 Access rules for the taking of surface water**

- (1) This clause applies to the taking of water under an access licence from the Namoi Unregulated Rivers Water Sources, excluding the taking of water under an access licence used only to account for the taking of water in association with an aquifer interference activity.

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

(a) an off-river pool, or

(b) Wee Waa Lagoon.

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

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

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

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

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

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

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

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

(7) Water must not be taken under an access licence where a cease to take condition that

was specified on the *Water Act 1912* entitlement that the access licence replaces is, in the Minister's opinion, higher than:

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

when flows are at or less than the cease to take condition that was specified on the replaced *Water Act 1912* entitlement. This subclause does not apply to the taking of water from an in-river dam pool or a runoff harvesting dam.

**Notes.**

- 1 Those former *Water Act 1912* entitlements and the cease to take conditions that have been identified as being higher than the upper limit of the relevant Very Low Flow Class or the access rules specified in subclauses (2)–(6) are listed in Appendix 4.
  - 2 ***Cease to take condition, in-river dam pool, runoff harvesting dam*** and ***Water Act 1912 entitlement*** are defined in the Dictionary.
- (8) The cease to take condition that arises from subclause (7) will apply to an access licence that is granted as a result of a subdivision of the original access licence under section 71P (1) (a) of the Act. For the purposes of this subclause, the original access licence will include the replacement access licence arising from the *Water Act 1912* entitlement together with any subsequent access licences that may arise from future subdivisions of those licences.
  - (9) The cease to take condition that arises from subclause (7) or (8) only applies to water supply works that were nominated by the access licence at the commencement of this Plan, unless the access licence has an extraction component that nominates one of the following management zones:
    - (a) Lower Coxs Creek Management Zone in the Coxs Creek Water Source,
    - (b) Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source,
    - (c) Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald Water Source,
    - (d) Macdonald and Namoi Rivers Management Zone in the Upper Namoi Water

Source.

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



- (15) Water must not be taken from an in-river dam pool unless the in-river dam is:
- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
  - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

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

- (16) The conditions for construction, operation and maintenance of the in-river dam to be specified on the water supply work approval for the in-river dam referred to in subclause (15) are:

- (a) the conditions for construction, operation and maintenance that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
- (b) where no conditions for construction, operation and maintenance were specified on the *Water Act 1912* entitlement, the conditions for construction, operation and maintenance determined by the Minister.

- (17) The flows and circumstances to be specified on the water supply work approval for the in-river dam referred to in subclause (15) are:

- (a) the flows and circumstances that were specified in conditions on the *Water Act 1912* entitlement that the approval replaces, or
- (b) where no flows and circumstances were specified on the *Water Act 1912* entitlement, the flows and circumstances determined by the Minister.

- (18) Subclauses (2)–(6) do not apply to the following:

- (a) the taking of water under an access licence or an access licence which replaces a *Water Act 1912* entitlement to which clause 1 of Schedule 3 applies, for any of the purposes listed below, provided that the volume of water taken does not exceed 20 kilolitres per day per access licence or such lower amount specified in accordance with subclause (19):
  - (i) fruit washing,

- (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
  - (iii) poultry watering and misting, or
  - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
- (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,
- Note.** *Grazeable area* is defined in the Dictionary.
- (d) the taking of water using 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 access licence of the subcategory “Town water supply” to which clause 2 of Schedule 3 applies.
- (19) The Minister may reduce the maximum daily volume limit imposed by the rule under subclause (18) (a) for an access licence if the Minister is satisfied that the reduced volume is satisfactory to meet the relevant purpose referred to in that subclause.

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

#### **48 Access rules for the taking of water from the Manilla Alluvial Groundwater Source**

- (1) The rules in this clause apply to the taking of water under an access licence with a

share component that specifies the Manilla Alluvial Groundwater Source.

- (2) Subject to subclause (6), water must not be taken under an aquifer access licence with an extraction component that specifies the Namoi Unregulated River Alluvial Management Zone in the Manilla Alluvial Groundwater Source when flows have been in the Very Low Flow Class for 14 or more consecutive days in the Macdonald and Namoi Rivers Management Zone in the Upper Namoi Water Source.
- (3) Subject to subclause (6), the taking of water under an aquifer access licence with an extraction component that specifies the Namoi Unregulated River Alluvial Management Zone in the Manilla Alluvial Groundwater Source must not commence, following a period in which access was restricted under the cease to take condition in subclause (2), until flows are in the A Class in the Macdonald and Namoi Rivers Management Zone in the Upper Namoi Water Source.
- (4) Subject to subclause (6), water must not be taken under an aquifer access licence with an extraction component that specifies the Halls Creek Alluvial Management Zone in the Manilla Alluvial Groundwater Source when flows have been in the Very Low Flow Class for 14 or more consecutive days in the Halls Creek Management Zone in the Upper Namoi Water Source.
- (5) Subject to subclause (6), the taking of water under an aquifer access licence with an extraction component that specifies the Halls Creek Alluvial Management Zone in the Manilla Alluvial Groundwater Source must not commence, following a period in which access was restricted under the cease to take condition in subclause (4), until flows are in A Class in the Halls Creek Management Zone in the Upper Namoi Water Source.
- (6) Subclauses (2)–(5) do not apply to the following:
  - (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for any of the purposes listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified in accordance with subclause (7):
    - (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 that existed at the commencement of this Plan, provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
  - (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence that existed at the commencement of this Plan, for the first five years of this Plan, provided the volume of water taken does not exceed 14 litres per hectare of grazeable area per day,
  - (d) the taking of water under a local water utility access licence or an access licence of the subcategory “Town water supply” to which clause 2 of Schedule 4 applies.
- (7) The Minister may amend a water supply work approval to reduce the maximum daily volume limit imposed by the rule under subclause (6) (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.

#### 49 Total daily extraction limits

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

##### Notes.

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

## 50 Individual daily extraction limits

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

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

## **Part 9 Rules for water supply work approvals**

### **Notes.**

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

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

#### **51 General**

The rules in this Division apply to water supply work approvals for water supply works authorised to take water from the Namoi Unregulated Rivers Water Sources.

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

- (1) If the sum of the share components of access licences nominating a water supply work that is a runoff harvesting dam or an in-river dam is reduced via:
  - (a) a dealing,
  - (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 the 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,

the Minister may require the modification of the dam to ensure that the capability of the dam to capture water is reduced to reflect that reduction in share component.

### **Notes.**

- 1 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, consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.
- 2 The Minister can require the modification of the dam 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.

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

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

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

## **Division 2 Rules applying to the granting or amending of water supply work approvals for water supply works that take groundwater**

### **53 General**

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

### **54 Rules to minimise interference between water supply works**

- (1) A water supply work approval must not be granted or amended to authorise the

construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:

- (a) 200 metres of a water supply work located on another landholding that is authorised to take water from the same groundwater source and is nominated by another access licence,
  - (b) 100 metres of a water supply work located on another landholding that is authorised to take water from the same groundwater source pursuant to basic landholder rights only,
  - (c) 100 metres from the boundary of the landholding on which the water supply work is located, unless the owner of the landholding adjoining the boundary has provided consent in writing,
  - (d) 500 metres of a water supply work that is authorised to take water from the same water source and is nominated by a local water utility access licence or a major utility access licence, unless the licence holder has provided consent in writing, or
  - (e) 100 metres of a Department observation or monitoring bore, unless the Minister has provided consent in writing.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
- (a) the water supply work is solely for basic landholder rights,
  - (b) the water supply work is a replacement groundwater work,
  - (c) the water supply work is for the purpose of monitoring, environmental management or remedial works, or
  - (d) the location of the water supply work at a lesser distance would result in no more than minimal impact on existing extractions within these water sources.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no more than minimal



impact on existing extractions within these water sources.

- (4) The Minister may require the modification of a water supply work authorised under subclause (2) (d) to minimise the impact of the water supply work on existing water levels or extraction, if the Minister is satisfied at a later time that the location of the water supply work is causing more than minimal impact on existing water levels or extraction.

## 55 Rules for water supply works located near contamination sources

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
  - (a) within 250 metres of the plume associated with a contamination source listed in Schedule 5, or
  - (b) between 250 metres and 500 metres from the plume associated with a contamination source listed in Schedule 5, unless the Minister is satisfied that no drawdown of water will occur within 250 metres of that plume.

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

- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a plume associated with a contamination source listed in Schedule 5 that is likely to be insufficient to protect the water source or public health and safety.
- (3) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the proposed distance is adequate to protect the water source, the environment and public health and safety, or
  - (b) the water supply work is for the purpose of monitoring, environmental management or remedial works.
- (4) For the purpose of subclause (3) (a), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of

the water supply work at a lesser distance would result in no greater impact on the water source, the environment and public health and safety.

**56 Rules for water supply works located near groundwater dependent ecosystems**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located:
  - (a) within 100 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only,
  - (b) within 200 metres of a high priority groundwater dependent ecosystem listed in Schedule 6 in the case of a water supply work that will be nominated by an access licence, or
  - (c) within 40 metres of the top of the high bank of a river.
- (2) In addition to subclause (1), a water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located at a distance from a high priority groundwater dependent ecosystem listed in Schedule 6 if the construction and use of the water supply work at that distance is likely to cause more than minimal drawdown of that high priority groundwater dependent ecosystem. This paragraph does not apply to water supply works that will be authorised to take water pursuant to basic landholder rights only.
- (3) The distance restrictions specified in subclauses (1) (a) and (b) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem in Schedule 6.
- (4) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:
  - (a) the water supply work is for the purpose of monitoring, environmental

- management or remedial works,
- (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
  - (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance would result in no greater impact on these water sources and their groundwater dependent ecosystems.
- (5) The Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that:
- (a) for the purpose of subclause (3), no more than minimal drawdown of water will occur at the perimeter of any high priority groundwater dependent ecosystem listed in Schedule 6, or
  - (b) for the purpose of subclause (4) (d), the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater dependent ecosystems.

## **57 Rules for water supply works located near groundwater dependent culturally significant sites**

- (1) A water supply work approval must not be granted or amended to authorise the construction of a water supply work which, in the Minister's opinion, is or is proposed to be located within:
- (a) 100 metres of a groundwater dependent culturally significant site in the case of a water supply work that will be authorised to take water pursuant to basic landholder rights only, or
  - (b) 200 metres of a groundwater dependent culturally significant site in the case of a water supply work that will be nominated by an access licence.
- (2) The distance restrictions specified in subclause (1) do not apply to the grant or amendment of a water supply work approval if the Minister is satisfied that:

- (a) the water supply work is for the purpose of monitoring, environmental management or remedial works,
  - (b) the water supply work replaces an existing authorised water supply work that is part of a bore network for a major utility or a local water utility for the purpose of town water supply,
  - (c) the water supply work is a replacement groundwater work, or
  - (d) the location of the water supply work at a lesser distance will result in no more than minimal impact on these water sources and their groundwater dependent culturally significant sites.
- (3) For the purpose of subclause (2) (d), the Minister may require the applicant to submit a hydrogeological study, to demonstrate to the Minister's satisfaction that the location of the water supply work at a lesser distance will result in no greater impact on these water sources and their groundwater dependent culturally significant sites.

## 58 Replacement groundwater works

- (1) For the purpose of this Plan, *replacement groundwater work* means a water supply work that replaces an existing water supply work constructed and used for the purpose of taking water from the Namoi Alluvial Groundwater Sources where:
- (a) the existing water supply work is authorised by a water supply work approval under the Act,
  - (b) the replacement groundwater work is to be constructed to extract water from the same water source as the existing water supply work,
  - (c) the replacement groundwater work is to be constructed to extract water from:
    - (i) the same depth as the existing water supply work, or
    - (ii) a different depth if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
  - (d) the replacement groundwater work is to be located:
    - (i) within 20 metres of the existing water supply work, or

- (ii) more than 20 metres from the existing water supply work if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems,
  - (e) if the existing water supply work is located within 40 metres of the high bank of a river, the replacement groundwater work is to be located:
    - (i) within 20 metres of the existing water supply work but no closer to the high bank of the river, or
    - (ii) more than 20 metres from the existing water supply work but no closer to the high bank of the river if the Minister is satisfied that doing so will result in no greater impact on a water source or its dependent ecosystems, and
  - (f) the replacement groundwater work must not have a greater internal diameter or excavation footprint than the existing water supply work, except where the internal diameter of the casing of the existing water supply work is no longer manufactured, in which case the internal diameter of the replacement groundwater work is to be no greater than 110% of the internal diameter of the existing water supply work it replaces. For the purposes of this paragraph, *internal diameter* means the diameter of the inside of the casing of the water supply work which is a water bore and *excavation footprint* means the authorised dimensions of a water supply work which is an unlined excavation constructed for the purposes of water supply only.
- (2) For the purpose of subclause (1) (c) (ii), the Minister may require that the applicant submit a hydrogeological study to demonstrate to the Minister's satisfaction that the construction of the water supply work at a different depth to the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.
- (3) For the purposes of subclauses (1) (d) (ii) or (e) (ii), the Minister may require the applicant to submit a hydrogeological study to demonstrate to the Minister's satisfaction that the location of the water supply work at a distance greater than 20 metres from the existing water supply work will result in no greater impact on a water source or its dependent ecosystems.

**Note.** The Minister may amend an approval on the application of the holder of the approval, under section 107 of the Act. The operation of section 107 (3) of the Act may further restrict the replacement

of an existing water supply work.

### **Division 3 Rules for the use of water supply works used to take groundwater**

#### **59 Rules for the use of water supply works located within restricted distances**

- (1) The rules in this clause apply to water supply work approvals for water supply works that are authorised to take water from the Namoi Alluvial Groundwater Sources.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 54–57 must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the commencement of this Plan.
- (3) Subject to subclause (4), a water supply work that becomes located within a restricted distance specified in clauses 54–57 as a result of an amendment to this Plan must not, in any water year, be used to take more water than the volume of water that is equal to the sum of the share components of the access licences nominating that water supply work at the amendment.
- (4) Subclauses (2) and (3) do not apply:
  - (a) where a restricted distance does not apply in accordance with clauses 54 (2) (a), (c) and (d), 55 (3), 56 (3), 56 (4) (a), (b) and (d) and 57 (2) (a), (b) and (d), or
  - (b) to the taking of water pursuant to basic landholder rights.
- (5) The Minister may specify a daily rate or an annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 54–57 pursuant to clauses 54 (2) (d), 55 (3) (a), 56 (3), 56 (4) (d) or 57 (2) (d).
- (6) The daily rate or an annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 54 (2) (d), 55 (3) (a), 56 (3), 56 (4) (d) or 57 (2) (d).

## Part 10 Access licence dealing rules

### 60 General

- (1) The access licence dealing rules established in this Part apply to all access licence dealings in these water sources.
- (2) This Plan establishes the following trading zones located in the following water sources:
  - (a) Etoo and Talluba Creeks Water Source:
    - (i) Etoo and Talluba Creeks Tributaries Trading Zone, and
    - (ii) Turragulla Creek Trading Zone,
  - (b) Baradine Creek Water Source:
    - (i) Namoi Effluents and Barwon Trading Zone,

**Note.** The Namoi Effluents and Barwon Trading Zone extends from the western bank of the Cumberland Warrambool to the western extent of the Baradine Creek Water Source.
    - (ii) Turragulla and Gil Gil Creeks Trading Zone, and
    - (iii) Baradine Creek and Tributaries Trading Zone.

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

- (3) The trading zones in subclause (2) are shown on the maps in Schedule 7 of this Plan.

#### Notes.

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

### 61 Conversion of access licence to new category

Dealings under section 71O of the Act are prohibited.

**62 Assignment of rights dealings (within water sources)**

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



Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Management Zone in the Upper Manilla Water Source,

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

- (m) an access licence that nominates a water supply work in the Etoo and Talluba Creeks Tributaries Zone in the Etoo and Talluba Creeks Water Source to an access licence with an extraction component that specifies the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of the share components of all access licences in the Turragulla Creek Trading Zone to exceed the sum of the share components of all access licences in the Turragulla Creek Trading Zone at the commencement of this Plan,
  - (n) an access licence that nominates a water supply work located in a trading zone in the Baradine Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Baradine Creek Water Source,
  - (o) an access licence with an extraction component that specifies a management zone in the Manilla Alluvial Groundwater Source to an access licence with an extraction component that specifies another management zone in the Manilla Alluvial Groundwater Source,
  - (p) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on an off-river pool, or
  - (q) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source.
- (2) Dealings under 71Q of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.

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

- (1) Dealings under section 71R of the Act are prohibited if the dealing involves any of the following:
- (a) the cancellation of an access licence with a share component specifying a water source in one extraction management unit in order to grant an access licence with a share component specifying a water source in another extraction management unit,

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- (b) the granting of an access licence with a share component specifying a water source in one extraction management unit following the cancellation of an access licence with a share component specifying a water source in another extraction management unit,
- (c) the granting of an unregulated river (special additional high flow) access licence, or
- (d) the granting of a new access licence with a share component that specifies one of the following water sources:
  - (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Keepit Water Source,
  - (v) Split Rock Water Source,
  - (vi) Upper Manilla Water Source,
  - (vii) Lake Goran Water Source,
  - (viii) Bohena Creek Water Source,
  - (ix) Brigalow Creek Water Source,
  - (x) Lower Namoi Water Source,
  - (xi) Baradine Creek Water Source,
  - (xii) Manilla Alluvial Groundwater Source,
  - (xiii) Currabubula Alluvial Groundwater Source,
  - (xiv) Quipolly Alluvial Groundwater Source, or
  - (xv) Quirindi Alluvial Groundwater Source,

- (e) the granting of a new access licence with a share component that specifies the Werris Creek Water Source, if:
  - (i) it would cause the sum of the share components of all access licences in the Werris Creek Water Source to exceed the sum of the share components of all access licences that specified the Werris Creek Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
  
- (f) the granting of a new access licence with a share component that specifies the Bluevale Water Source, if:
  - (i) it would cause the sum of the share components of all access licences in the Bluevale Water Source to exceed the sum of the share components of all access licences that specified the Bluevale Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,

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- (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (g) the granting of a new access licence with a share component that specifies the Coxs Creek Water Source, if:
- (i) the extraction component of the access licence to be granted specifies the Coxs Creek Tributaries Management Zone, or
  - (ii) it would cause the sum of the share components of all access licences in the Coxs Creek Water Source to exceed the sum of the share components of all access licences that specified the Coxs Creek Water Source at the commencement of this Plan, or
  - (iii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (h) the granting of a new access licence with a share component that specifies the Rangira Creek Water Source, if:
- (i) it would cause the sum of the share components of all access licences in the Rangira Creek Water Source to exceed the sum of the share components of all access licences that specified the Rangira Creek Water Source at the commencement of this Plan, or

- (ii) the share component of the cancelled access licence specified one of the following water sources:
  - (A) Upper Macdonald River Water Source,
  - (B) Mid Macdonald River Water Source,
  - (C) Upper Namoi Water Source,
  - (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
  
- (i) the granting of a new access licence with a share component that specifies the Maules Creek Water Source, if:
  - (i) the extraction component of the access licence to be granted specifies the Maules Creek Tributaries Management Zone, or
  - (ii) it would cause the sum of the share components of all access licences in the Maules Creek Water Source to exceed the sum of the share components of all access licences that specified the Maules Creek Water Source at the commencement of this Plan, or
  - (iii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,

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- (j) the granting of a new access licence with a share component that specifies the Eulah Creek Water Source, if:
  - (i) it would cause the sum of the share components of all access licences in the Eulah Creek Water Source to exceed the sum of the share components of all access licences that specified the Eulah Creek Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
  
- (k) the granting of a new access licence with a share component that specifies the Bundock Creek Water Source, if:
  - (i) it would cause the sum of the share components of all access licences in the Bundock Creek Water Source to exceed the sum of the share components of all access licences that specified the Bundock Creek Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,

- (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (l) the granting of a new access licence with a share component that specifies the Coghill Creek Water Source, if:
- (i) it would cause the sum of the share components of all access licences in the Coghill Creek Water Source to exceed the sum of the share components of all access licences that specified the Coghill Creek Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (m) the granting of a new access licence with a share component that specifies the Etoo and Talluba Creeks Water Source, if:
- (i) it would cause the sum of the share components of all access licences in the Etoo and Talluba Creeks Water Source to exceed the sum of the share components of all access licences that specified the Etoo and Talluba Creeks Water Source at the commencement of this Plan, or
  - (ii) it would cause the sum of the share components of all access licences in the Turragulla Creek Trading Zone to exceed the sum of the share components of all access licences that specified the Turragulla Creek



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- Trading Zone at the commencement of this Plan, or
- (iii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
  - (n) the granting of a new access licence with a share component that specifies the Spring and Bobbiwaa Creeks Water Source, if:
    - (i) it would cause the sum of the share components of all access licences in the Spring and Bobbiwaa Creeks Water Source to exceed the sum of the share components of all access licences that specified the Spring and Bobbiwaa Creeks Water Source at the commencement of this Plan, or
    - (ii) the share component of the cancelled access licence specified one of the following water sources:
      - (A) Upper Macdonald River Water Source,
      - (B) Mid Macdonald River Water Source,
      - (C) Upper Namoi Water Source,
      - (D) Keepit Water Source,
      - (E) Split Rock Water Source, or
      - (F) Upper Manilla Water Source, or
  - (o) the granting of a new access licence with a share component that specifies the

Pian Creek Water Source, if:

- (i) it would cause the sum of the share components of all access licences in the Pian Creek Water Source to exceed the sum of the share components of all access licences that specified the Pian Creek Water Source at the commencement of this Plan, or
  - (ii) the share component of the cancelled access licence specified one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
- (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

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

- (1) Dealings under section 71S of the Act are prohibited if the dealing involves:
- (a) an access licence with an extraction component that specifies the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source being varied to specify the Macdonald River Upstream Woolbrook Management Zone in the Mid Macdonald River Water Source,
  - (b) an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone or the Macdonald River

Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source being varied to specify the Mid Macdonald River Tributaries Management Zone in the Mid Macdonald River Water Source,

- (c) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source being varied to specify the Halls Creek Management Zone in the Upper Namoi Water Source,
- (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source being varied to specify the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source,
- (e) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Manilla River Management Zone in the Upper Manilla Water Source,
- (f) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone, or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Manilla River Tributaries Management Zone in the Upper Manilla Water Source,
- (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source being varied to specify the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source,
- (h) an access licence with an extraction component that specifies a management zone in the Lake Goran Water Source being varied to specify another management zone in the Lake Goran Water Source,
- (i) an access licence with an extraction component that specifies the Lower Coss Creek Management Zone or the Mid Coss Creek Management Zone in the Coss Creek Water Source being varied to specify the Coss Creek Tributaries

Management Zone in the Coxs Creek Water Source,

- (j) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source being varied to specify the Maules Creek Tributaries Management Zone in the Maules Creek Water Source, or
  - (k) an access licence with an extraction component that specifies a management zone in the Manilla Alluvial Groundwater Source being varied to specify another management zone in the Manilla Alluvial Groundwater Source.
- (2) Dealings under section 71S of the Act are prohibited if the dealing involves an unregulated river (special additional high flow) access licence.

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

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

- (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source,
- (e) an access licence that nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source to an access licence that nominates a water supply work located upstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source,
- (f) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Management Zone in the Upper Manilla Water Source,
- (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Tributaries Management Zone in the Upper Manilla Water Source,
- (h) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Ironbark Creek Tributaries Management Zone in the Upper Manilla Management Zone,
- (i) an access licence with an extraction component that specifies a management zone in the Lake Goran Water Source to an access licence with an extraction component that specifies another management zone in the Lake Goran Water Source,
- (j) an access licence with an extraction component that specifies the Lower Coss

Creek Management Zone or the Mid Coxs Creek Management Zone to an access licence with an extraction component that specifies the Coxs Creek Tributaries Management Zone in the Coxs Creek Water Source,

- (k) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone in the Maules Creek Water Source,
- (l) an access licence that does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source to an access licence that nominates a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source,
- (m) an access licence that nominates a water supply work located in the Etoo and Talluba Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source to an access licence that nominates a water supply work located in the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Turragulla Creek Trading Zone from available water determinations or dealings under section 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Turragulla Creek Trading Zone at the commencement of this Plan,
- (n) an access licence that nominates a water supply work located in a trading zone in the Baradine Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Baradine Creek Water Source,
- (o) an access licence with an extraction component that specifies a management zone in the Manilla Alluvial Groundwater Source to an access licence with an extraction component that specifies another management zone in the Manilla Alluvial Groundwater Source,
- (p) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on an off-river pool in that water source, or

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- (q) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source.
- (2) Dealings under section 71T of the Act within a water source are prohibited in these water sources if the dealing involves an unregulated river (special additional high flow) access licence.
- (3) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if the dealing involves an assignment of water allocation:
  - (a) from an access licence in one extraction management unit to an access licence in another extraction management unit,
  - (b) to an access licence in one of the following water sources:
    - (i) Upper Macdonald River Water Source,
    - (ii) Mid Macdonald River Water Source,
    - (iii) Upper Namoi Water Source,
    - (iv) Keepit Water Source,
    - (v) Split Rock Water Source,
    - (vi) Upper Manilla Water Source,
    - (viii) Lake Goran Water Source,
    - (ix) Bohena Creek Water Source,
    - (x) Brigalow Creek Water Source,
    - (xi) Lower Namoi Water Source,
    - (xii) Baradine Creek Water Source,
    - (xiii) Manilla Alluvial Groundwater Source,
    - (xiv) Currabubula Alluvial Groundwater Source,

- (xv) Quipolly Alluvial Groundwater Source, or
- (xvi) Quirindi Alluvial Groundwater Source,
- (c) to an access licence with a share component that specifies the Werris Creek Water Source, if the assignment:
  - (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Werris Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Werris Creek Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (d) to an access licence with a share component that specifies the Bluevale Water Source, if the assignment:
  - (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bluevale Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Bluevale Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the



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following water sources:

- (A) Upper Macdonald River Water Source,
  - (B) Mid Macdonald River Water Source,
  - (C) Upper Namoi Water Source,
  - (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (e) to an access licence with a share component that specifies the Coxs Creek Water Source, if the assignment:
- (i) is to an access licence with an extraction component that specifies the Coxs Creek Tributaries Management Zone, or
  - (ii) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Coxs Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Coxs Creek Water Source at the commencement of this Plan, or
  - (iii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,

- (f) to an access licence with a share component that specifies the Rangira Creek Water Source, if the assignment:
  - (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Rangira Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Rangira Creek Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (g) to an access licence with a share component that specifies the Maules Creek Water Source, if the assignment:
  - (i) is to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone, or
  - (ii) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Maules Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Maules Creek Water Source at the commencement of this Plan, or
  - (iii) is from an access licence with a share component that specifies one of the

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following water sources:

- (A) Upper Macdonald River Water Source,
  - (B) Mid Macdonald River Water Source,
  - (C) Upper Namoi Water Source,
  - (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (h) to an access licence with a share component that specifies the Eulah Creek Water Source, if the assignment:
- (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Eulah Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Eulah Creek Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (i) to an access licence with a share component that specifies the Bundock Creek Water Source, if the assignment:

- (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Bundock Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Bundock Creek Water Source at the commencement of this Plan, or
- (ii) is from an access licence with a share component that specifies one of the following water sources:
  - (A) Upper Macdonald River Water Source,
  - (B) Mid Macdonald River Water Source,
  - (C) Upper Namoi Water Source,
  - (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (j) to an access licence with a share component that specifies the Coghill Creek Water Source, if the assignment:
  - (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Coghill Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Coghill Creek Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,

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- (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (k) to an access licence with a share component that specifies the Etoo and Talluba Creeks Water Source, if the assignment:
- (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Etoo and Talluba Creeks Water Source from available water determinations or dealings under sections 71T of the Act in that water year, to exceed the sum of the share components of all access licences in the Etoo and Talluba Creeks Water Source at the commencement of this Plan, or
  - (ii) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Turragulla Creek Trading Zone from available water determinations or dealings under sections 71T of the Act in that water year to exceed the sum of the share components of all access licences in the Turragulla Creek Trading Zone at the commencement of this Plan, or
  - (iii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,
    - (D) Keepit Water Source,
    - (E) Split Rock Water Source, or
    - (F) Upper Manilla Water Source,
- (l) to an access licence with a share component that specifies the Spring and Bobbiwaa Creeks Water Source, if the assignment:

- (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Spring and Bobbiwaa Creeks Water Source from available water determinations or dealings under sections 71T of the Act in that water year to exceed the sum of the share components of all access licences in the Spring and Bobbiwaa Creeks Water Source at the commencement of this Plan, or
- (ii) is from an access licence with a share component that specifies one of the following water sources:
  - (A) Upper Macdonald River Water Source,
  - (B) Mid Macdonald River Water Source,
  - (C) Upper Namoi Water Source,
  - (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source,
- (m) to an access licence with a share component that specifies the Pian Creek Water Source, if the assignment:
  - (i) would cause the sum of water allocations credited to the water allocation accounts of all access licences in the Pian Creek Water Source from available water determinations or dealings under sections 71T of the Act in that water year to exceed the sum of the share components of all access licences in the Pian Creek Water Source at the commencement of this Plan, or
  - (ii) is from an access licence with a share component that specifies one of the following water sources:
    - (A) Upper Macdonald River Water Source,
    - (B) Mid Macdonald River Water Source,
    - (C) Upper Namoi Water Source,

- (D) Keepit Water Source,
  - (E) Split Rock Water Source, or
  - (F) Upper Manilla Water Source.
- (4) Dealings under section 71T of the Act are prohibited in these water sources between water sources if the dealing involves a unregulated river (special additional high flow) access licence.

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

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

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

- (1) Dealings under section 71W of the Act are prohibited if the dealing involves:
  - (a) an access licence being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,
  - (b) an access licence which nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source to an access licence being amended to nominate a water supply work located on upstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source,
  - (c) an access licence which does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source being amended to nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source,
  - (d) an access licence which nominates a water supply work in the Etoo and Talluba

Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source being amended to nominate a water supply work in the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, if it would cause the sum of the share components of all access licences in the Turragulla Creek Trading Zone to exceed the sum of the share components of all access licences with extraction components in the Turragulla Creek Trading Zone at the commencement of this Plan,

- (e) an access licence which nominates a water supply work located in a trading zone in the Baradine Creek Water Source being amended to nominate a water supply work located in another trading zone in the Baradine Creek Water Source,
  - (f) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on an off-river pool in that water source,
  - (g) an access licence that nominates a water supply work located on an off-river pool in one of these water sources being amended to nominate a water supply work located on another off-river pool in that water source, or
  - (h) an unregulated river (special additional high flow) access licence.
- (2) Dealings under section 71W of the Act that involve the interstate nomination of water supply works by access licences in these water sources are prohibited.
- (3) Dealings under section 71W of the Act that involve the nomination of water supply works by interstate access licences in these water sources are prohibited.



## Part 11 Mandatory conditions

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

### Division 1 General

#### 68 General

In this part:

- (a) a requirement to notify the Minister in writing will be satisfied by making a notification in writing to one of the addresses listed in Appendix 5 of this Plan or to the email address for the Department's Licensing Enquiries Information Centre,

**Note.** At the commencement of this Plan, the email address for the Department's Licensing Enquiries Information Centre is [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au).

- (b) a *metered water supply work with a data logger* means a water supply work with a data logger and a meter that complies with Australian Technical Specification ATS 4747, *Meters for non-urban water supply* as may be updated or replaced from time to time, and

**Note.** The definition of *metered water supply work with a data logger* does not include all water supply works that are metered or that have a data logger. The water supply work must meet the parameters of this definition for the water supply work to be a *metered water supply work with a data logger*.

- (c) if the holder of a water supply work approval is the same as the holder of the access licence under which water is proposed to be taken, then it is not necessary to maintain two separate Logbooks and all the required information can be kept in one Logbook.

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

### Division 2 Access licences

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

#### 69 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) water must not be taken under an access licence otherwise than in compliance with the conditions applying to the water supply work approval for the water supply work through which water is to be taken,
  - (c) the holder of the access licence must notify the Minister, in writing, immediately upon becoming aware of a breach of any condition of the access licence, and
  - (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 where required 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 period of 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 taken on that date,
    - (v) for unregulated river access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in the first three water years of this Plan by comparison to the volume of water permitted to be taken in those years under clause 43 (2),
    - (vi) for unregulated river access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in any three consecutive water years after the first water year

of this Plan by comparison to the volume of water permitted to be taken in those years under clause 43 (3),

- (vii) for domestic and stock access licences, unregulated river (special additional high flow) access licences and local water utility access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 43 (4),
  - (viii) for aquifer access licences, aquifer (general security) access licences, domestic and stock access licences and local water utility access licences with share components that specify one of the Namoi Alluvial Groundwater Sources, the volume of water taken in a water year, by comparison to the volume of water permitted to be taken in that water year under clause 44 (2), and
  - (ix) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested, and
  - (d) the holder of the access licence must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of the access licence that nominates only a metered water supply work with a data logger to keep a Logbook in accordance with any requirements set out in subclause (2).
- (4) An access licence for a development approved under Part 3A, Part 4 if the development was for state significant development or Part 5.1 of the *Environmental Planning and Assessment Act 1979* must have mandatory conditions where required to give effect to:
- (a) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan, and

- (b) the rules for the use of water supply works located within the restricted distances specified in clause 59.

### **Division 3 Water supply work approvals**

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

#### **70 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) the water supply work must not be used to take water under an access licence unless in compliance with the relevant access rules for the taking of water as specified in Division 2 of Part 8 of this Plan,
  - (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 Technical Specification ATS 4747, *Meters for non-urban water supply*, as may be updated or replaced from time to time,
    - (iii) the metering equipment must be operated and maintained in a proper and efficient manner at all times,
    - (iv) the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of water out of the pipe, channel or conduit between the water source and the metering equipment, 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.

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- (c) the approval holder must ensure that if the water supply work is abandoned or replaced that 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 two months 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 must notify the Minister in writing immediately upon becoming aware of a breach of any condition of the approval, and
  - (f) any other conditions required to implement the provisions of this Plan.
- (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, must have mandatory conditions where required 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 period of time during which water was taken using the water supply work,
    - (ii) the volume of water taken on that date,
    - (iii) the number of the access licence under which water was taken on that date or if water was taken under some other authority (such as basic landholder rights), the authority under which water was taken,
    - (iv) the purpose or purposes for which the water was taken on that date,
    - (v) details of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped and dates of planting and harvesting,
    - (vi) where metering equipment has been installed for use in connection with

- the water supply work, the meter reading before water is taken,
- (vii) where metering equipment has not been installed for use in connection with the water supply work, details of all pumping activities for the water supply work including pump running hours, pump power usage or pump fuel usage, pump start and stop times and pump capacity per unit of time, and
  - (viii) any other information required to be recorded in the Logbook under the rules of this Plan,
- (c) the holder of a water supply work approval must produce the Logbook to the Minister for inspection when requested, and
  - (d) the holder of a water supply work approval must retain the information required to be recorded in the Logbook for five years from the date to which that information relates.
- (3) The Minister may require the holder of a water supply work approval for a metered water supply work with a data logger to keep a Logbook in accordance with any requirements under subclause (2).
  - (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 have a mandatory condition where required to give effect to clause 52 (1).
  - (6) A water supply work approval for a replacement surface water supply work must have mandatory conditions where required to give effect to the requirements for a replacement surface water supply work specified in or specified by the Minister in accordance with clause 52 (4).

**71 Water supply works authorised to take water from the Namoi Alluvial**

### Groundwater Sources

- (1) This clause applies to all water supply work approvals for water supply works that are authorised to take water from the Namoi Alluvial Groundwater Sources.
- (2) Water supply work approvals to which this clause applies must have mandatory conditions where required to give effect to the following:
  - (a) the rules for limiting the taking of water within the restricted distances specified in clause 59,
  - (b) the approval holder must ensure the water supply work is constructed so as to be:
    - (i) screened in the groundwater source specified in the share component of the access licence that nominates the water supply work, and
    - (ii) sealed off from all other water sources,
  - (c) the construction of a new water supply work must:
    - (i) comply with the restricted distance specified in, or specified by the Minister in accordance with clauses 54–57,
    - (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia, 2003*,  
**Note.** *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.
    - (iii) be constructed appropriately so as to prevent contamination between aquifers, and
    - (iv) be constructed to prevent the flow of saline water between aquifers as directed by the Minister in writing,
  - (d) the approval holder must ensure that if the water supply work is abandoned or replaced, it is decommissioned in compliance with the “minimum requirements for decommissioning bores” prescribed in the *Minimum Construction Requirements for Water Bores in Australia* unless otherwise directed by the

Minister in writing,

- (e) within two months 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,
- (f) the approval holder must, within two months of completion of the construction of the water supply work or within two months after the issue of the water supply work approval if the water supply work is existing, submit the details of the water supply work to the Department in a form approved by the Minister,
- (g) if, during the construction of the water supply work, contaminated water is encountered above the production aquifer, the approval holder must:
  - (i) notify the Minister within 48 hours of becoming aware of the contaminated water,
  - (ii) take all reasonable steps to minimise contamination and environmental harm,
  - (iii) ensure that such water is sealed off by inserting casing to a depth sufficient to exclude the contaminated water from the water supply work and, if specified by the Minister, place an impermeable seal between the casing and the walls of the water supply work from the bottom of the casing to ground level as specified by the Minister, and
  - (iv) if the Minister has specified any other requirements, comply with any requirements specified by the Minister in writing,
- (h) when directed by the Minister by notice in writing, the approval holder must provide a report in the form specified in the notice detailing the quality of any water obtained using the water supply work,
- (i) the water supply work approval will lapse if the construction of the water supply work is not completed within three years of the issue of the water supply work approval, and
- (j) any other conditions required to implement the provisions of this Plan.



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- (3) A water supply work approval granted in circumstances where clause 54 (2) (d) applies must have a mandatory condition where required to give effect to clause 54 (4).
- (4) A water supply work approval for a water supply work must have mandatory conditions where required to give effect to the requirements for a replacement groundwater work specified in or specified by the Minister in accordance with clause 58.

## Part 12 Amendment of this Plan

### 72 General

- (1) Amendments specified throughout this Plan and in this Part, are amendments authorised by this Plan.
- (2) An amendment authorised by this Plan is taken to include any consequential amendments required to be made to this Plan to give effect to that particular amendment.

**Note.** For example, if Part 1 is amended to add a new management zone, this may require amendments to other parts of this Plan to include rules for that management zone.

- (3) An amendment authorised by this Plan which results in a variation of the bulk access regime is an amendment authorised by this Plan for the purposes of sections 87 (2) (c) and 87AA of the Act.

### 73 Part 1

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

- (a) apply this Plan to new or additional water sources or water management areas (including part thereof) or modify (including to amend the boundaries) or remove an existing water source or water management area (including part thereof) included in 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, provided that any division of an extraction management unit into two or more extraction units may only be made following a review which is assessed as adequate by the Minister that investigates:
  - (i) the geographic distribution of actual or potential growth in extractions across the extraction management unit above the long-term average

- annual extraction limit for that extraction management unit, and
- (ii) the potential for disproportionate growth in extractions in some water sources in the extraction management unit to cause an exceedance of the long-term average annual extraction limit for that extraction management unit, and
- (e) amend the Plan Map.

#### **74 Part 4**

Part 4 may be amended to vary the amount of recharge reserved as planned environmental water in the Currabubula Alluvial Groundwater Source as a result of recharge studies undertaken or assessed as adequate by the Minister.

#### **75 Part 6**

Part 6 may be amended to do the following:

- (a) for the first 12 months of this Plan, adjust the long-term annual average extraction limits for the Namoi Alluvial Groundwater Sources following any new information assessed as adequate by the Minister that indicates that annual extraction of water entitlements issued under Part 5 of the *Water Act 1912* plus annual water requirements for domestic and stock rights and native title rights at the commencement of this Plan were greater than the estimate of annual extraction of water entitlements issued under Part 5 of the *Water Act 1912* plus annual water requirements for domestic and stock rights and native title rights that was made at the commencement of the Plan, and
- (b) after year five of this Plan:
  - (i) increase the period over which the average of annual extractions is compared to the long-term average annual extraction limit established in clause 29 (2) in the assessment of the average annual extractions against the long-term average annual extraction limit in the Namoi Unregulated Rivers Extraction Management Unit, or
  - (ii) increase the percentage by which the average of the annual extractions can exceed the long-term average annual extraction limit established in

clause 29 (2) before available water determinations are to be reduced to return average annual extractions below the long-term average annual extraction limit for the EMU,

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

## 76 Part 8

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

- (a) establish new or additional flow classes in any water source where management zones are added or in any water source or management zone that is amended, during the term of this Plan as specified in clause 73, provided that the Minister is satisfied that the amendments maintain, to the extent feasible, the same level of access for licence holders in the affected water source or management zone as prior to the establishment of the new or amended water source or management zone,
- (b) amend the flow classes for the Manilla River Management Zone in the Upper Manilla water source if, after the completion of augmentation of Barraba town water supply, a review demonstrates to the Minister's satisfaction that Barraba town water supply is less dependent on extraction from the Manilla River,
- (c) amend clauses 47 or 48 to extend the exemption to the cease to take conditions for stock watering purposes specified in clauses 47 (17) (c) and 48 (6) (c) beyond year five of this Plan and/or modify the volume of water permitted to be taken for stock watering purposes after year five of this Plan,
- (d) establish or assign new TDELs in these water sources or management zones following the imposition of an adaptive environmental water condition on an access licence that requires the water to be left in the water source or management zone for environmental purposes,
- (e) establish or assign new TDELs in these water sources or management zones to protect a proportion of flow within each flow class for the environment,

- (f) amend or remove TDELs if TDELs have been established or assigned,
- (g) include rules for the establishment, assignment and removal of IDELs,
- (h) remove the existing access rules where TDELs and/or IDELs have been established under paragraphs (e) or (g) to protect a proportion of flow within each flow class for the environment,
- (h) reinstate access rules that applied at the commencement of this Plan, where TDELs and IDELs have been removed under paragraphs (f) and (g).

## 77 Part 9

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

- (a) amend clause 52 to specify water sources or management zones where water supply work approvals must not be granted or amended to authorise in-river dams on third or higher order streams,
- (b) add, remove or modify a restricted distance specified in:
  - (i) clause 54 after year five of this Plan, or
  - (ii) clause 56 based on the outcomes of further studies of groundwater dependent ecosystems that are to the Minister's satisfaction,
- (c) amend the definition of a replacement groundwater work in clause 58, or
- (d) amend clause 59 to impose further restrictions on the rate and timing of extraction of water to mitigate impacts.

## 78 Part 10

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

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

- of flows, in-stream values, stream health and Aboriginal cultural assets,
- (ii) the identification of water sources where dealing limits for trade are needed,
  - (iii) the identification of water sources which have hydrological connectivity and where dealing limits are not needed, and
  - (iv) the types of trade that may be made available between certain water sources, or
- (b) specify different dealing rules for the Manilla River Management Zone in the Upper Manilla Water Source if, after the completion of augmentation of Barraba town water supply, a review demonstrates to the Minister's satisfaction that Barraba town water supply is less dependent on extraction from the Manilla River,

## **79 Part 11**

Part 11 may be amended to do any of the following:

- (a) amend the rules in relation to record keeping including in relation to requirements for Logbooks, or
- (b) amend clauses 70 or 71 to specify different standards or requirements for decommissioning water supply works or construction requirements for water supply works.

## **80 Dictionary**

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

## **81 Schedules**

- (1) Schedule 1 may be amended to remove or add sections of watercourses that are to be excluded from this Plan.
- (2) Schedule 2 may be amended to add or remove or add access licences from Column 1 of Schedule 2 and amend, add or remove access rules from Column 3 of Schedule 2.
- (3) Schedule 3 may be amended to do any of the following:

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Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

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- (a) add a new access licence to clause 1 of Schedule 3, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 47 (18) (a) and that the purpose was specified on, or referred to in the conditions of, the *Water Act 1912* entitlement that was replaced by the access licence,
  - (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 3, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 3 if:
    - (i) an access licence dealing results in water being taken under the licence from a different location,
    - (ii) an alternative water supply is obtained, or
    - (iii) the access licence is surrendered or cancelled,
  - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 3 if:
    - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
    - (ii) the access licence is surrendered or cancelled.
- (4) Schedule 3 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (5) Schedule 4 may be amended to do any of the following:
- (a) add a new access licence to clause 1 of Schedule 4, provided that a written request has been made to the Minister and the Minister is satisfied that extraction under the access licence is for a purpose listed in clause 48 (6) (a)

- and that the purpose was specified on or referred to in the conditions of the *Water Act 1912* entitlement that was replaced by the access licence or referred to in its conditions,
- (b) add a local water utility access licence or an access licence of the subcategory “Town water supply” to clause 2 of Schedule 4, provided the Minister is satisfied that the water supply system used to take, store and deliver water has not undergone major augmentation since the commencement of this Plan,
  - (c) remove an access licence or *Water Act 1912* entitlement from clause 1 of Schedule 4 if:
    - (i) an access licence dealing results in water being taken under the licence being taken from a different location,
    - (ii) an alternative water supply is obtained,
    - (iii) the licence is surrendered or cancelled or its purpose ceases to exist, or
  - (d) remove a local water utility access licence, an access licence of the subcategory “Town water supply” or a *Water Act 1912* entitlement from clause 2 of Schedule 4 if:
    - (i) the Minister is satisfied that the water supply system used to take, store and deliver water has undergone major augmentation since the commencement of this Plan, or
    - (ii) the access licence is surrendered or cancelled.
- (6) Schedule 4 or part thereof may be deleted if the Minister is satisfied that it is no longer required.
- (7) Schedule 5 may be amended to add or remove a contamination source.
- (8) Schedule 6 may be amended to add or remove:
- (a) a high priority groundwater dependent ecosystem, or
  - (b) a high priority karst environment groundwater dependent ecosystem.



- (8) Schedule 7 may be amended to add or remove trading zones.
- (9) A schedule may be added to this Plan to list access licences subject to specific access rules for in-river pools, off-river pools and in-river dams, based on the following requirements:
  - (a) the applicant has held a Water Act 1912 entitlement that has been converted to an access licence on commencement of this Plan, and
  - (b) the applicant must demonstrate a history of extraction prior to commencement of this Plan regarding the taking of water from off-river pools or in-river pools and provide any other information as required by the Minister.

## 82 Other

- (1) This Plan may be amended to include rules for the following:
  - (a) managed aquifer recharge,

**Note.** Managed aquifer recharge schemes involve taking water such as recycled water or urban stormwater, treating it and then storing it in underground aquifers under controlled conditions. This water can then be extracted at a later time.
  - (b) the management of floodplain harvesting within these water sources,
  - (c) the shepherding of water,

**Note.** *Shepherding* is defined in the Dictionary.
  - (d) any new category of access licence established for the purpose of urban stormwater harvesting,
  - (e) the interception of water before it reaches a stream or aquifer by plantations or other means,
  - (f) the management of salt interception schemes, or
  - (g) the management of aquifer interference activities, including the granting of aquifer interference approvals.
- (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 following the granting of a native title claim pursuant to the provisions of the *Native Title Act 1993* (Cth) to give effect to an entitlement granted under that claim.
- (4) This Plan may be amended to enable a water resource plan to be accredited under the *Water Act 2007* of the Commonwealth.
- (5) This Plan may be amended after year five to provide rules for the protection of water dependent Aboriginal cultural assets to do any of the following:
  - (a) identify water dependent Aboriginal cultural assets,
  - (b) amend the access rules to protect water dependent Aboriginal cultural assets,
  - (c) restrict the granting and amending of water supply work approval to protect water dependent Aboriginal cultural assets, or
  - (d) amend the dealing rules to protect water dependent Aboriginal cultural assets.
- (6) Any amendment under subclause (4) will take into account the socio-economic impacts of the proposed change and the environmental water requirements of the water source.
- (7) Before making an amendment pursuant to subclause (5) the Minister should consult with relevant Government agencies and stakeholders.

## Dictionary

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

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

**alluvial sediments** means unconsolidated fluvio-lacustrine sediments.

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

**drawdown** means a lowering of the level to which water will rise in cased bores.

**Note.** Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

**fractured rock** means sedimentary, igneous and metamorphic rocks with fractures, joints, bedding planes and cavities in the rock mass that are capable of transmitting water.

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

**grazeable area** means, for an individual landholding, the area of pasture in hectares for a pasture type that is accessible for stock grazing and able to grow appropriate vegetation for stock grazing, but does not include impervious surfaces (such as rocks or rocky terrain, man-made structures, mines or quarries) or other such surfaces that do not support grazing vegetation, such as water bodies and forested floors with no undergrowth.

**groundwater dependent ecosystems** includes ecosystems which have their species composition and natural ecological processes wholly or partially determined by groundwater.

**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.

**Minimum Construction Requirements for Water Bores in Australia** means the document published by the National Uniform Drillers Licensing Committee entitled Minimum Construction Requirements for Water Bores in Australia, 2012, ISBN 978-0-646-56917-8, as amended or replaced from time to time.

**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.

**porous rock** means consolidated sedimentary rock containing voids, pores or other openings (such as joints, cleats and/or fractures) which are interconnected, in the rock mass and which are capable of transmitting water.

**recharge** means the addition of water, usually by infiltration, to an aquifer.

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

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

**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 60 of this Plan and shown in Schedule 7 of this Plan, 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.

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**Schedule 1 Sections of watercourses to which this Plan does not apply**

<b>Column 1</b> <b>Watercourse</b>	<b>Column 2</b> <b>Section</b>
Pagan Creek	From the junction with Barwon River (most Northern point of lot 7004, DP 1058926) to the junction with Thalaba Creek.

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

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

### **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.

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

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

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

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

## Schedule 4 Access licences used to take water from the Namoi Alluvial Groundwater Source 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.

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

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

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

<b><i>Water Act 1912</i> entitlements that will be replaced by local water utility access licences or aquifer access licences of the subcategory “Town water supply” on commencement of this Plan</b>
90BL017370
90BL020810
90BL120328
90BL022231
90BL022232
90BL022233
90BL140215
90BL109770
90BL109771
90BL109772



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## **Schedule 5 Contamination sources in these water sources**

Contamination sources in these water sources comprise the following:

- (a) on-site sewage disposal systems or septic tanks,
- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*,
- (c) any sites that are or have been the subject of any activity listed in Table 1 of the contaminated land planning guidelines as published under the *Environmental Planning and Assessment Act 1979* from time to time, and
- (d) any sites listed in an agency database relating to contamination sources.

## **Schedule 6 High priority groundwater dependent ecosystems**

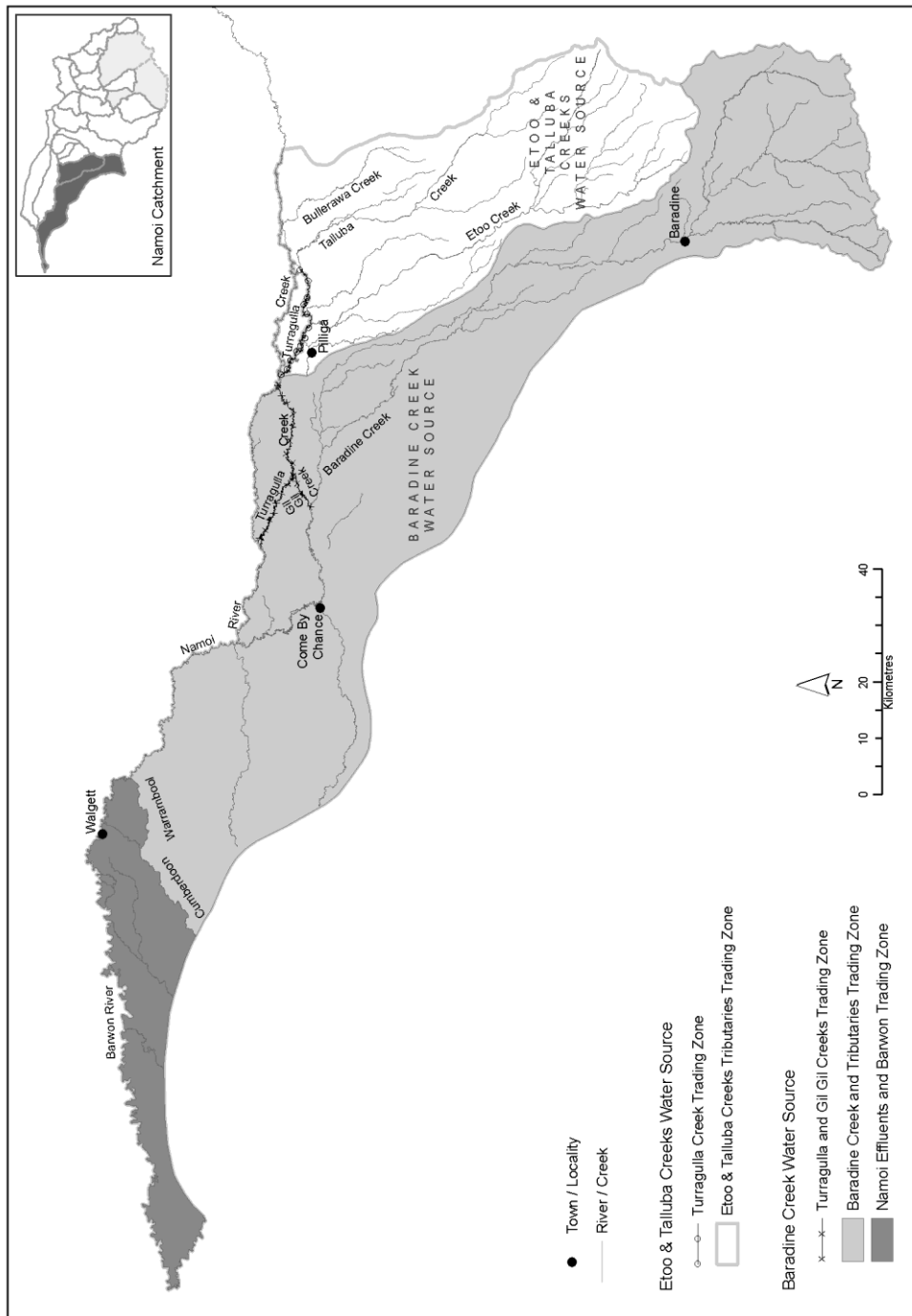
At the commencement of this Plan, no high priority groundwater dependent ecosystems have been identified in this Schedule.

**Note.** High priority groundwater dependent ecosystems (hereafter **GDEs**) are currently under investigation and some may be identified during the term of this Plan. The full list of potential GDEs will be identified on the Department's GDE Register and as a precautionary approach, will be considered by staff in the assessment of any application for a water supply work approval within the area of this Plan. If it becomes verified as a high priority GDE, this Schedule will be amended to include the GDEs.

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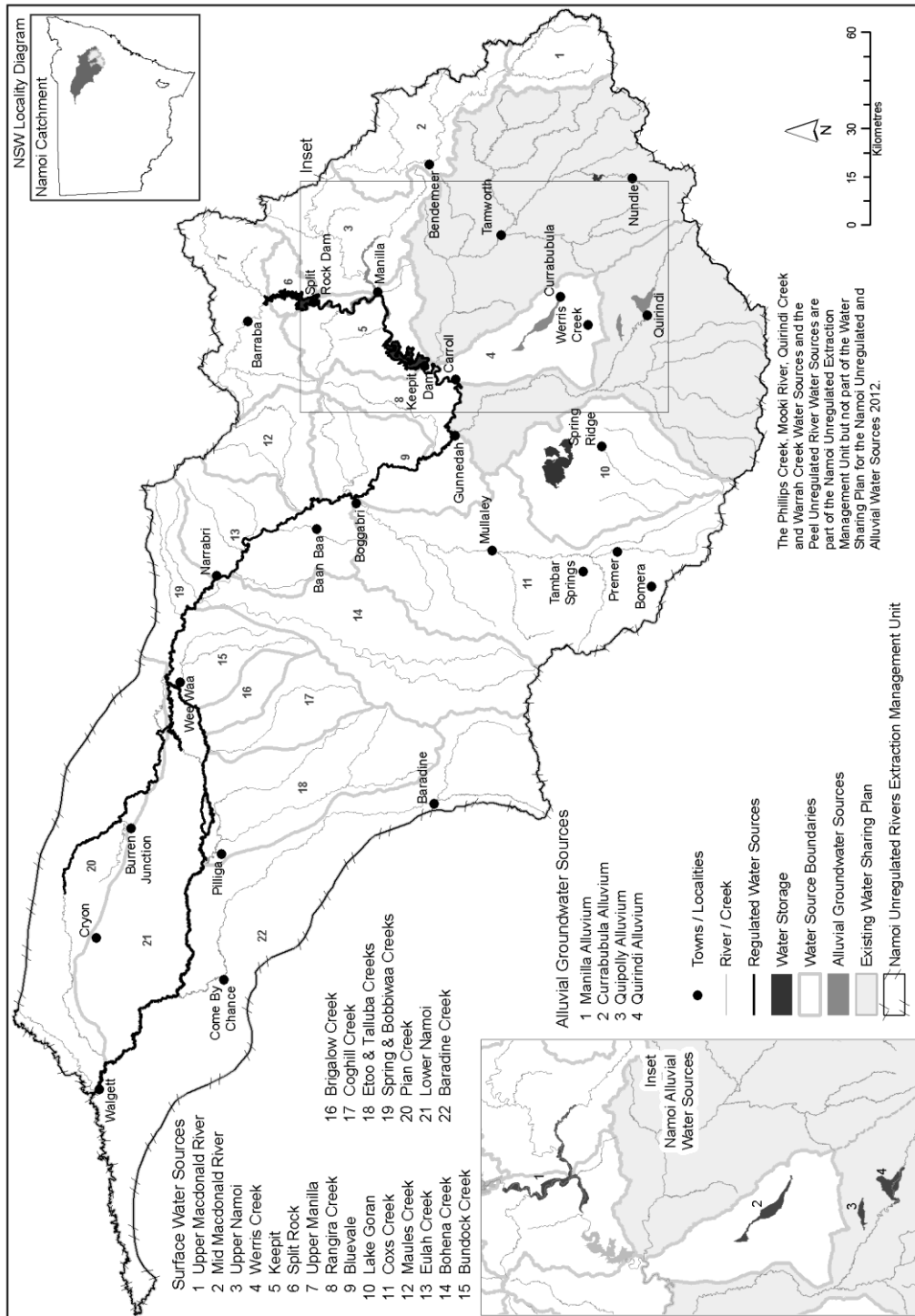
**Schedule 7 Trading zones**

**Overview of the trading zones within the  
Namoi Unregulated and Alluvial Water Sources 2012**



Appendix 1 Overview of the Plan Map

Plan Map (WSP021\_Version 1),  
Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012



Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

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## **Appendix 2    Inspection of Plan Map**

Copies of the Plan Map may be inspected at the following offices:

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
10 Valentine Ave  
PARRAMATTA NSW 2150

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
155-157 Marius Street  
TAMWORTH NSW 2340

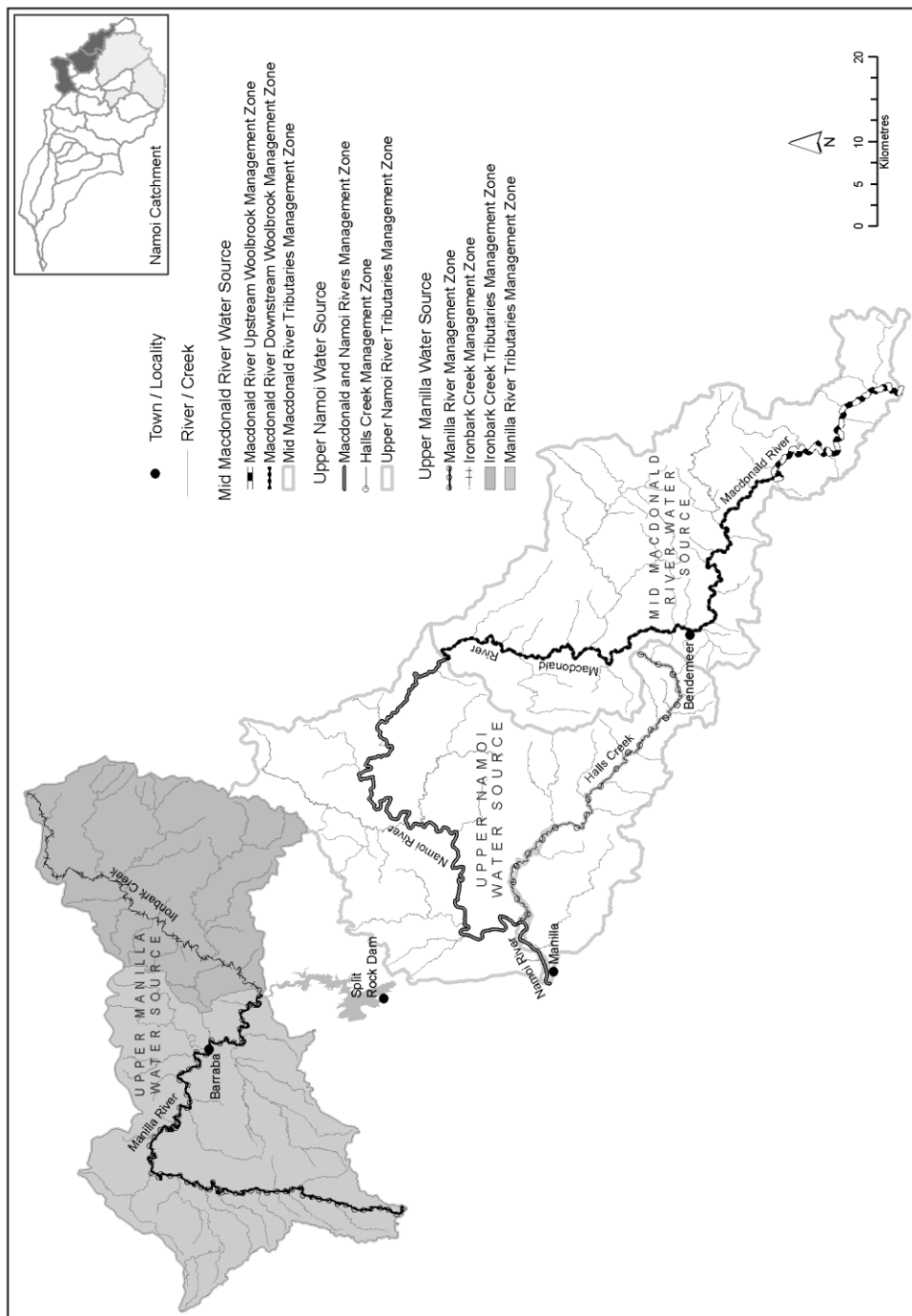
NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
9127 Kamilaroi Highway  
GUNNEDAH NSW 2380

NSW Office of Water  
Department of Trade and Investment, Regional Infrastructure and Services  
53-55 Maitland Street  
NARRABRI NSW 2390

**Appendix 3 Overview of the Management Zones covered by this Plan**

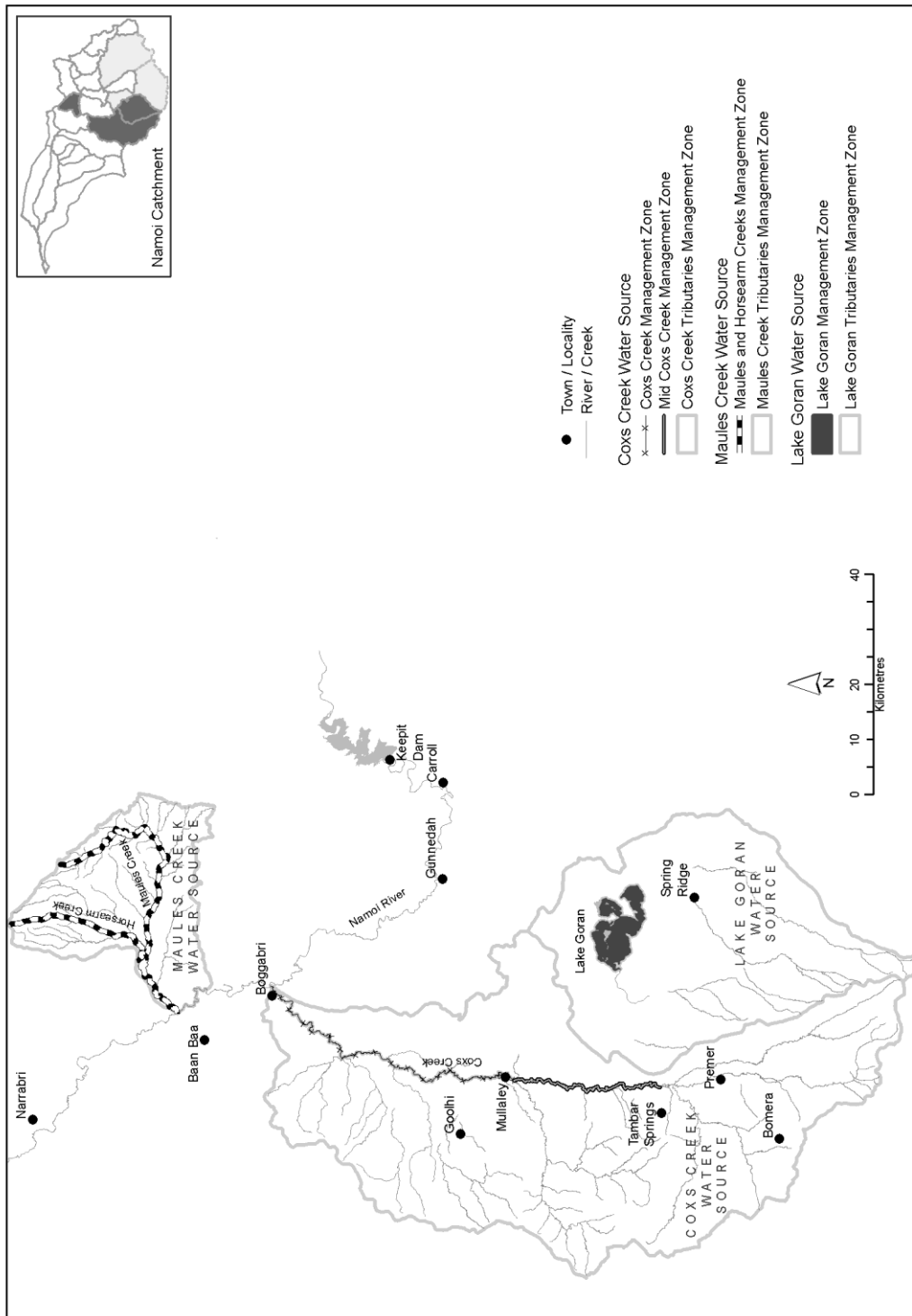
**Overview of selected management zones within the  
Namoi Unregulated and Alluvial Water Sources**

**(Map 1 of 4)**

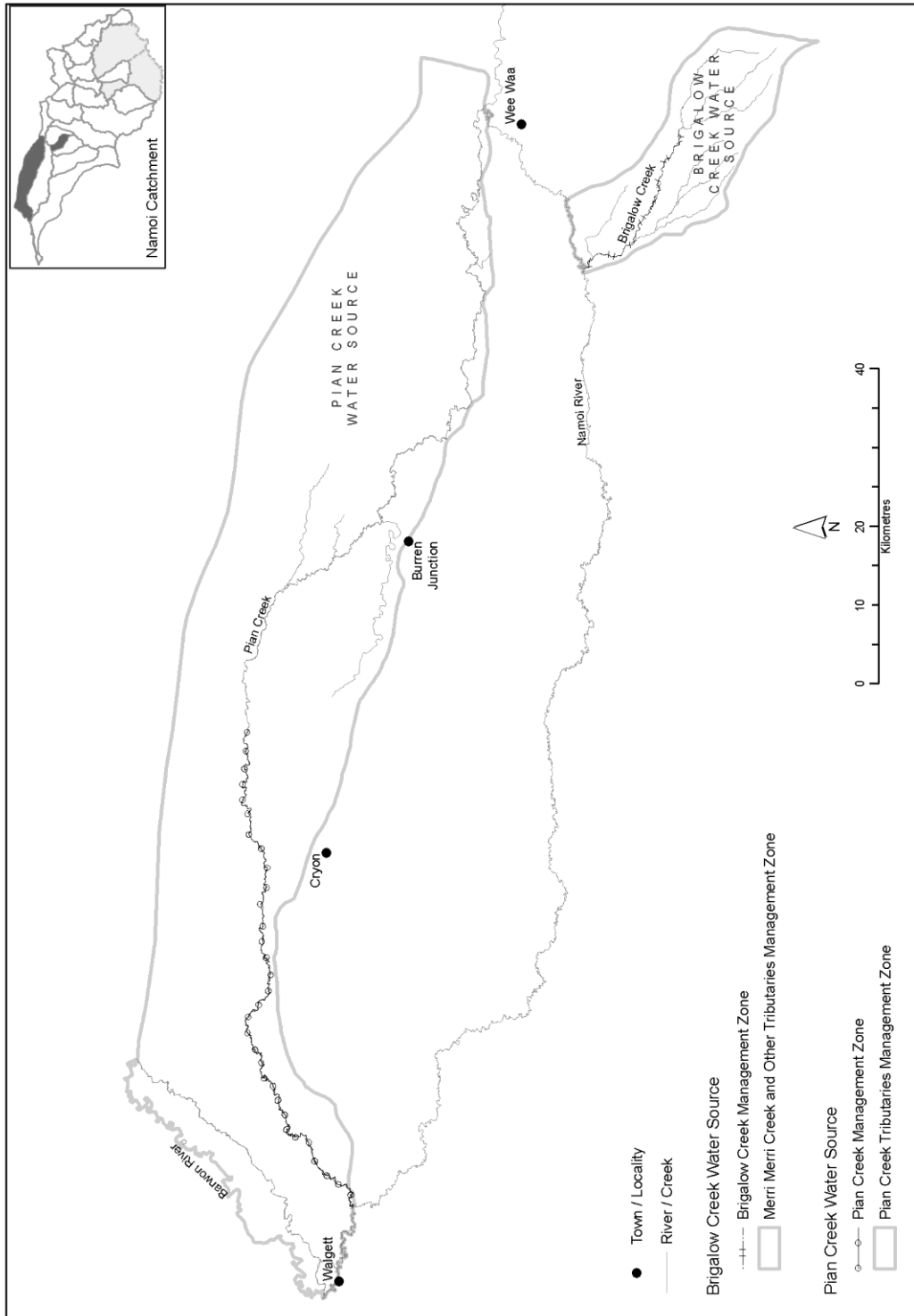


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**Overview of selected management zones within the  
Namoi Unregulated and Alluvial Water Sources  
(Map 2 of 4)**

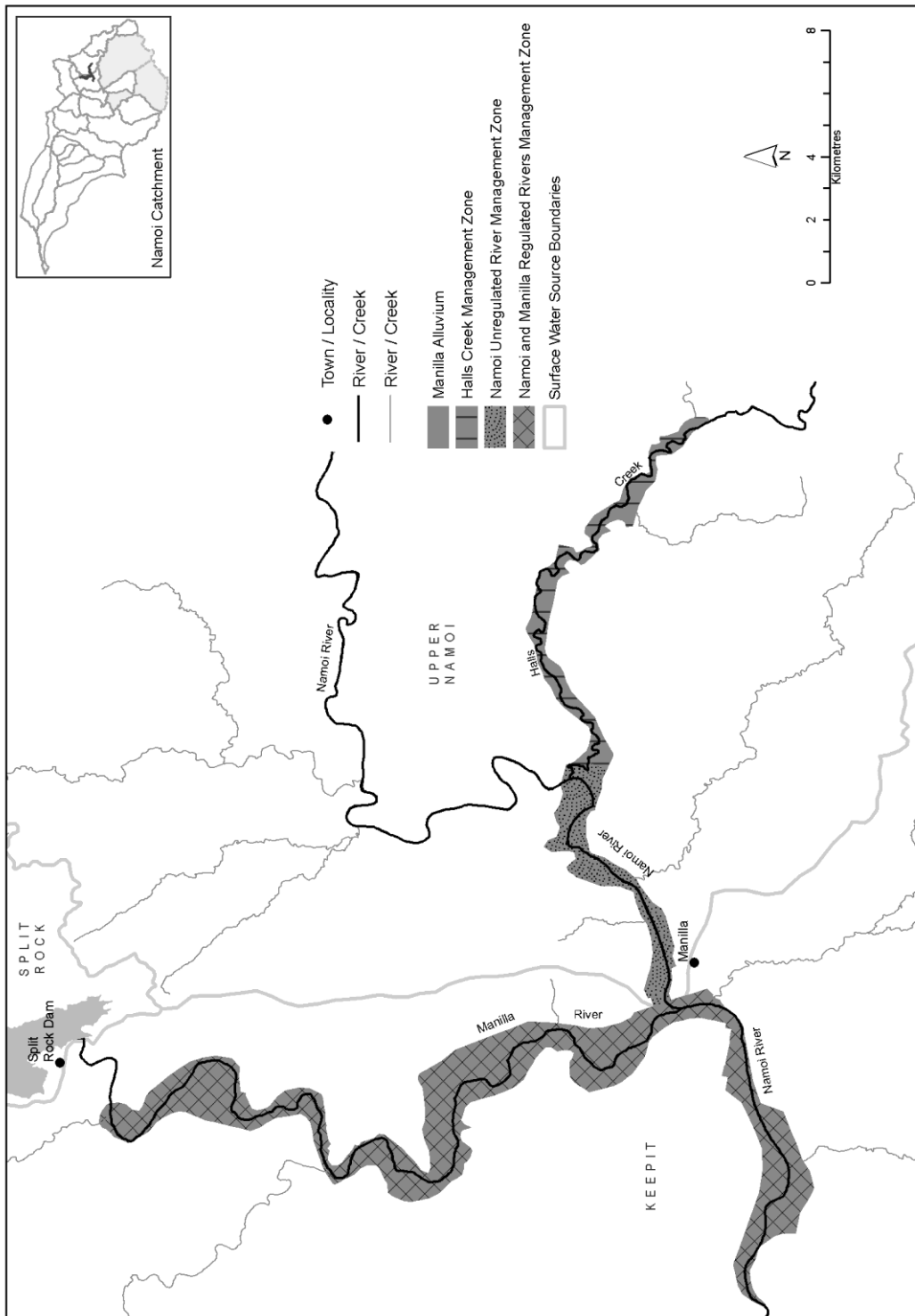


**Overview of selected management zones within the  
Namoi Unregulated and Alluvial Water Sources  
(Map 3 of 4)**





**Overview of selected management zones within the  
Namoi Unregulated and Alluvial Water Sources  
(Map 4 of 4)**



#### **Appendix 4 Access licences subject to the cease to take condition specified in clause 47 (7) of this Plan**

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

<b>Column 1</b> <i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	<b>Column 2</b> Water Source	<b>Column 3</b> <i>Water Act 1912</i> conditions
90SL100823H	Lower Namoi Water Source	The authorised work shall not be used for the purpose of irrigating the authorised area or any part thereof, unless the discharge of the Namoi River at the downstream Weeta Weir Gauge exceeds 1600 megalitres per day (such discharge corresponding to a reading on the said gauge of 179.15 metres or such other reading as may be determined from time to time).
90SL45571	Werris Creek Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the unnamed watercourse immediately above its junction with the pool level maintained by the "Gap Railway Dam" on Werris Creek.
90SL101064	Upper Namoi River Water Source	The authorised work/s shall not be used for the purpose of irrigation unless there is a flow of 28 megalitres per day at the North Cuerindi Gauge on the Namoi River.

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90SL100820	Upper Namoi River Water Source	Subject to condition number 8, the authorised 50mm pump can only be used for the purpose of irrigation when a flow in the Namoi River at Wittagoona/East Hills Gauge exceeds 50 megalitres per day, with such flow corresponding to a gauge reading of 0.54 metres or such other reading as may be determined from time to time.
90SL100935	Upper Namoi River Water Source	Any pump over 250mm in capacity shall not be used for the purpose of irrigation unless there is a flow over the weir authorised by licence no. 90SL004754 held by Tamworth Regional Council of least 100 megalitres per day.
90SL100962	Upper Namoi River Water Source	The licensed 250mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 100 megalitres per day.
90SL100975	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100976	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.

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90SL100977	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL101041	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100934	Upper Namoi River Water Source	The licensed 380 mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 95 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.88 metre or such other reading as may be determined from time to time).
90SL042638	Upper Manilla Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Barraba Creek at the rock bar situated immediately downstream of the railway bridge on Lot 1 DP 709498, Parish of Barraba, County of Darling.
90SL045974	Upper Manilla Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in Paling Yard Creek at the road causeway on the Tiabundle Road located between Lots 166 and 40 of DP752197.

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90SL100812	Upper Manilla Water Source	The authorised work must not be used for the purpose of irrigation unless the flow in Ironbark Creek at gauging station 419047 (at Woodreef) exceeds 7 megalitres per day. And there must be a visible flow of water over the causeway on Coonoor Road where it crosses Ironbark Creek approximately 150 metres downstream from the pump site.
90SL049694	Upper Macdonald River Water Source	The authorised work shall not be used for the purpose of irrigation unless the flow in Smith's Creek overtops a permanent mark fixed to a rock bar located approximately 50 metres upstream of the south west boundary of Lot 66 DP 756468, Parish of Branga, County of Vernon. The level of the permanent mark (bolt) shall be fixed at not higher than 2 metres below the level of a bench mark established on a gum tree on the left bank of the watercourse near the control point and particulars of which are retained in the office of NSW Office of Water .
90SL100786	Pian Creek Water Source	No water shall be diverted from the Unnamed Watercourse unless water is being diverted into the said Unnamed Watercourse by means of the authorised works approval and associated access licence on the Namoi River and water has been continuously diverted for the preceding 12 hours.

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90SL100948	Mid Macdonald River Water Source	The approval holder must not take any water from an approved work for the purpose of irrigation, unless the water level in the Macdonald River at the Retreat Gauge is greater than 38 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.53 metres or such other reading as may be determined from time to time).
90SL037340	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete causeway crossing of Maules Creek known as Merriendi Crossing.
90SL046395	Maules Creek Water Source	The pump shall not be used for the purpose of irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 200 megalitres per day (such discharge corresponding to a gauge reading of 0.49 metre or such other reading as may be determined from time to time).
90SL047307	Maules Creek Water Source	The 100 mm pump shall not be used for the purpose of irrigation unless the gauge height at Elfin Crossing exceeds 0.26 metres( which flow corresponds to a discharge of 14 ML/day).
90SL047307	Maules Creek Water Source	The 380 mm pump shall not be used for the diversion of water for any purpose from Maules Creek until the gauge height at Elfin Crossing exceeds 0.41 metres ( which flow corresponds to a discharge of 206 ML/day).

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90SL047562	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Maules Creek over the Merriendi concrete road causeway, situated on portion 41, Parish of Therribri, County of Nandewar.
90SL100765	Maules Creek Water Source	The pump shall not be used for the purpose of irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 206 megalitres per day ( such discharge corresponding to a gauge reading of 0.61 metre or such other reading as may be determined from time to time). You can obtain the latest information regarding Maules Creek flow and gauge heights by logging into the Departments WEB site at <a href="http://WWW.water.nsw.gov.au">WWW.water.nsw.gov.au</a> .
90SL100772	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL25851	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately

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		1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL28830	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL31646	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of portion 228, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL034807	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said



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		crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL034951	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL48383	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL49194	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between part portion

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		55 and Portion 67, Parish of Gurleigh, county of White.
90SL50498	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between Lot 102 DP 814925 (formerly part portion 55) and Lot 67 DP 757105 (formerly portion 67), Parish of Gurleigh, county of White.
90SL051043	Coghill Creek Water Source	The authorised work shall not be used unless a visible flow exists and is maintained in Coghill Creek from the road bridge on the Wee Waa - Pilliga road, downstream to its confluence with the Namoi River.
90SL037282	Coxs Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Bomera Creek at the road crossing at the south-western corner of WR66, Parish of Bomera, County of Pottinger.
90SL050545	Coxs Creek Water Source	The authorised work shall not be used for the diversion of water from Cox's Creek in excess of 60 MLs/day unless; the discharge of Cox's Creek at the Mullaley Gauge is in excess of 15 ml/day; and the discharge of Cox's Creek at the Boggabri gauge is in excess of 20 ml/day, such discharge corresponding to readings on the said gauges of 0.66 metres and 0.44 metres respectively, or such other readings as

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

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		of the weir on Turrugulla Creek unless there is a visible flow in the said creek at the bridge on the Epping Road..
90SA011749	Baradine Creek Water Source	When there is a flow in Turrugulla Creek the subject works shall not be used for the purpose of irrigation unless there is a visible flow in Turrugulla Creek at its confluence with the Namoi River.
90SL51241	Baradine Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Baradine Creek at its confluence with the Namoi River between portions 19 and 25, Parish of Cumberland, County of Baradine.

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## **Appendix 5 Office**

Any notifications that may be required to be made to the Minister, as specified in this Plan can be made to the following office:

NSW Office of Water

Department of Trade and Investment, Regional Infrastructure and Services

PO Pox 550

TAMWORTH NSW 2340