



# Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source Amendment Order 2012

under the

Water Management Act 2000

I, the Minister for Primary Industries, in pursuance of section 45 (1) (a) of the *Water Management Act 2000*, being satisfied it is in the public interest to do so, make the following Order to amend the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*.

Dated this 11th day of July, 2012.

KATRINA HODGKINSON, MP  
**Minister for Primary Industries**

## **Explanatory note**

This Order is made under section 45 (1) (a) of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

2012 No 356

# **Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source Amendment Order 2012**

under the

Water Management Act 2000

## **1. Name of Order**

This Order is the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source Amendment Order 2012*.

## **2. Commencement**

This Order commences on the day on which it is published on the NSW legislation website.

## **3. Amendment**

The *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003* is amended as set out in Schedule 1.

## Schedule 1 Amendment of Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003

### [1] Clause 16 Extraction Management Unit

Omit clause 16 (2).

Insert instead:

- (2) The extraction management unit of which this water source is part is known as the Gwydir Unregulated Extraction Management Unit (hereafter *this Unit*).
- (3) This Unit in subclause (2) is show in the map in Appendix 4A. This Unit does not include water contained in the section of the watercourse specified in Column 2 of Schedule 4A.

**Note.** The Gwydir Unregulated Extraction Management Unit also includes the Roumalla Creek Water Source, the Rocky River Water Source, the Boorolong Creek Water Source, the Upper Gwydir River Water Source, the Laura Creek Water Source, the Bakers Creek Water Source, the Georges Creek Water Source, the Moredun Creek Water Source, the Keera Creek Water Source, the Copeton Dam Water Source, the Halls Creek Water Source, the Mackenzies Flat Water Source, the Myall Creek Water Source, the Gurley Creek Water Source, the Tycannah Creek Water Source, the Warialda Creek Water Source, the Millie Creek Water Source, the Slaughterhouse Creek Water Source, the Mosquito Creek Water Source, Moree Water Source, Gil Gil Creek Water Source, Thalaba Creek Water Source, Mehi River Water Source, Gwydir Water Source, Carole Creek Water Source, Gingham Watercourse Water Source and Barwon Water Source as defined in the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012*.

### [2] Clause 34

Omit clause 34.

Insert instead:

#### **34 Extraction management unit**

Management of the long-term extraction of water from this water source will be undertaken in the context of this Unit referred to in clause 16 (2).

### [3] Clause 35

Omit clause 35.

Insert instead:

#### **35 Long-term average extraction limit**

Subject to any variation under clause 36, the long-term average annual extraction limit for this Unit 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* in this water source, plus
- (b) the annual water requirements pursuant to domestic and stock rights and native title rights in this water source at the commencement of this Plan, 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 this Unit, 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* in the

following water sources as defined in the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012*:

- (i) Roumalla Creek Water Source,
  - (ii) Rocky River Water Source
  - (iii) Boorolong Creek Water Source,
  - (iv) Upper Gwydir River Water Source,
  - (v) Laura Creek Water Source,
  - (vi) Bakers Creek Water Source,
  - (vii) Georges Creek Water Source,
  - (viii) Moredun Creek Water Source,
  - (ix) Keera Creek Water Source,
  - (x) Copeton Dam Water Source,
  - (xi) Halls Creek Water Source,
  - (xii) Mackenzies Flat Water Source,
  - (xiii) Myall Creek Water Source,
  - (xiv) Gurley Creek Water Source,
  - (xv) Tycannah Creek Water Source,
  - (xvi) Warialda Creek Water Source,
  - (xvii) Millie Creek Water Source,
  - (xviii) Slaughterhouse Creek Water Source,
  - (xix) Mosquito Creek Water Source,
  - (xx) Moree Water Source,
  - (xxi) Gil Gil Creek Water Source,
  - (xxii) Thalaba Creek Water Source,
  - (xxiii) Mehi River Water Source,
  - (xxiv) Gwydir Water Source,
  - (xxv) Carole Creek Water Source,
  - (xxvi) Gingham Watercourse Water Source, and
  - (xxvii) Barwon Water Source, plus
- (e) the annual water requirements pursuant to domestic and stock rights and native title rights in the following water sources at the commencement of the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012*:

- (i) Roumalla Creek Water Source,
- (ii) Rocky River Water Source
- (iii) Boorolong Creek Water Source,
- (iv) Upper Gwydir River Water Source,
- (v) Laura Creek Water Source,
- (vi) Bakers Creek Water Source,
- (vii) Georges Creek Water Source,
- (viii) Moredun Creek Water Source,
- (ix) Keera Creek Water Source,
- (x) Copeton Dam Water Source,
- (xi) Halls Creek Water Source,
- (xii) Mackenzies Flat Water Source,
- (xiii) Myall Creek Water Source,
- (xiv) Gurley Creek Water Source,
- (xv) Tycannah Creek Water Source,
- (xvi) Warialda Creek Water Source,
- (xvii) Millie Creek Water Source,
- (xviii) Slaughterhouse Creek Water Source,
- (xix) Mosquito Creek Water Source,
- (xx) Moree Water Source,
- (xxi) Gil Gil Creek Water Source,
- (xxii) Thalaba Creek Water Source,
- (xxiii) Mehi River Water Source,
- (xxiv) Gwydir Water Source,
- (xxv) Carole Creek Water Source,
- (xxvi) Gingham Watercourse Water Source, and
- (xxvii) Barwon Water Source.

**[4] Clause 36**

Omit clause 36.

Insert instead:

**36 Variation of the long-term average extraction limit**

Following the surrender under section 77 of the Act and then the cancellation under section 77A (6) of the Act of an access licence in this water source, the Minister may vary the long-term average annual extraction limit for this Unit.

**[5] Clause 37 Available water determinations**

Omit clause 37 (2) (a).

Insert instead:

- (a) water extraction in this Unit will be monitored in each water accounting year to determine if there is any growth in volumes extracted above the extraction limit specified in clause 35, based on comparison of the extraction limit against the average extraction within this Unit over the preceding 5 years,

**[6] Clause 37 Available water determinations**

Omit “3 year” from clauses 37 (2) (g) and (h). Insert instead “5 years”.

**[7] Clause 69 Runoff harvesting dams**

Omit the clause.

**[8] Clause 70**

Omit clause 70.

Insert instead:

**70 Runoff harvesting dams and in-river dams**

- (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 an 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.

**Note.** The method by which the Minister can require the modification of the dam 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.

- (2) New or expanded runoff harvesting dams shall, in addition to other considerations, be subject to the dam capacity not exceeding that which is consistent with the access licence share component specifying the runoff harvesting dam as the nominated work.
- (3) Water supply work approvals must not be granted for any new in-river dams within all water sources and management zones to which this Plan applies.

**[9] Schedule 1 Dictionary**

Omit the definition of *runoff harvesting dam*.

Insert instead:

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

**[10] Schedule 5 Gwydir Unregulated Extraction Management Unit**

Omit the Schedule.

**[11] Schedule 4A**

Insert the following after Schedule 4.

**Schedule 4A Watercourses to which this Plan does not apply**

<b>Column 1</b>	<b>Column 2</b>
<b>Watercourse</b>	<b>Sections of the watercourse</b>
Collymongle Lagoon	The section from the junction with Gnungarah Creek (SE corner of Lot 32, DP 750445) to the junction with the unregulated Gwydir River (NW corner of Lot 17, DP 750445).
Gnungarah Creek	The section from the junction with Barwon River (northern most point of Lot 61, DP 727897) to the junction with Collymongle Lagoon (SE corner of Lot 32, DP 750445).
Gwydir River	The section from the junction with Collymongle Lagoon (NW corner of Lot 17, DP 750445) to the junction with Ballone River.
Thalaba Creek	The section from the junction with Pagan Creek to the junction with the second crossing with a public road within Lot 2 DP 752231, between Ivanhoe crossing Rd and Mercadool Rd
Unnamed water source	The section within Lot 65, DP 827166 and Lot 20, DP 750445, Parish of Collymongle, County of Benarba
Unnamed water source	The section within Lots 20, 53, 54, 60, DP 752263, Parish of Pokataroo, County of Denham

**[12] Appendix 4A**

Insert the following after Appendix 4:

# Appendix 4A Map of the Gwydir Unregulated Extraction Management Unit

## The Gwydir Unregulated Extraction Management Unit

