



New South Wales

# **Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 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 Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*.

Dated this 19th day of September, 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 Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

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## **1. Name of Order**

This Order is the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 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 Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003* is amended as set out in Schedule 1.

## Schedule 1 Amendment of Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 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 Namoi Unregulated Extraction Management Unit (hereafter *this Unit*).
- (3) This Unit in subclause (2) is shown on the map in Schedule 5. This Unit does not include water contained in the section of the watercourse specified in Column 2 of Schedule 5A.

**Note.** The Namoi Unregulated Rivers Extraction Management Unit also includes the Chaffey Water Source, the Goonoo Goonoo 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 Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, and the Upper Macdonald River Water Source, the Mid Macdonald River Water Source, the Upper Namoi Water Source, the Werris Creek Water Source, the Keepit Water Source, the Split Rock Water Source, the Upper Manilla Water Source, the Rangira Creek Water Source, the Bluevale Water Source, the Lake Goran Water Source, the Coks Creek Water Source, the Maules Creek Water Source, the Eulah Creek Water Source, the Bohena Creek Water Source, the Bundock Creek Water Source, the Brigalow Creek Water Source, the Coghill Creek Water Source, the Etoo and Talluba Creeks Water Source, the Spring and Bobbiwaa Creeks Water Source, the Pian Creek Water Source, the Lower Namoi Water Source, and the Baradine Creek Water Source as defined in the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012*.

### [2] Clause 34

Omit the clause.

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 the clause.

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* 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,

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- (v) Keepit Water Source,
  - (vi) Split Rock Water Source,
  - (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coxs Creek Water Source,
  - (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xviii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source,
  - (xxii) Baradine Creek Water Source, 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 the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012*:
- (i) Upper Macdonald River Water Source,
  - (ii) Mid Macdonald River Water Source,
  - (iii) Upper Namoi Water Source,
  - (iv) Werris Creek Water Source,
  - (v) Keepit Water Source,
  - (vi) Split Rock Water Source,
  - (vii) Upper Manilla Water Source,
  - (viii) Rangira Creek Water Source,
  - (ix) Bluevale Water Source,
  - (x) Lake Goran Water Source,
  - (xi) Coxs Creek Water Source,

- (xii) Maules Creek Water Source,
  - (xiii) Eulah Creek Water Source,
  - (xiv) Bohena Creek Water Source,
  - (xv) Bundock Creek Water Source,
  - (xvi) Brigalow Creek Water Source,
  - (xvii) Coghill Creek Water Source,
  - (xiii) Etoo and Talluba Creeks Water Source,
  - (xix) Spring and Bobbiwaa Creeks Water Source,
  - (xx) Pian Creek Water Source,
  - (xxi) Lower Namoi Water Source,
  - (xxii) Baradine Creek Water Source, plus
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting 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* from the Chaffey Water Source, the Goonoo Goonoo Creek Water Source, the Upper Peel River Tributaries Water Source, the Lower Peel River Tributaries Water Source and the Cockburn River Water Source at the commencement of the *Water Sharing Plan for the Peel 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 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*.

**[4] Clause 36**

Omit the clause.

Insert instead.

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### 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 that access licence in this water source, the Minister may vary the long-term average annual extraction limit for this Unit.

#### [5] Clause 68 Runoff harvesting dams

Omit the clause.

#### [6] Clause 69

Omit the clause.

Insert instead:

### 69 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 of the Act and then the subsequent cancellation of an access licence under section 77A (6) of the Act of that licence,
  - (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 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) 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.

#### [7] Schedule 1 Dictionary

Omit the definition of *runoff harvesting dam*.

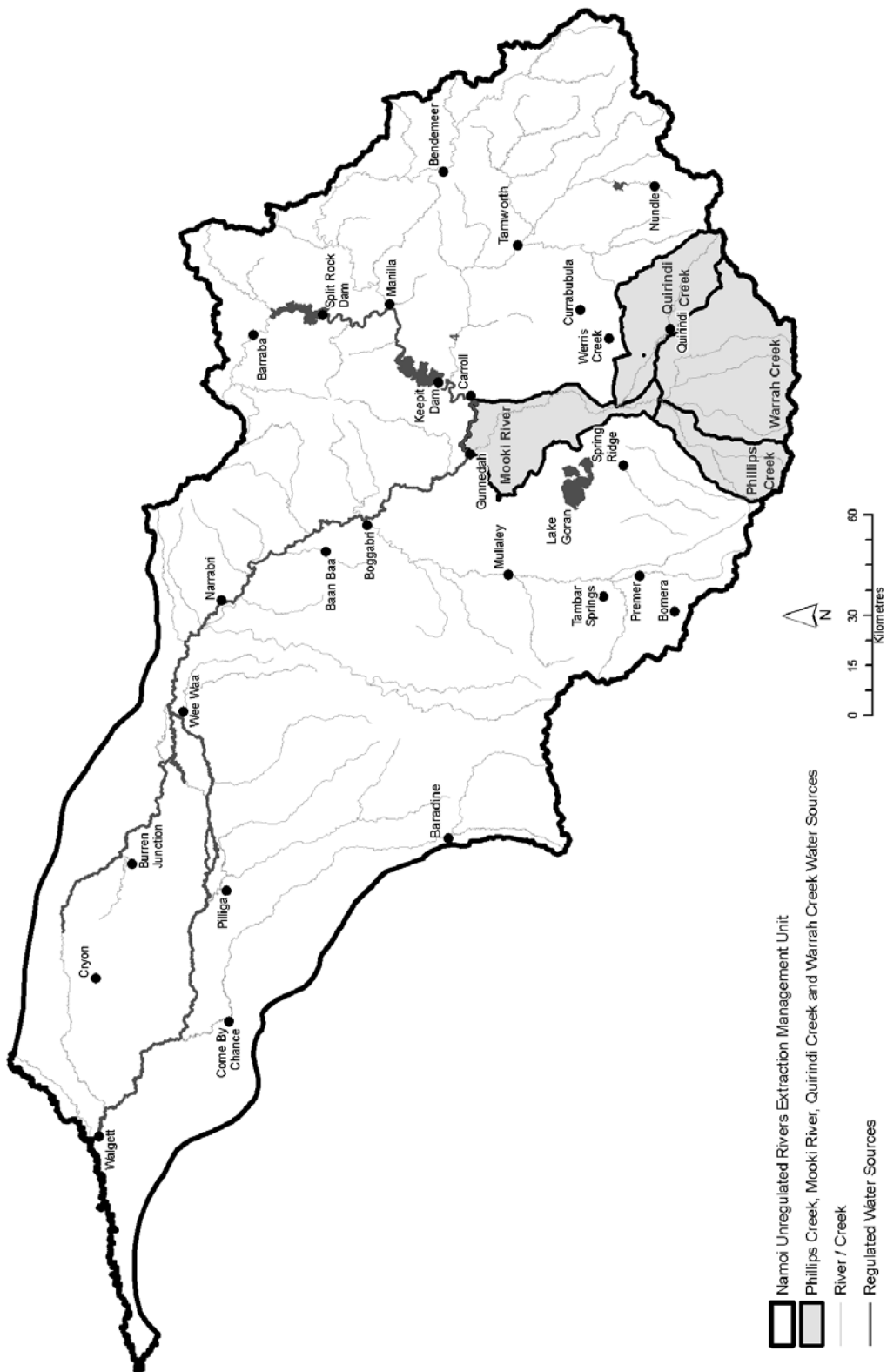
Insert instead.

*runoff harvesting dam* means a dam on a hillside or minor stream which collects and stores rainfall runoff. Minor streams are defined in any harvestable rights orders made under Division 2 of Part 1 of Chapter 3 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.

#### [8] Schedule 5 Namoi Unregulated Rivers Extraction Management Unit

Omit the map from Schedule 5. Insert instead:

### The Namoi Unregulated Extraction Management Unit



[9] Schedule 5A

Insert after Schedule 5:

**Schedule 5A Sections of watercourses to which this Plan does not apply**

<b>Stream Column A</b>	<b>Section Column B</b>
Pagan Creek	From the junction with Barwon River (most Northern point of Lot 7004, DP 1058926) to the junction with Thalaba Creek.