



New South Wales

# **Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources Amendment Order 2015**

under the

Water Management Act 2000

I, Kevin Humphries, the Minister for Natural Resources, Lands and Water, 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 Upper Namoi and Lower Namoi Regulated River Water Sources 2003*.

Dated this 2nd day of February 2015.

KEVIN HUMPHRIES, MP  
**Minister for Natural Resources, Lands and Water**

## **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 Upper Namoi and Lower Namoi Regulated River 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 Upper Namoi and Lower Namoi Regulated River Water Sources Amendment Order 2015*.

## **2 Commencement**

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

## **Schedule 1 Amendment of Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003**

### **[1] Clause 30 Volume of the long-term extraction limit**

Omit clause 30 (1) and the notes to the subclause. Insert instead:

- (1) This Plan establishes a long-term extraction limit for these water sources being the lesser of:
  - (a) the long-term average annual extraction from these water sources that would occur with the water storages and water use development that existed in 1999/2000, the share components in this water source that existed on 1 July 2004 and the water management rules that were defined in this Plan on 1 July 2004, or
  - (b) the long-term average annual extraction from these water sources that would occur under Cap baseline conditions.

#### **Notes.**

- 1 The water management rules that were defined in this Plan on 1 July 2004 included limits to the amount of water that could be made available for extraction under supplementary water access licences that were different from those currently specified in clause 49 (11). These limits were 10% of the supplementary event volume occurring between 1 July and 31 October in any water year and 50% of the supplementary event volume occurring between 1 November and 30 June in any water year.
- 2 An assessment of the long-term average annual extractions that would occur under the conditions specified in subclause (1) (a) has been made using the Namoi IQQM run number 9078. This indicates a long-term average annual extraction volume of 238,000 megalitres.
- 3 An assessment of the long-term average annual extractions that would result from the Cap baseline conditions in subclause (1) (b) has been made using the Namoi IQQM run number namo3414. This indicates a long-term average annual extraction volume of 256,000 megalitres.
- 4 The long-term extraction limit recognises the effect of climatic variability on the availability of water, in accordance with section 20 (2) (c) of the Act, as historic climate and river flow information is used in its determination.

### **[2] Clause 30 (2)**

Omit the subclause. Insert instead:

- (2) The values referred to in subclauses (1) (a) and (1) (b) shall be adjusted for any access licence dealing under section 71R or 71T of the Act.

### **[3] Clause 30 (4)**

Omit the subclause. Insert instead:

- (4) For the purposes of establishing the long-term extraction limit and auditing compliance with it, the following shall not be included:

- (a) replenishment flows made in accordance with this Plan, or
- (b) diversion of water pursuant to the planned environmental water rules in Part 3 of this Plan.

**[4] Clause 33**

Omit clause 33. Insert instead:

**33 Limit to the volumes that may be taken under or assigned from regulated river (general security) access licences in the Lower Namoi Water Source**

The maximum volume that may be taken under, or assigned from, a regulated river (general security) access licence in the Lower Namoi Water Source:

- (a) during any twelve month period beginning 1 October and ending 30 September shall be equal to 1.25 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during that twelve month period, and
- (b) during any 3 consecutive twelve month periods beginning 1 October and ending 30 September shall be equal to 3 megalitres multiplied by the number of unit shares specified in the share component of the access licence, or such lower amount that may result from clause 32, plus the volume of water allocations assigned to the access licence from another access licence during the 3 consecutive 12 month periods.

**Note.** It is considered that clause 33 would provide regulated river (general security) licences with flexibility similar to that which was available under the October to September water year that existed prior to the commencement of this water sharing plan.

**[5] Clause 49 Taking of water under supplementary water licences in the Lower Namoi Regulated River Water Source**

Omit clause 49 (11). Insert instead:

- (11) The volume of water that may be made available for extraction under supplementary water access licences in the Lower Namoi Regulated River Water Source during each supplementary water event:
  - (a) prior to 1 July 2019, should not exceed 50% of the supplementary event volume, and
  - (b) after 30 June 2019, should not exceed:
    - (i) 10% of the supplementary event volume between 1 July and 31 October, and
    - (ii) 50% of the supplementary event volume between 1 November and 30 June.

**Note.** Subclause (11) establishes supplementary water sharing rules that will be applied on a trial basis until 1 July 2019. The outcomes of this trial will inform longer term supplementary water sharing rules to be negotiated through the development of a Water Resource Plan for these water sources that is consistent with the requirements of the Murray Darling Basin Plan.

**[6] Clause 55**

Omit clause 55. Insert instead:

**55 Rules for water allocation assignment between water sources**

- (1) This clause relates to dealings under section 71T of the Act in relation to water allocation assignments between water sources.

**Note.** Rules in clause 51 also apply to such assignments.

- (2) Water allocations from the water allocation account of an access licence in these water sources may not be assigned to the water allocation account of an access licence in another water source, except where subclauses (4) and (5) apply.
- (3) Water allocations from the water allocation account of an access licence in another water source may not be assigned to the water allocation account of an access licence in these water sources, except where subclauses (4), (5) and (6) apply.
- (4) The assignment of water allocations from access licences in the Upper Namoi Regulated River Water Source to access licences in the Lower Namoi Regulated River Water Source are permitted unless there is a significant risk that the rate at which water can be released from Keepit Dam during the remainder of the water year will be insufficient to meet likely water orders.

**Note.** The maximum rate of water release from Keepit Dam is severely reduced when water storage levels are low.

- (5) The assignment of water allocations from access licences in the Lower Namoi Regulated River Water Source to access licences in the Upper Namoi Regulated River Water Source are permitted unless:
- (a) the sum of available water determinations made for regulated river (general security) access licences in the Upper Namoi Regulated River Water Source during the water year is less than the maximum percentage possible under clause 38, and
- (b) there is insufficient water available in Split Rock Dam water storage to supply the assigned water allocations.
- (6) The assignment of water allocations from access licences in the Peel Regulated River Water Source to access licences in the Lower Namoi Regulated River Water Source are permitted subject to the rules specified in the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.

**[7] Clause 71**

Insert after clause 70:

**71 Amendment relating to the taking of water under supplementary water licences**

Clause 49 (11) may be amended so that the sharing arrangements specified in clause 49 (11) (b) apply prior to 1 July 2019, should an assessment made under clause 32 indicate that the long-term extraction limit has been exceeded.