



Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2016

under the

Water Management Act 2000

I, Niall Blair, the Minister for Lands and Water, in pursuance of sections 45 (1) (a) and 45A 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 Gwydir Unregulated and Alluvial Water Sources 2012*.

Dated this 29th day of June 2016.

NIALL BLAIR, MLC
Minister for Lands and Water

Explanatory note

This Order is made under sections 45 (1) (a) and 45A of the *Water Management Act 2000*. The object of this Order is to amend the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012*. The concurrence of the Minister for the Environment was obtained prior to the making of this Order.

Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2016

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1 Name of Order

This Order is the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2016*.

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 Gwydir Unregulated and Alluvial Water Sources 2012

[1] Clause 4 Application of this Plan

Omit “and” from clause 4 (1) (a) (xxvi).

[2] Clause 4 (1) (a) (xxvii)

Insert after clause 4 (1) (a) (xxvii):

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

[3] Clause 4 (2)

Omit the subclause and following note. Insert instead:

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP019_Version 2), Water Sharing Plan for the Gwydir 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 on the NSW legislation website.

[4] Clauses 4 (3) (a) and (b) and (4) and 6 and 68

Omit “Registered” wherever occurring. Insert instead “Plan”.

[5] Clause 4 (6)

Insert after clause 4 (5):

- (6) This Plan, as amended by the *Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*.

[6] Clause 5

Omit the clause. Insert instead:

5 Management zones

- (1) For the purposes of this Plan, the following water sources are divided into the following management zones:

(a) Halls Creek Water Source:

(i) Halls Creek Management Zone, and

- (ii) Halls Creek Tributaries Management Zone, and
- (b) Gingham Watercourse Water Source:
 - (i) Upper Gingham Watercourse Management Zone, and
 - (ii) Lower Gingham Watercourse Management Zone, and
- (c) Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source:
 - (i) Rocky Creek Management Zone, and
 - (ii) Cobbadah Management Zone, and
 - (iii) Upper Horton Management Zone, and
 - (iv) Lower Horton Management Zone.

(2) Management zones in subclause (1) are shown on the Plan Map.

Notes.

1 Overview maps of the management zones are shown in Appendix 3.

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

[7] Clause 6 Extraction management unit for these water sources

Omit Table A. Insert instead:

Table A—Extraction Management Unit

Column 1—Extraction management unit	Column 2—Water sources
Gwydir Unregulated Rivers Extraction Management Unit	Roumalla Creek Water Source Rocky River Water Source Boorolong Creek Water Source Upper Gwydir River Water Source Laura Creek Water Source Bakers Creek Water Source Georges Creek Water Source Moredun Creek Water Source Keera Creek Water Source Copeton Dam Water Source Halls Creek Water Source Mackenzies Flat Water Source Myall Creek Water Source Gurley Creek Water Source Tycannah Creek Water Source Warialda Creek Water Source Millie Creek Water Source Slaughterhouse Creek Water Source 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 Barwon Water Source Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source
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[8] Clause 6 Table A, Note

Omit the note to the table.

[9] Clause 9

Insert after clause 9:

9A Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within these water sources.

[10] Clause 11 Strategies

Omit “extracted” from clause 11 (i). Insert instead “taken”.

[11] Clause 12

Omit the clause. Insert instead:

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 limit,
- (d) change in water quality in these water sources,
- (e) change in the ecological condition of these water sources and their dependent ecosystems,
- (f) the change in the extent to which domestic and stock rights and native title rights requirements have been met,

- (g) the change in economic benefits derived from water extraction and use, and
- (h) the change in the extent to which water has been made available in recognition of the Aboriginal, cultural and heritage values of these water sources.

[12] Clause 19 Domestic and stock rights

Omit “At the commencement of this Plan the”. Insert instead “The”.

[13] Clause 19

Omit “are estimated to total 4.84” from the clause. Insert instead “total 5.71”.

[14] Clause 19 (aa)

Omit “and” from the end of the paragraph.

[15] Clause 19 (bb)

Omit the paragraph. Insert instead:

- (bb) 0.20 ML/day in the Upper Gwydir Alluvial Groundwater Source, and
- (cc) 0.87 ML/day in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

[16] Clause 19, note 1

Insert at the end of the note: “The volumes set out in this clause are separate from any volumes of water licensed for domestic and stock purposes in these water sources.”

[17] Clause 20 Native title rights

Omit “At the commencement of this Plan, there” from the clause. Insert instead “There”.

[18] Clause 22 Share components of domestic and stock access licences

Omit “at the time of commencement of this Plan” from the clause.

[19] Clause 22

Omit “518.6” from the clause. Insert instead “545.6”.

[20] Clause 22 (aa) and (bb)

Omit the paragraphs. Insert instead:

- (aa) 20 ML/year in the Barwon Water Source,
- (bb) 75.1 ML/year in the Upper Gwydir Alluvial Groundwater Source, and

- (cc) 27 ML/year in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

[21] Clause 23 Share components of local water utility access licences

Omit “at the time of commencement of this Plan” from the clause.

[22] Clause 24 Share components of unregulated river access licences

Omit “at the time of commencement of this Plan” from the clause.

[23] Clause 24

Omit “61,722” from the clause. Insert instead “67,318”.

[24] Clause 24 (z) and (aa)

Omit the paragraphs. Insert instead:

- (z) 3322 unit shares in the Gingham Watercourse Water Source,
- (aa) 3240 unit shares in the Barwon Water Source, and
- (bb) 5596 unit shares in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

[25] Clause 25 Share components of aquifer (high security) access licences

Omit “at the time of commencement of this Plan” from the clause.

[26] Clause 25

Insert “will” after “Source”.

[27] Clause 27 Volume of the long-term average annual extraction limits

Omit “Subject to subclause (4), the” from clause 27 (2). Insert instead “The”.

[28] Clause 27 (2) (a) (xxvii)

Omit “plus” from the end of the subparagraph. Insert instead “and”.

[29] Clause 27 (2) (a) (xxviii)

Insert after clause 27 (2) (a) (xxvii):

- (xxviii) Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
plus

[30] Clause 27 (2) (c)

Omit the paragraph.

[31] Clause 27 (3)

Omit “Subject to any variation under subclause (4), the”. Insert instead: “The”.

[32] Clause 27 (4)

Omit the subclause and the notes to the subclause. Insert instead:

Note. 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.

[33] Clause 30 Compliance with the long-term average annual extraction limits for the EMU

Omit the note to clause 30 (3).

[34] Clause 37

Omit the clause. Insert instead:

37 Specific purpose access licences

Note. Section 61 of the Act allows for the granting of specific purpose access licences under the regulations and the relevant water sharing plan. Only those specific purpose access licences listed in clause 10 of the *Water Management (General) Regulation 2011* can be granted under the regulations. The licences that may be applied for under subclause (1) are in addition to applications for the categories and subcategories of specific purpose access licences that may be made in accordance with clause 10 of the *Water Management (General) Regulation 2011*.

- (1) A specific purpose access licence must not be granted in these water sources unless the Minister is satisfied that the share and extraction component of the access licence is the minimum required to meet the circumstances in which the access licence is proposed to be used.
- (2) Applications may not be made for an access licence of the subcategory “Aboriginal cultural” if the share component of the proposed access licence is more than 10 ML/year.

Note. Subject to the restrictions in subclause (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*.

- (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.

[35] Clause 39 Individual access licence account management rules for the Gwydir Unregulated River Water Sources

Omit clause 39 (3) (b). Insert instead:

- (b) the sum of:
 - (i) the share component of the access licence at the beginning of the first of those three water years, and
 - (ii) the share component of the access licence at the beginning of the second of those three water years, and
 - (iii) the share component of the access licence at the beginning of the third of those three water years, and
 - (iv) the net amount of any water allocations assigned to or from the water allocation account for the access licence under section 71T of the Act in those three water years, and
 - (v) any water allocations recredited to the water allocation account for the access licence in accordance with section 76 of the Act in those three water years.

[36] Clause 42

Omit the clause. Insert instead:

42 Flow classes

- (1) This Plan establishes the flow classes specified in Column 3 of Table B as the basis for the sharing of flows on a daily basis in the Gwydir Unregulated River Water Sources.
- (2) The flow classes in Column 3 of Table B and the flow reference points specified in Column 6 of Table B are established for each water source specified in Column 1 and each management zone specified in Column 2 of Table B.
- (3) Subject to subclause (4), a flow class applies in the respective water source or management zone on the day specified in Column 7 of Table B when the flow (ML/day) as measured at the flow reference point specified in Column 6 of Table B is equal to the flow specified in Column 5 of Table B.
- (4) If, in the Minister's opinion, accurate flow data is not available on a particular day from a flow measuring gauge used to determine a flow class, the Minister may determine the

flow class that applies for that day and notify the licence holder in writing of the flow class that applies for that day. For the purpose of this subclause, notification includes publishing a notice on the Department’s website.

- (5) For the purpose of determining the flow class that applies on a particular day under subclause (4), the Minister may take into consideration evidence of past and current flows and readings at other functioning upstream and downstream gauges.

Note. On days that accurate flow data is not available, holders of access licences may contact the Department’s office at the address listed in Appendix 5 or check the Department’s website to find out what flow class applies on that day

- (6) The flow classes commence in the year specified in Column 4 of Table B.

- (7) For the purpose of Table B, *Year 1 of this Plan* means from the date of commencement of this Plan.

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	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Water source	Management zone	Flow class	Commencement	Flow (ML/day)	Flow reference point	Day on which flow class applies
Gingham Watercourse Water Source	Upper Gingham Watercourse Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 250 ML/day	Gingham channel at Tillaloo bridge gauge (418076)	Same day
		A Class	Year 1 of this Plan	More than 250 ML/day		Same day
	Lower Gingham Watercourse Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to the minimal flow depth of 1.0 metre on the Gingham Bridge gauge (418079) or less than or equal to 4000 ML/year at the Gingham Bridge gauge or no visible flow at the Gingham Watercourse at Morialta Road	Gingham channel at Gingham Bridge gauge (418079) and Gingham Watercourse at Morialta Road	Same day
		A Class	Year 1 of this Plan	More than the minimal flow depth of 1.0 metre on the		Same day

				Gingham Bridge gauge and more than 4000 ML/year at the Gingham Bridge gauge and a visible flow at the Gingham Watercourse at Morialta Road		
Gwydir Water Source		Very Low Flow Class	Year 1 of this Plan	Less than or equal to 250 ML/day	Gwydir River at Millewa gauge (418066)	Same day
		A Class	Year 1 of this Plan	More than 250 ML/day		Same day
Halls Creek Water Source	Halls Creek Management Zone	Very Low Flow Class	Year 1 of this Plan	No visible flow	Halls Creek at Bingara gauge (418025) in the South East Corner of TSR 29609, Parish of Bingara	Same day
		A Class	Year 1 of this Plan	Visible flow		Same day
Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source	Lower Horton Management Zone	Very Low Flow Class	Year 1 of this Plan	Less than or equal to 4 ML/day	Horton River at Rider gauge (418015)	Same day
		A Class	Year 1 of this Plan	More than 4 ML/day		Same day

Note.

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

[37] Clause 43 Access rules for the taking of surface water

Omit clause 43 (1) including the note. Insert instead:

- (1) This clause applies to the taking of water under an access licence from the Gwydir Unregulated River Water Sources, excluding the taking of water under an access licence used:

- (a) in association with an activity authorised by an aquifer interference activity that is an approved EP&A Act development when:
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity, that has been approved in accordance with the development consent for the activity under the *Environmental Planning and Assessment Act 1979*, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause, or
- (b) in association with an aquifer interference activity when:
 - (i) in the Minister’s opinion, there are no reasonably practicable measures the access licence holder can take to comply with the access rules under this clause, and
 - (ii) the access licence holder has a water management plan for the aquifer interference activity that has been approved by the Minister, and
 - (iii) the water management plan includes conditions that require the return of water to the water source to mitigate the taking of water during times when the access rules apply under this clause.

Note. *Approved EP&A Act development* is defined in the Dictionary.

[38] Clause 43 (5)

Insert at the end of the subclause: “This subclause does not apply to an access licence listed in Schedule 1A of this Plan.”

[39] Clause 43 (6)

Omit the subclause. Insert instead:

- (6) Water must not be taken under an access licence where a cease to take condition that was specified on the Water Act 1912 entitlement that the access licence replaces is, in the Minister’s opinion, higher than:

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

when flows are at or less than the cease to take condition that was specified on the replaced Water Act 1912 entitlement. This subclause does not apply to the taking of water from an in-river dam pool, a runoff harvesting dam or under an access licence with a share component that specifies the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

[40] Clause 43 (13) (b) and (c)

Omit the paragraphs. Insert instead:

- (b) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
 - (i) that existed at the commencement of this Plan, and
 - (ii) with a share component that specifies one of these Gwydir Unregulated River Water Sources, excluding the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,

provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (b1) the taking of water for domestic consumption only under a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence:
 - (i) that existed at the commencement of the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*, and
 - (ii) with a share component that specifies the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,

provided that the volume of water taken does not exceed 1 kilolitre per house supplied by the access licence per day,
- (c) the taking of water for stock watering only under a domestic and stock access licence or a domestic and stock (subcategory “stock”) access licence:
 - (i) that existed at the commencement of this Plan, and

- (ii) with a share component that specifies one of these Gwydir Unregulated River Water Sources, excluding the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,

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,

[41] Clause 47 Granting or amending water supply work approvals

Omit note 2 to clause 47 (1). Insert instead:

- 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.

[42] Clause 47 (1)

Insert after subclause (1):

(1A) A water supply work approval must not be granted or amended to authorise an in-river dam on a third order or higher stream within the following water sources:

- (a) the Rocky River Water Source,
- (b) the Laura Creek Water Source,
- (c) the Georges Creek Water Source,
- (d) the Halls Creek Water Source,
- (e) the Gwydir Water Source,
- (f) the Gingham Watercourse Water Source, and
- (g) the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

Note. Water supply work approvals may be granted or amended for in-river dams on third order or higher streams within all water sources and management zones to which this Plan applies, other than those specified in subclause 47 (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

[43] Clause 50 Rules for water supply works located near contamination sources

Omit “of the plume” from clause 50 (1) (b). Insert instead “from the plume”.

[44] Clause 50 (2)

Omit “c onstruction” from the subclause. Insert instead “construction”.

[45] Clause 52 Rules for water supply works located near groundwater dependent culturally significant sites

Insert the following note after clause 52 (1) (b):

Note. Groundwater dependent culturally significant sites are currently under investigation and may be identified during the term of this Plan. The full list of potential groundwater-dependent culturally significant sites will be identified in the Aboriginal Water Initiative System (AWIS) 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.

[46] Clause 54

Omit the clause. Insert instead:

54 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 Upper Gwydir Alluvial Groundwater Source.
- (2) Subject to subclauses (3) and (4), a water supply work that is located within a restricted distance specified in clauses 49 – 52 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 49 – 52, 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 date of the amendment.
- (4) Subclauses (2) and (3) do not apply:
 - (a) where a restricted distance does not apply in accordance with clauses 49 (2) (a) (c) and (d), 50 (3), 51 (3), 51 (4) (a), (b) and (d) and 52 (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 annual volumetric limit for water taken by a water supply work that is located within a restricted distance specified in clauses 49–52 pursuant to clauses 49 (2) (d), 50 (3) (a), 51 (3), 51 (4) (d) or 52 (2) (d).
- (6) The daily rate or annual volumetric limit specified under subclause (5) will be as determined by the Minister to meet the relevant criteria specified in clauses 49 (2) (d), 50 (3) (a), 51 (3), 51 (4) (d) or 52 (2) (d).

[47] Clause 57

Omit the clause. Insert instead:

57 Assignment of rights dealings

- (1) Dealings under section 71Q of the Act within the same water source are prohibited in these water sources if the dealing involves an assignment of rights:
- (a) from an access licence that does not nominate a water supply work being used to take water from a pool, lagoon or lake listed in Schedule 4 or 5 to an access licence that nominates a water supply work being used to take water from a pool, lagoon or lake listed in Schedule 4 or 5, or
 - (b) from an access licence that nominates a water supply work being used to take water from a pool, lagoon or lake listed in Schedule 4 or 5 to an access licence that nominates a water supply work being used to take water from another pool, lagoon or lake listed in Schedule 4 or 5, or
 - (c) from an access licence that nominates a water supply work located in the Gwydir River Trading Zone in the Upper Gwydir River Water Source to an access licence that nominates a water supply work in the Upper Gwydir River Trading Zone in the Upper Gwydir River Water Source, or
 - (d) from an access licence that nominates a water supply work located in a trading zone in the Moredun Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Moredun Creek Water Source, or
 - (e) from an access licence that nominates a water supply work located in a trading zone in the Copeton Dam Water Source to an access licence that nominates a water supply work located in another trading zone in the Copeton Dam Water Source, or
 - (f) from an access licence that nominates a water supply work located in a trading zone in the Mehi River Water Source to an access licence that nominates a water supply work located in another trading zone in the Mehi River Water Source, or
 - (g) between access licences with share components that specify one of the following water sources:
 - (i) Slaughterhouse Creek Water Source,

- (ii) Carole Creek Water Source, or
 - (h) from an access licence with an extraction component that nominates a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source to an access licence with an extraction component that specifies another management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.
- (2) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources.

[48] Clause 59

Omit the clause. Insert instead:

59 Amendment of extraction component dealings

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

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

[49] Clause 60 Assignment of water allocations dealings

Omit “or” from the end of clause 60 (1) (g) (i).

[50] Clause 60 (1) (h)

Insert after clause 60 (1) (g):

, or

- (h) from an access licence with an extraction component that specifies a management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source to an access licence with an extraction component that specifies another

management zone in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source.

[51] Clause 63 General

Omit clause 63 (a) and (b) and the notes. Insert instead:

- (a) a requirement to notify the Minister in writing will only be satisfied by writing to the address listed in Appendix 5 of this Plan or to the email address for the Department's Advisory Service, Water Regulation, and

Note. At the commencement of this Plan, the email address for the Department's Advisory Service, Water Regulation is water.enquiries@dpi.nsw.gov.au.

- (b) a *metered water supply work with a data logger* means a water supply work with:
 - (i) a meter that complies with Australian Standard *AS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time, and
 - (ii) a data logger.

[52] Clause 64 General

Omit clause 64 (1). Insert instead:

- (1) Access licences in these water sources must have mandatory conditions where required to give effect to the following:
 - (a) the relevant water allocation account management rules specified in Division 1 of Part 8 of this Plan,
 - (b) the relevant access rules for the taking of water specified in Division 2 of Part 8 of this Plan,
 - (c) the holder of the access licence upon becoming aware of a breach of any condition of the access licence must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,
 - (d) any other condition required to implement the provisions of this Plan.

[53] Clause 64 (2) (b) (i)

Omit “period of” from the subparagraph. Insert instead: “start and end”.

[54] Clause 64 (2) (c)

Omit the paragraph. Insert instead:

- (c) the holder of the access licence must produce the Logbook to the Minister for inspection, when requested,

[55] Clause 64 (2) (d)

Omit “5” from the paragraph. Insert instead “five”.

[56] Clause 64 (3)

Omit “from” the subclause. Insert instead “of”.

[57] Clause 64 (4)

Omit the subclause. Insert instead:

- (4) An access licence for an approved EP&A Act development must have mandatory conditions where required to give effect to the rules for the use of water supply works located within restricted distances specified in clause 54.

[58] Clause 65 General

Omit clause 65 (1) (a).

[59] Clause 65 (1) (b) (ii)

Omit the subparagraph. Insert instead:

- (ii) the metering equipment must comply with Australian Standard *AS 4747, Meters for non-urban water supply*, as may be updated or replaced from time to time,

[60] Clause 65 (1) (c)

Omit “replaced that” from the paragraph. Insert instead: “replaced,”.

[61] Clause 65 (1) (d)

Omit “two months” from the paragraph. Insert instead “sixty days”.

[62] Clause 65 (1) (d)

Omit “and” from the end of the paragraph.

[63] Clause 65 (1) (e)

Omit the paragraph. Insert instead:

- (e) the holder of the water supply work approval upon becoming aware of a breach of any condition of the approval must:
 - (i) notify the Minister as soon as practicable, and
 - (ii) if the notification under subparagraph (i) was not in writing, confirm this notification in writing within 7 days of becoming aware of the breach,

[64] Clause 65 (2)

Insert “or is used for the purpose of taking water under basic landholder rights only” after “data logger”.

[65] Clause 65 (2) (b) (i)

Omit “period of” from the subparagraph. Insert instead “start and end”.

[66] Clause 65 (3)

Omit “under” from the subclause. Insert instead: “of”.

[67] Clause 66 Water supply works authorised to take water from the Upper Gwydir Alluvial Groundwater Source

Omit “and” from clause 66 (2) (c) (i).

[68] Clause 66 (2) (c) (ii)

Omit clause 66 (2) (c) (ii). Insert instead:

- (ii) comply with the construction standards for that type of bore prescribed in the *Minimum Construction Requirements for Water Bores in Australia*, 2012,

[69] Clause 66 (2) (c) (iii)

Omit “appropriately so as” from the subparagraph.

[70] Clause 66 (2) (d)

Omit “2003, as updated or replaced from time to time,” from the paragraph. Insert instead “2012,”.

[71] Clause 66 (2) (e)

Omit “two months” from the paragraph. Insert instead “sixty days”.

[72] Clause 66 (2) (f)

Omit “two months” wherever occurring. Insert instead “sixty days”.

[73] Clause 66 (2) (f)

Omit “water supply work is existing” from the paragraph. Insert instead “approval is for the amendment of an existing water supply work”.

[74] Clause 70

Omit the clause. Insert instead:

70 Part 6

(1) Part 6 may be amended after year five of this Plan to:

- (a) increase the period over which the average of the annual extractions is compared to the long-term average annual extraction limit for an extraction management unit, or
- (b) increase the percentage by which the average of the annual extractions can exceed the long-term average annual extraction limit before available water determinations are to be reduced to return average annual extractions below the long-term average annual extraction limit for an extraction management unit,

taking into account any review undertaken or assessed as adequate by the Department that demonstrates that the existing long-term average annual extraction limit compliance rules are being triggered, or are likely to be triggered, where no growth in use has occurred.

(2) Following the surrender under section 77 of the Act of an access licence and then the cancellation under section 77A (6) of the Act of an access licence in one of these water sources, the Minister may vary the respective long-term average annual extraction limit that applies to the EMU or that water source.

[75] Clause 71 Part 8

Omit “or” at the end of clause 71 (h).

[76] Clause 71 (j)

Insert after clause 71 (i):

- (j) amend existing flow classes, establish new or additional flow classes or amend the flow reference point in order to establish TDELs and IDELs, excluding the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source,
- (k) for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source, reinstate flow classes, TDELs and/or IDELs established by the *Water Sharing Plan*

for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003.

[77] Clause 76 Schedules

Insert after clause 76 (1):

- (1A) Schedule 1A may be amended to add a new access licence, if in the Minister’s opinion the access licence was used to take water from an off-river pool in the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source before the commencement of the *Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*. The holder of the access licence must, to the Minister’s satisfaction, demonstrate a history of extraction regarding the taking of water from an off-river pool and provide any other information as required by the Minister.
- (1B) Schedule 1A or part thereof may be deleted if the Minister is satisfied that it is no longer required.

[78] Dictionary

Omit the definition for “*Minimum Construction Requirements for Water Bores in Australia*”.
Insert instead:

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.

[79] Schedule 1A Access licences with cease to pump take conditions that are higher than the access rules specified in clause 43 (6) of this Plan

Insert after Schedule 1:

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

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

Access licences

Note. At the commencement of this Plan there are no access licences listed in this Schedule. Clause 76 (1A) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

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

Omit clause 1 to Schedule 3. Insert instead:

1 General

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

<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan
90SL100697
90SL045781
90SL023654
90SL100615
90SL101070

[81] Schedule 6 Contamination in these water sources

Omit paragraphs (c) and (d). Insert instead:

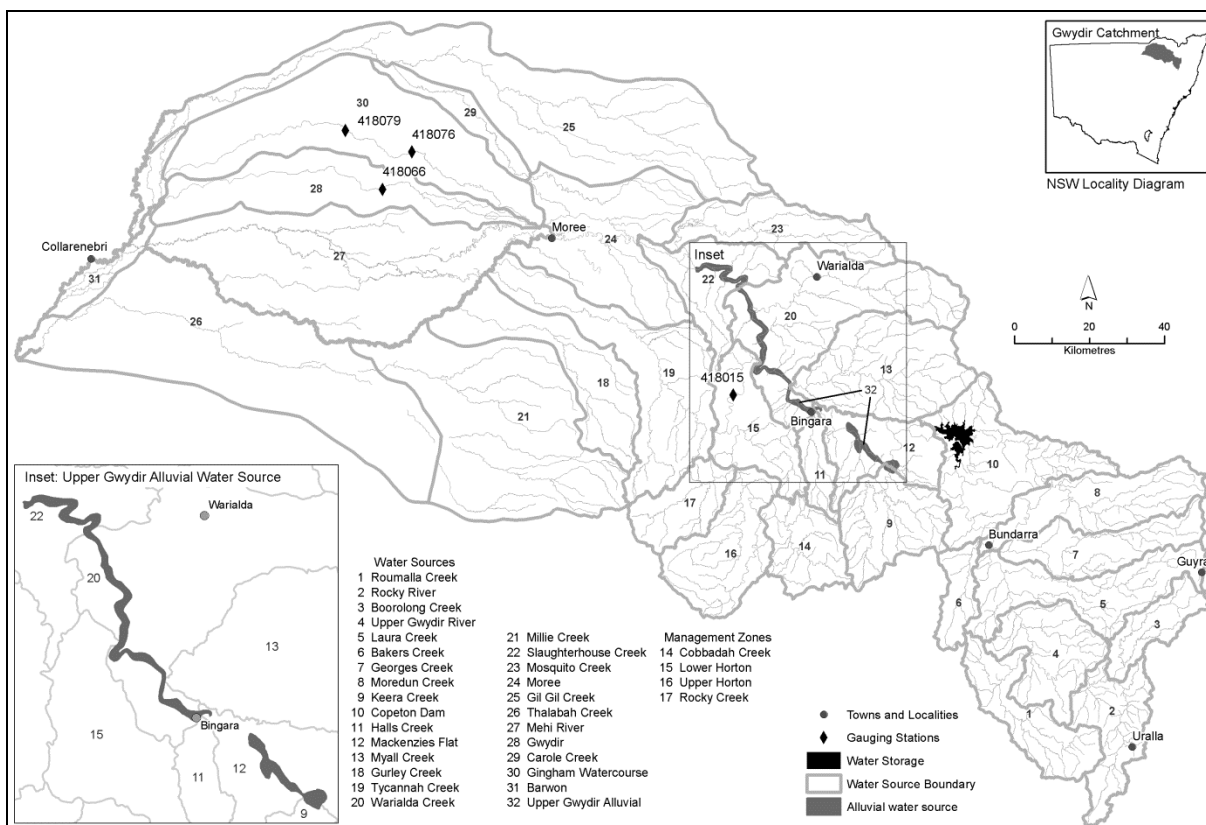
- (c) any sites that are or have been the subject of any activity listed in Table 1 of the contaminated land planning guidelines as published under the *Environmental Planning and Assessment Act 1979* from time to time.

[82] Appendix 1

Omit the Appendix. Insert instead:

Appendix 1 Overview of the Plan Map

Overview of the Plan Map (WSP019_Version 2), Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources 2012



[83] Appendix 2

Omit the appendix. Insert instead:

Appendix 2 Inspection of Plan Map

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

DPI Water
10 Valentine Avenue
PARRAMATTA NSW 2150

DPI Water
66-68 Frome Street
MOREE NSW 2400

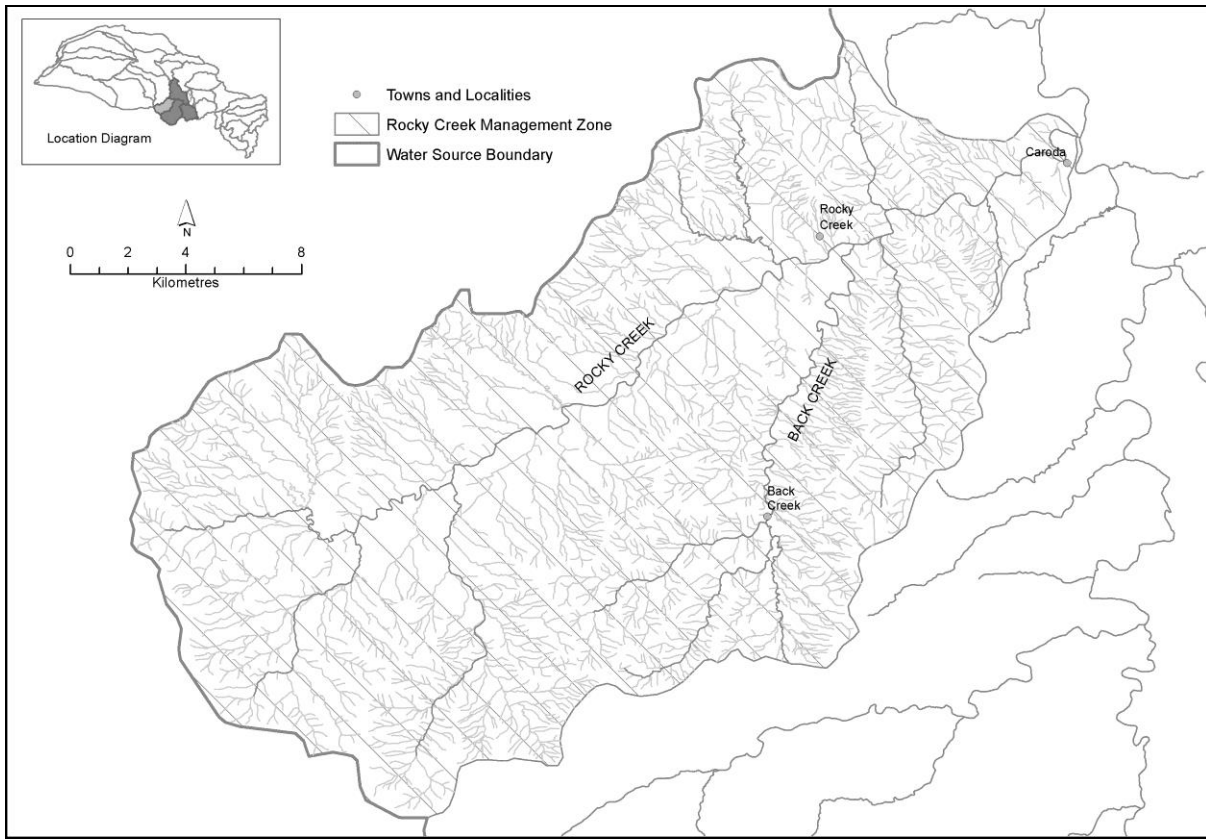
DPI Water
Trevenna Road, University of New England
ARMIDALE NSW 2351

DPI Water
7023 Gwydir Hwy
INVERELL NSW 2360

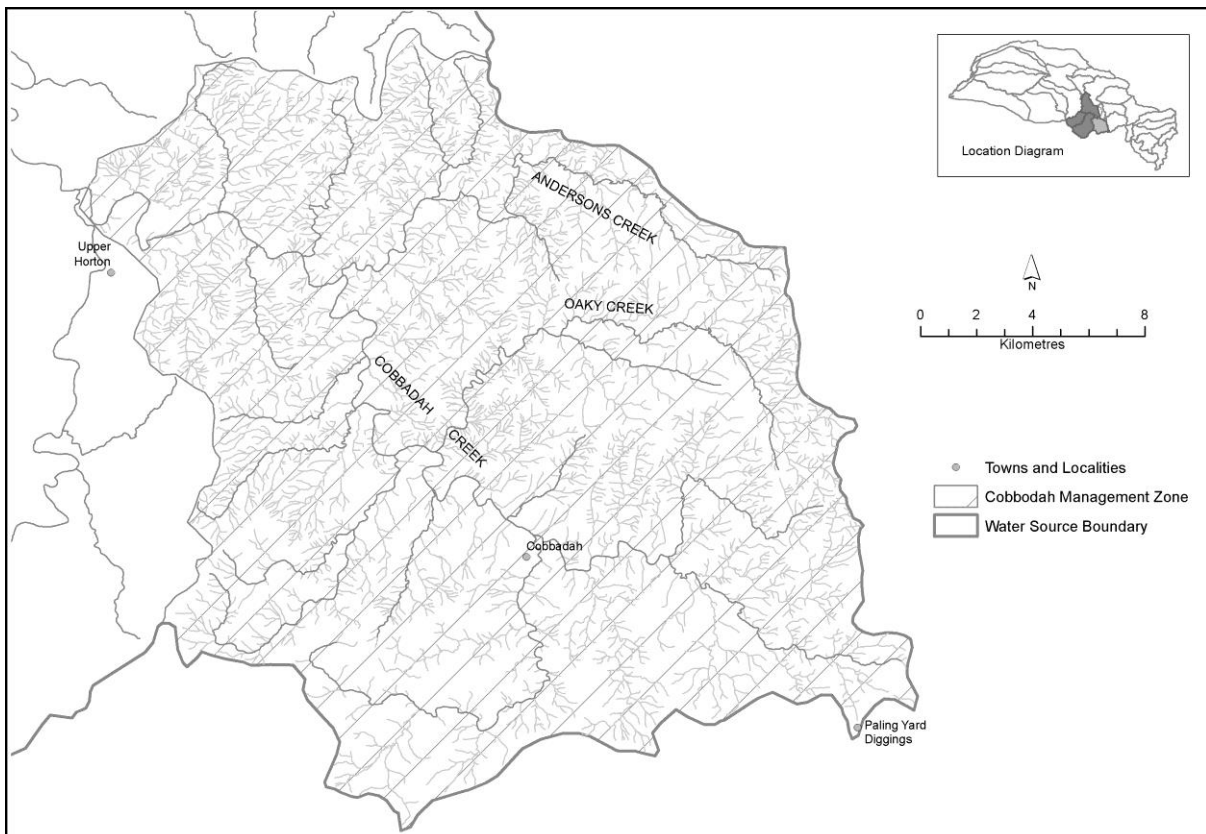
[84] Appendix 3 Overview of the management zones covered by this Plan

Insert the following after “Overview of the Halls Creek Water Source management zones” and its associated map, and before “Overview of the Gingham Watercourse Water Source management zones”:

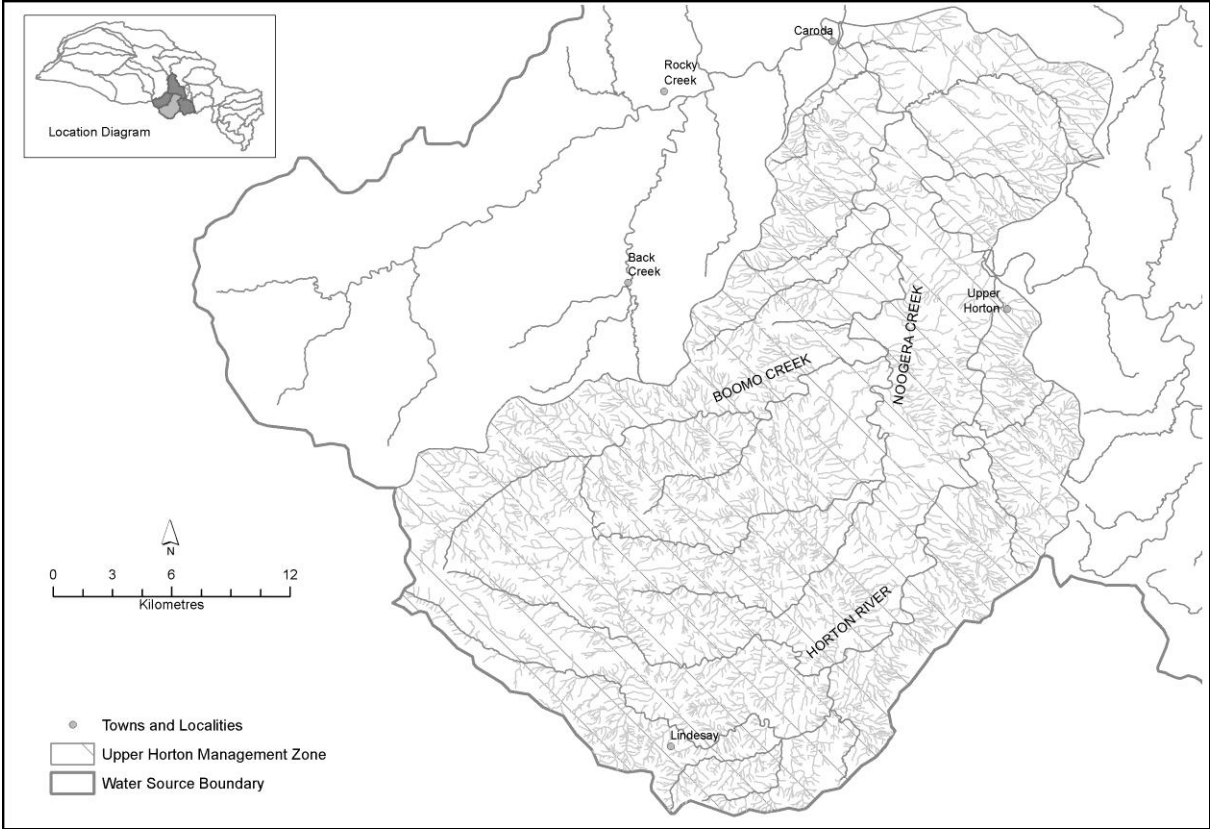
Overview of the Rocky Creek management zones



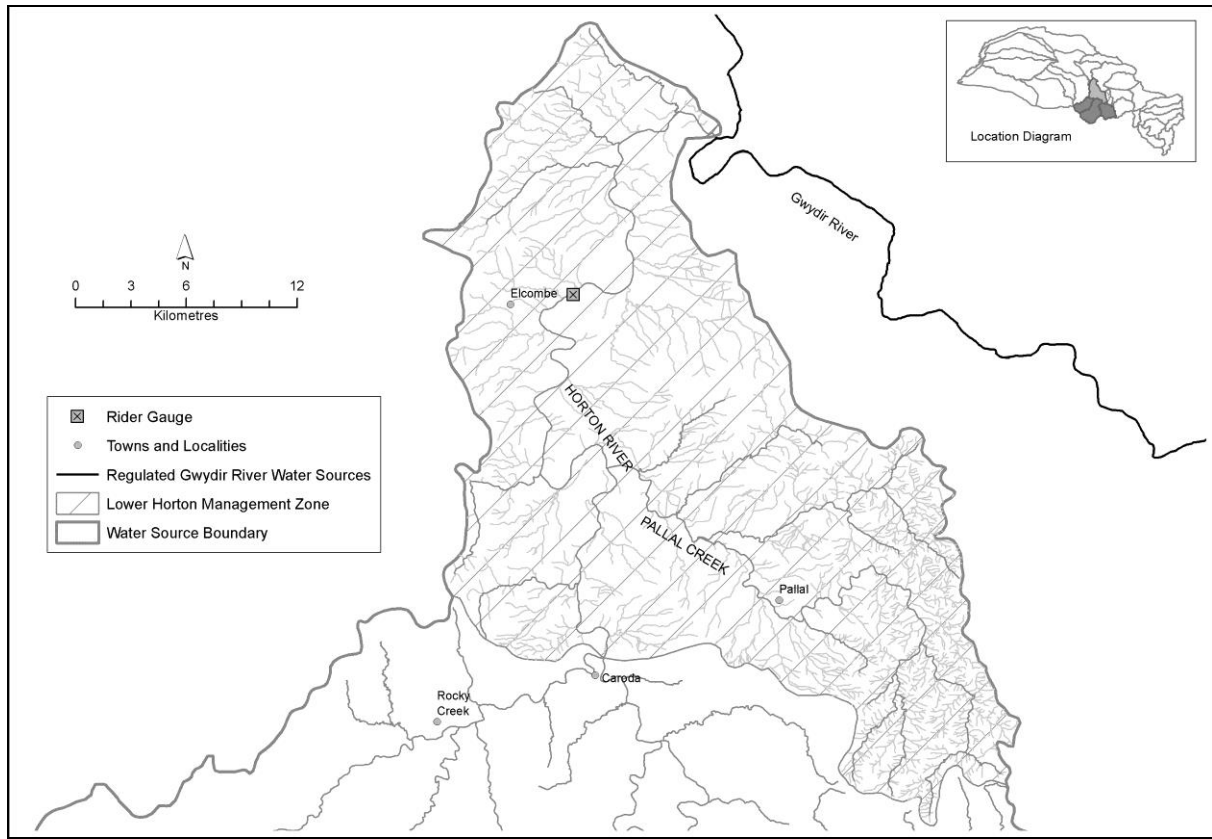
Overview of the Cobbadah management zones



Overview of the Upper Horton management zones



Overview of the Lower Horton management zones



[85] Appendix 4 Access licences subject to cease to take conditions specified in clause 43 (6) of this Plan

Omit “on all water supply work approvals nominated by those access licences” from the Appendix.

[86] Appendix 5 Office

Omit the address in the Appendix. Insert instead:

DPI Water
66-68 Frome Street
MOREE NSW 2400