



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

### **[1] Clause 4 Application of this Plan**

Omit “and” from the end of clause 4 (1) (a) (xxi).

### **[2] Clause 4 (1) (a) (xxii)**

Insert after the subparagraph:

(xxiii) Phillips Creek Water Source,

(xxiv) Mooki River Water Source,

(xxv) Quirindi Creek Water Source, and

(xxvi) Warrah Creek Water Source, and

### **[3] Clause 4 (2)**

Omit “Version 2”. Insert instead “Version 3”.

### **[4] Clause 4 (2), note**

Omit “at” where secondly occurring. Insert instead “on”.

### **[5] Clause 4 (5) (b)**

Omit the paragraph. Insert instead:

- (b) contained in the water sources to which the following water sharing plans apply:
  - (i) the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*,
  - (ii) the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, and
  - (iii) the *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*,

### **[6] Clause 4 (6)**

Insert after clause 4 (5):

- (6) This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2016*, replaces the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*.

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

Omit “units”. Insert instead “unit”.

**[8] Clause 6 (1), note**

Omit “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*” from the note.

**[9] Clause 6, Table A**

Insert the following after “Baradine Creek Water Source” in Column 2 of Table A:

Phillips Creek Water Source

Mooki River Water Source

Quirindi Creek Water Source

Warrah Creek Water Source

**[10] Clause 8 Interpretation**

Insert “in the” after “or” in clause 8 (2).

**[11] Clause 9A Acknowledgement**

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.

**[12] Clause 11 Strategies**

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

**[13] Clause 12**

Omit the clause. Insert instead:

## **12 Performance indicators**

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

- (a) the change in low flow regime,
- (b) the change in moderate to high flow regime,
- (c) the change in surface water and groundwater extraction relative to the long-term average annual extraction limit,
- (d) the change in water quality in these water sources,
- (e) the 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.

### **[14] Clause 14 Climatic variability**

Insert “for” after “manage” in the note to clause 14.

### **[15] Clause 19 Domestic and stock rights**

Omit “(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:” from clause 19 (1).

Insert instead “The water requirements of persons entitled to domestic and stock rights in these water sources total 1,978.6 megalitres per year (hereafter *ML/year*), distributed as follows:”

### **[16] Clause 19 (z)**

Omit the paragraph. Insert instead:

- (z) 14.1 ML/year in the Quirindi Alluvial Groundwater Source,
- (aa) 42.8 ML/year in the Phillips Creek Water Source,
- (ab) 55 ML/year in the Mooki River Water Source,
- (ac) 127.7 ML/year in the Quirindi Creek Water Source, and
- (ad) 134.3 ML/year in the Warrah Creek Water Source.

**[17] 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.”

**[18] Clause 20 Native title rights**

Omit “At the time of commencement of this Plan, there” from clause 20. Insert instead “There”.

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

Omit “at the time of commencement of this Plan” from clause 22.

**[20] Clause 22**

Omit “627”. Insert instead “784”.

**[21] Clause 22 (w)–(z)**

Omit the paragraphs: Insert instead:

- (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,
- (aa) 0 ML/year in the Phillips Creek Water Source,
- (ab) 105.5 ML/year in the Mooki River Water Source,
- (ac) 45.5 ML/year in the Quirindi Creek Water Source,
- (ad) 6 ML/year in the Warrah Creek Water Source.

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

Omit “at the time of commencement of this Plan” from clause 23.

**[23] Clause 23**

Omit “1,733”. Insert instead “2,733”.

**[24] Clause 23 (g)**

Omit the paragraph. Insert instead:

- (g) 1,000 ML/year in the Quirindi Creek Water Source, and
- (h) 0 ML/year in all other water sources.

**[25] Clause 24 Share components of unregulated river access licences**

Omit “at the time of commencement of this Plan” from clause 24.

**[26] Clause 24**

Omit “109,040.5”. Insert instead “141,488”.

**[27] Clause 24 (v)**

Omit the paragraph. Insert instead:

- (v) 19,409 unit shares in the Baradine Creek Water Source,
- (w) 161 unit shares in the Phillips Creek Water Source,
- (x) 30,287.5 unit shares in the Mooki River Water Source,
- (y) 1,740 unit shares in the Quirindi Creek Water Source, and
- (z) 259 unit shares in the Warrah Creek Water Source.

**[28] Clause 25 Share components of unregulated river (special additional high flow) access licences**

Omit “at the time of commencement of this Plan” from clause 25.

**[29] Clause 25**

Omit “0” in the first instance. Insert instead “729”.

**[30] Clause 26 Share components of aquifer access licences**

Omit “at the time of commencement of this Plan” from clause 26.

**[31] Clause 27 of aquifer (general security) access licences**

Omit “at the time of commencement of this Plan” from clause 27.

**[32] Clause 29**

Omit the clause. Insert instead:

**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) 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,
    - (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,
  - (xxiii) Phillips Creek Water Source,
  - (xxiv) Mooki River Water Source,
  - (xxv) Quirindi Creek Water Source, and
  - (xxvi) Warrah 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,
  - (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,
  - (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
- (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 *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
  - (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) The long-term average annual extraction limit for the Manilla Alluvial Groundwater Source is 1229.2 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) 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 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) 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) 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.

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

Omit “, 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” from the note to clause 32 (3).

**[34] Clause 40 Available water determinations for aquifer (general security) access licences**

Omit “2003” from clause 40 (2) (b). Insert instead “2016”.

**[35] Clause 41**

Omit the clause. Insert instead:

**41 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.

- (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.
- (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.

**[36] Clause 46 Flow classes**

Insert “to this clause” after “Table B” in clause 46 (1).

**[37] Clause 46 (2)**

Insert “of Table B” after “Column 3” in the subclause.

**[38] Clause 46 (2)**

Omit “flow reference points” from the subclause. Insert instead “reference points”.

**[39] Clause 46 (3) and (4)**

Omit “flow reference point” in all instances. Insert instead “reference point”.

**[40] Clause 46 (5), note**

Omit the note to the subclause.

**[41] Clause 46 (6)–(8)**

Omit the subclauses. Insert instead:

- (6) For the purpose of determining the flow class that applies on a particular day under subclause (5), 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.

- (7) The flow classes commence in the year specified in Column 4 of Table B.
- (8) For the purpose of Table B *Year 1 of this Plan* means from the date of commencement of this Plan.

**[42] Clause 46, Table B**

Omit the table. Insert instead:

**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	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Woolbrook gauge (419010)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 10 ML/day		
	Macdonald River Downstream Woolbrook Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 10 ML/day	Macdonald River at Retreat gauge (419028)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 10 ML/day		
Upper Namoi Water Source	Macdonald and Namoi Rivers Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	No visible flow over the crest of the Manilla Weir	Manilla Weir on the Namoi River	Same day
		<b>A Class</b>	Year 1 of this Plan	Visible flow over the crest of the Manilla Weir		
	Halls Creek Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 1 ML/day	Halls Creek at Ukolan gauge (419029)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 1 ML/day		
Upper Manilla Water Source	Manilla River Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 3 ML/day	Manilla River at Black Springs gauge (419053)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 3 ML/day		
	Ironbark Creek Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 3 ML/day	Ironbark Creek at Woodsreef gauge (419047)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 3 ML/day		
Lake Goran Water Source	Lake Goran Management Zone	<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 294.7 metres AHD	Lake Goran at Hokey Pokey gauge (419066)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 294.7 metres AHD		Same day

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		

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
Mooki River Water Source		<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 100 ML/day on a rising river or less than or equal to 50 ML/day on a falling river	Mooki River at Breeza gauge (419027)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 100 ML/day on a rising river and more than 50 ML/day on a falling river		
Quirindi Creek Water Source		<b>Very Low Flow Class</b>	Year 1 of this Plan	Less than or equal to 2 ML/day	Quirindi Creek at Greenacres gauge (419098)	Same day
		<b>A Class</b>	Year 1 of this Plan	More than 2 ML/day		

**[43] Clause 46, Table B, notes**

Insert the following after note 14 to the table:

- 15 For the Mooki River at Breeza gauge (419027):
- (i) 100 ML/day corresponds to the estimated 18<sup>th</sup> percentile flow, and
  - (ii) 50 ML/day corresponds to the estimated 22<sup>nd</sup> percentile flow.
- 16 For the Quirindi Creek at Greenacres gauge (419098), 2 ML/day corresponds to the estimated 11<sup>th</sup> percentile flow.

**[44] Clause 47 Access rules for the taking of surface water**

Omit clause 47 (1). Insert instead:

- (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:
- (a) in association with 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,



- (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,
  - (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.

**[45] Clause 47 (4)**

Insert “or to an access licence listed in Schedule 1A of this Plan” after “Lagoon” in the subclause.

**[46] Clause 47 (7)**

Omit “pool or a runoff harvesting dam”.

Insert instead “pool, a runoff harvesting dam or under an access licence with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek Water Source.”

**[47] Clause 47 (18) (b)–(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 Namoi Unregulated Rivers Water Sources, excluding the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek 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 Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*, and
- (ii) with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek 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 Namoi Unregulated Rivers Water Sources, excluding the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek 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,

**Note.** *Grazeable area* is defined in the Dictionary.

**[48] Clause 48 Access rules for the taking of water from the Manilla Alluvial Groundwater Source**

Omit clause 48 (1). Insert instead:

- (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. This clause does not apply to the taking of water:
- (a) using a water supply work that is located more than 40 metres from the top of the high bank of a river, or
  - (b) under an access licence used only to account for the taking of water in association with an aquifer interference activity for 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,
    - (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
  - (c) under an access licence used only to account for the taking of water 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,
    - (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.

**[49] Clause 52 Granting or amending water supply work approvals**

Omit “(4)” in subclause 52 (1) (b).

**[50] Clause 52 (1A)**

Insert after clause 52 (1):

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

- (a) the Upper Macdonald River Water Source,
- (b) the Mid Macdonald River Water Source,
- (c) the Upper Namoi Water Source,
- (d) the Upper Manilla Water Source,
- (e) the Quirindi Creek Water Source,
- (f) the Warrah Creek Water Source,
- (g) the Lake Goran Water Source,
- (h) the Eulah Creek Water Source,
- (i) the Baradine Creek Water Source,
- (j) the Phillips Creek Water Source, and
- (k) the Mooki River 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 (1A), consistent with the NSW Weirs Policy, the principles of the Act, the *Fisheries Management Act 1994* and any other relevant legislation.

**[51] Clause 52 (2) Note**

Omit “clause 70 (1) (c) and (d)” from the note. Insert instead “clause 70 (1) (b) to (f)”.

**[52] Clause 57 Rules for water supply works located near groundwater dependent culturally significant sites**

Insert the following note to clause 57 (1):

**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.

**[53] Clause 62 Assignment of rights dealings**

Omit from the clause heading “(within water sources)”.

**[54] Clause 62 (1)**

Insert “within the same water source” after “Act” in the subclause.

**[55] Clause 62 (1)**

Insert “in these water sources” after “prohibited” in the subclause.

**[56] Clause 62 (2)**

Insert the following after the subclause:

- (3) Dealings under section 71Q of the Act between water sources within the same water management area are prohibited in these water sources if the dealing involves an assignment of rights:
  - (a) to an 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,
  - (xv) Quirindi Alluvial Groundwater Source,
  - (xvi) Phillips Creek Water Source,
  - (xvii) Mooki River Water Source,
  - (xviii) Quirindi Creek Water Source, or
  - (xix) Warrah Creek Water Source,
- (b) to an access licence with a share component that specifies the Werris Creek Water Source:
- (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Bluevale Water Source:
  - (i) if 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) from an access licence with a share component that 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,
  
- (g) to an access licence with a share component that specifies the Coxs Creek Water Source:
  - (i) if the assignment of rights is to an access licence with an extraction component that specifies the Coxs Creek Tributaries Management Zone, or
  - (ii) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Rangira Creek Water Source:
- (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Maules Creek Water Source:
- (i) if the assignment of rights is to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone, or
  - (ii) if 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) from an access licence with a share component that 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,
- (j) to an access licence with a share component that specifies the Eulah Creek Water Source:
- (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Bundock Creek Water Source:

- (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Coghill Creek Water Source:
- (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Etoo and Talluba Creeks Water Source,
    - (i) if 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) 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 that specified the Turragulla Creek Trading Zone at the commencement of this Plan, or
    - (iii) from an access licence with a share component that 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) to an access licence with a share component that specifies the Spring and Bobbiwaa Creeks Water Source, if:
    - (i) if 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) from an access licence with a share component that 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) to an access licence with a share component that specifies the Pian Creek Water Source:
- (i) if 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) from an access licence with a share component that 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.

**[57] Clause 63 Amendment of share component dealings (change of water source)**

Omit clause 63 (1) (d) (xiv) and (xv). Insert instead:

- (xiv) Quipolly Alluvial Groundwater Source,
- (xv) Quirindi Alluvial Groundwater Source,

- (xvi) Phillips Creek Water Source,
- (xvii) Mooki River Water Source,
- (xviii) Quirindi Creek Water Source, or
- (xix) Warrah Creek Water Source,

**[58] Clause 65 Assignment of water allocations dealings**

Omit “or” from clause 65 (3) (b) (xv).

**[59] Clause 65 (3) (b) (xvi)**

Insert the following after the subparagraph:

- (xvii) Phillips Creek Water Source,
- (xviii) Mooki River Water Source,
- (xix) Quirindi Creek Water Source, or
- (xx) Warrah Creek Water Source,

**[60] Clause 68 General**

Omit clauses 68 (a)–(b) and the notes. Insert instead:

- (a) a requirement to notify the Minister in writing will only be satisfied by writing to one of the addresses 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](mailto: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.

**[61] Clause 69 General**

Omit clauses 69 (1) (b)–(c). Insert instead:

- (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,

**[62] Clause 69 (2) (b) (i)**

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

**[63] Clause 69 (2) (b) (iv)**

Insert “was” after “water” in the subparagraph.

**[64] Clause 69 (3)**

Omit “set out in” from the subclause. Insert instead “of”.

**[65] Clause 69 (4)**

Omit the clause. 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 59.

**[66] Clause 70 General**

Omit clause 70 (1). Insert instead:

- (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) 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 Standard *AS 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.

- (b) if a water supply work is to no longer be used permanently, then the approval holder of that work must decommission that work and provide the Minister with notice in writing that the approval holder intends to decommission the water supply work. This notice must occur at least 90 days prior to the date of commencement of decommissioning,
- (c) upon receiving notice of the intention to decommission from the approval holder under paragraph (b), the Minister may by notice in writing, require the water supply work not to be decommissioned, or for the water supply work to be decommissioned in accordance with other requirements. These requirements may be specified by the Minister in a work plan,

**Note.** If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (b) being sent.

- (d) if the approval holder receives a notice from the Minister under paragraph (c), the approval holder must proceed in accordance with any requirements in that notice,
- (e) if the approval holder does not receive a notice from the Minister under paragraph (c) within 60 days of providing notice of the intent to decommission under paragraph (b), the approval holder must decommission the water supply work,

- (f) within 60 days of the water supply work being decommissioned under paragraphs (d) or (e), the approval holder must notify the Minister in writing that the water supply work has been decommissioned,
- (g) 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,
- (h) any other conditions required to implement the provisions of this Plan.

**[67] Clause 70 (2) (b) (i)**

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

**[68] Clause 71 Water supply works authorised to take water from the Namoi Alluvial Groundwater Sources**

Omit clause 71 (2) (c) – (j). Insert instead:

- (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, 2012*,  
**Note.** *Minimum Construction Requirements for Water Bores in Australia* is defined in the Dictionary.
  - (iii) be constructed 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) if a water supply work is to no longer be used permanently, then the approval holder of that work must decommission that work and provide the Minister with notice in writing that the approval holder intends to decommission the water supply work. This notice must occur at least 90 days prior to the date of commencement of



decommissioning and include a work plan for decommissioning in accordance with the Minimum Construction Requirements for Water Bores in Australia,

- (e) upon receiving notice of the intention to decommission from the approval holder under paragraph (d), the Minister may by notice in writing, require the water supply work not to be decommissioned, or for the water supply work to be decommissioned in accordance with other requirements,

**Note.** If a notice in writing is required from the Minister regarding the decommissioning of a water supply work, this notice will be sent to the approval holder within 60 days of the notice under paragraph (d) being sent.

- (f) if the approval holder receives a notice from the Minister under paragraph (e), the approval holder must proceed in accordance with any requirements in that notice,
- (g) if the approval holder does not receive a notice from the Minister under paragraph (e) within 60 days of providing notice of the intent to decommission under paragraph (d), the approval holder must decommission the water supply work in accordance with the work plan,
- (h) within 60 days of the water supply work being decommissioned under paragraphs (f) or (g), the approval holder must notify the Minister in writing that the water supply work has been decommissioned and provide the name of the driller who decommissioned the work,
- (i) the approval holder must, within 60 days of completion of the construction of the water supply work, or within 60 days after the issue of the approval if the approval is for the amendment of an existing water supply work, submit the details of the water supply work to the Department in a form approved by the Minister,
- (j) 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, and
  - (ii) take all reasonable steps to minimise contamination and environmental harm, and
  - (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,
- (k) 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,
- (l) the authority to construct a water supply work under a water supply work approval will expire if the construction of that water supply work is not completed within three years of the issue of the water supply work approval, and
- (m) any other conditions required to implement the provisions of this Plan.

**[69] Clause 73 Part 1**

Omit “thereof) or modify” from clause 73 (a). Insert instead “thereof), or to modify”.

**[70] Clause 73 (a)**

Omit “included in”. Insert instead “from”.

**[71] Clause 75**

Omit the clause. Insert instead:

**75 Part 6**

- (1) 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 extraction 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 extraction 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 extraction 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 extraction rather than a lasting trend of increased extraction.

- (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 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.

**[72] Clause 76 Part 8**

Omit "(17)" from clause 76 (c). Insert instead "(18)".

**[73] Clause 76 (j)**

Insert after clause (i):

- (j) for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source, reinstate flow classes, TDELs and/or IDELs established by the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and the Warrah Creek Water Sources 2003*,
- (k) subject to paragraph (k), for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek Water Source, if the flow classes established by the *Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and the Warrah Creek Water Sources 2003* are

reinstated, the Minister may vary the very low flow levels established in clause 17 of that plan, and consequently the bottom of A class established in clause 17, following field verification,

- (l) for the Mooki River Water Source, any variation under subclause (k) should not result in a variation of the Very Low Flow Class established for the Mooki River Water Source in Table B, other than a variation that correlates to a cease to pump measured at the Mooki River at Ruvigne of no more than 50 ML/day for all access licences only nominating water supply works downstream of Breeza.

**[74] Clause 78 Part 10**

Omit “9” from clause 78. Insert instead “10”.

**[75] Clause 81 Schedules**

Insert after clause 81 (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 Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source, and the Warrah Creek Water Source before the commencement of the *Water Sharing Plan for the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source and the Warrah Creek 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.
- (1A) Schedule 1A may be amended to remove an access licence.
- (1B) Schedule 1A or part thereof may be deleted if the Minister is satisfied that it is no longer required.

**[76] Clause 81 (10)**

Omit the subclause. Insert instead:

- (10) 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.

This subclause does not apply to an access licence with a share component that specifies the Phillips Creek Water Source, the Mooki River Water Source, the Quirindi Creek Water Source or the Warrah Creek Water Source.

**[77] Clause 82 Other**

Omit “(4)” from the clause 82 (6). Insert instead “(5)”.

**[78] Dictionary**

Insert in alphabetical order:

***approved EP&A Act development*** means:

- (a) a project approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (whether before or after its repeal), or
- (b) State significant development authorised by a development consent under Part 4 of that Act, or
- (c) State significant infrastructure approved under Part 5.1 of that Act.

**[79] Dictionary**

Omit “, as amended or replaced from time to time” from the definition of ***Minimum Construction Requirements for Water Bores in Australia***.

**[80] Dictionary**

Omit “in” where firstly occurring in the definition of ***trading zone***. Insert instead “under”.

**[81] Schedule 1A**

Insert after Schedule 1:

**Schedule 1A Access licences used to take surface water exempt from the access rule in clause 47 (4)**

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

<b>Access licences</b>
------------------------

Access licences

**Note.** At the commencement of this Plan there are no access licences listed in this Schedule. Clause 81 (1A) allows for this Plan to be amended to add access licences to this Schedule subject to the requirements in that clause.

**[82] Schedule 5**

Omit Schedule 5 (b) - (d). Insert instead:

- (b) any sites which have been declared to be significantly contaminated land under the *Contaminated Land Management Act 1997*, and
- (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.

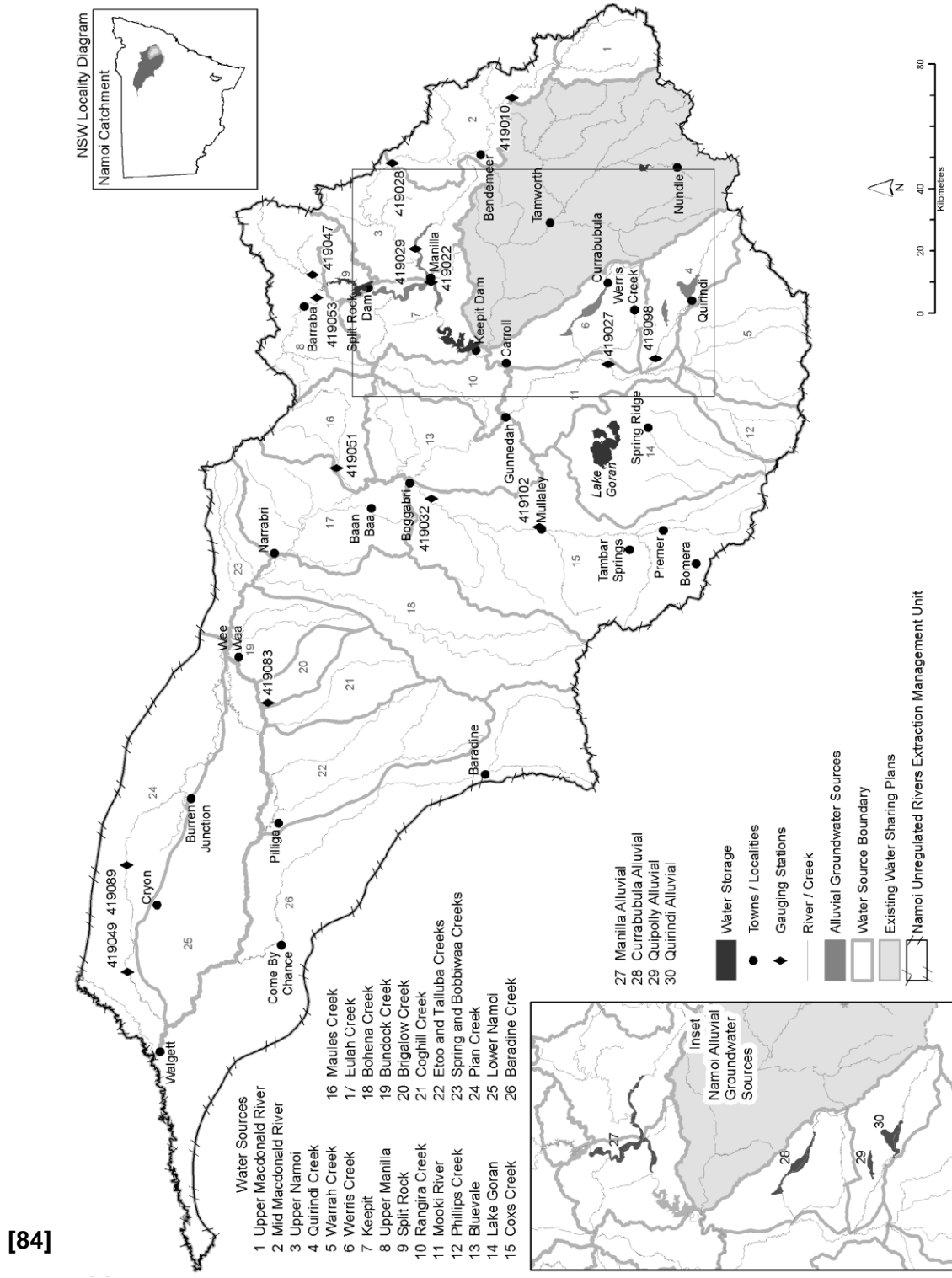
**[83] Appendix 1**

Omit the appendix. Insert instead:

**Appendix 1 Overview of the Plan Map**

**Plan Map (WSP021\_Version 3),**

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



[84]

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 Ave  
PARRAMATTA NSW 2150

DPI Water  
155-157 Marius Street  
TAMWORTH NSW 2340

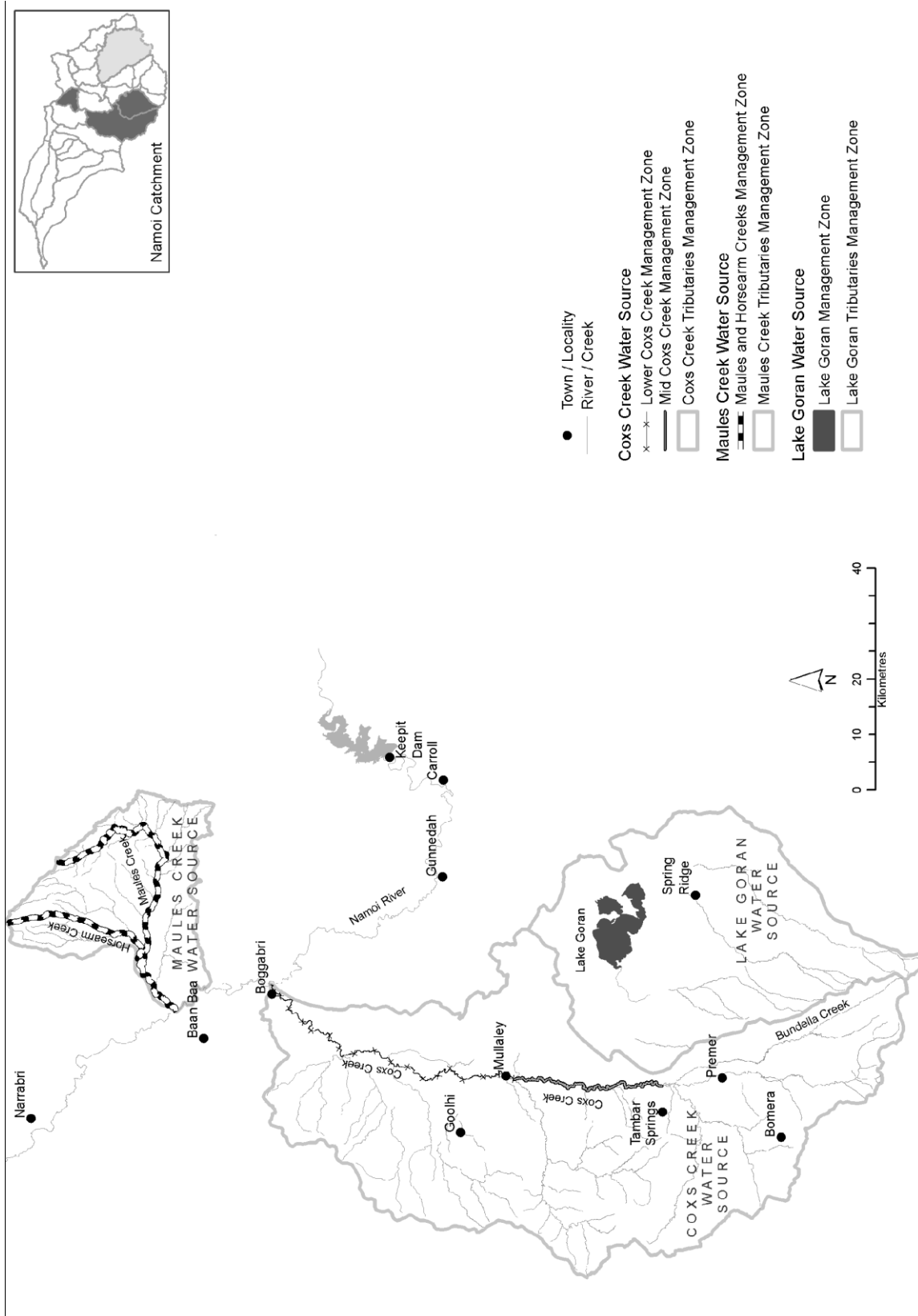
DPI Water  
9127 Kamilaroi Highway  
GUNNEDAH NSW 2380

DPI Water  
53-55 Maitland Street  
NARRABRI NSW 2390

### **[85] Appendix 3**

Omit Map 2 of 4 from the Appendix. Insert instead:





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

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

**[87] Appendix 5**

Omit the appendix. Insert instead:

**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:

DPI Water  
PO Box 550  
TAMWORTH NSW 2340