

- (d) no access licence holder within the group may extract more than is permitted by Division 1 of this Part in any one water accounting year as a result of participation in a group,
- (e) an access licence holder may apply to be removed by the Minister from the group and the extraction by the group will be reduced by the extraction restriction of that licence holder,
- (f) an access licence holder may apply to be added by the Minister to the group and the combined restricted extraction of the group will be increased by the extraction restriction of that licence holder, and
- (g) the Minister reserves the right to remove a licence holder from a group where that individual causes the group extraction restriction to be exceeded, or to dissolve a group where its members exceed their combined extraction restriction.

45 Infrastructure failure

- (1) The operational rules relating to local impact management may rely on water levels at specified monitoring bores.
- (2) In the event of a monitoring bore failure the Minister may:
 - (a) continue with the current access rules until the monitoring bore is reinstated,
 - (b) adjust the current access rules based on climatic conditions and any other monitoring bore information, until the monitoring bore is reinstated, or
 - (c) rely on another monitoring bore in the area to provide information.

Part 11 Access licence dealing rules

46 Access licence dealing rules

- (1) This Part is made in accordance with section 20 (1) (d) of the Act and with the Minister's access licence dealing principles gazetted under section 71Z of the Act.
- (2) Applications for access licence dealings may be granted subject to the Minister's access licence dealing principles gazetted from time to time under section 71Z of the Act and the rules in this Part.

Note. There are a number of mechanisms within the Act, called access licence dealings, to change either the ownership of all or part of an access licence, or the location within a water source at which all or part of the share and extraction components of access licences can be exercised. These dealings are governed by the principles in section 5 of the Act, Minister's access licence dealing principles, and the rules in this Part.

Note. Where there is an inconsistency between access licence dealing rules established in this Plan and Minister's access licence dealing principles gazetted subsequent to the commencement of this Plan, section 71Z of the Act provides for the Minister's access licence dealing principles to prevail.

47 Rules relating to constraints within a groundwater source

- (1) This clause applies to any relevant dealings under sections 71Q, 71S, and 71W of the Act, and section 71T of the Act with respect to allocation assignments within this groundwater source.
- (2) Dealings are prohibited under this clause if:
 - (a) any of the access licences or water allocations involved are not within these groundwater sources,
 - (b) the dealing results in the total access licence share components or credited water allocations authorised to be extracted through nominated works at a location exceeding 600 ML/yr per square kilometre,
 - (c) the dealing would result in the total extraction under access licences through nominated works in the area, plus basic landholder rights extraction, causing an adverse local impact in accordance with Part 10 Division 2 of this Plan.

48 Rules for change of water source

- (1) This clause relates to dealings under section 71R of the Act.

Note. Section 71R dealings are the mechanism by which access licences can move from one water source to another. Once the change in water source has been effected, if permitted, the new licence will have to nominate specified works (by a dealing under section 71W of the Act) in the receiving water source before extraction can commence.

- (2) An access licence with a share component specifying one of these groundwater sources may be cancelled and a new licence issued under this dealing only if:
 - (a) the access licence cancelled is an aquifer access licence within one of the Upper Namoi Groundwater Sources,
 - (b) the access licence issued is within Zone 10, and
 - (c) the total share components of all access licences in Zone 10 remains below 58% of the recharge established in clause 16 for that Zone until the 30 December 2007,
 - (d) the total share components of all access licences in Zone 10 remains below 70% of the recharge established in clause 16 for that Zone after the 30 December 2007.
- (3) The share component of an access licence issued under a dealing provided for in subclause (2) is to be equal to the share component of the cancelled access licence.

49 Rules for conversion of access licence category

- (1) This clause relates to dealings under section 71O of the Act.
- (2) Dealings that result in conversions of an access licence of one category to an access licence of another category are prohibited in these groundwater sources.

50 Rules for interstate access licence transfer

- (1) This clause relates to dealings under section 71U of the Act.
- (2) Dealing that result in interstate access licence transfers into or out of these groundwater sources are prohibited.

51 Rules for water allocation assignments between water sources

- (1) This clause relates to dealings under section 71T of the Act.
- (2) Dealings that assign water allocations between access licences in different water sources are prohibited unless provided for in this clause.
- (3) Dealings that assign water allocations between an access licence in one of these groundwater sources and an access licence in another of these groundwater sources are permitted only if:
 - (a) the access licence from which the water allocation is assigned is an aquifer access licence within one of the Upper Namoi Groundwater Sources,

- (b) the access licence to which the water allocation is assigned is within Zone 10,
- (c) the total water allocations credited to all access licences in Zone 10 remains below 70% of the recharge established in clause 16 for that Zone, and
- (d) the assignment would not result in the total extraction of credited water allocations through nominated works in the area, plus basic landholder rights extraction, causing adverse local impact in accordance with Part 10 Division 2 of this Plan.

Note. Each water allocation assignment must be applied for. Access licence holders may enter into private contracts to assign water allocations for a number of years. Such contracts are not guaranteed by the Government, and approval must be sought annually. Approval will be subject to the rules in this Plan, including local impact assessment.

52 Rules for interstate assignment of water allocations

- (1) This clause relates to dealings under section 71V of the Act.
- (2) Dealings that result in the interstate assignment of water allocations to or from these groundwater sources are prohibited.

Part 12 Mandatory conditions

53 Mandatory conditions on access licences

This Part is made in accordance with sections 17 (c) and 20 (2) (c) of the Act.

54 Access licences

- (1) All access licences shall have mandatory conditions to give effect to the provisions of this Plan in relation to the following:
 - (a) the specification of share components of the licences,
 - (b) the specification of extraction components of the licences,
 - (c) the requirement that all extraction under access licences will be subject to the available water determinations,
 - (d) the requirement that all extraction under access licences will be subject to any local impact management restrictions established in this Plan,
 - (e) the requirement that all extraction under access licences will be subject to the account management rules established in this Plan,
 - (f) the taking of water in accordance with the access licence will only be permitted if the resulting debit from the access licence water allocation account will not exceed the volume of water allocation remaining in the account, and
 - (g) any other conditions required to implement the provisions of this Plan.
- (2) All domestic and stock access licences shall have mandatory conditions that only allow the taking of water for the purpose of domestic consumption or stock watering as defined in section 52 of the Act.
- (3) All local water utility access licences shall have mandatory conditions that only allow the taking of water for the exercise of a water supply function of the local water utility or for other such purpose provided for under the Act.

55 Mandatory conditions on water supply work (bore) approvals

All approvals for a water supply work (bore) to which this Plan applies shall have mandatory conditions in relation to the following:

- (a) the water supply work (bore) is only to be constructed by a driller licensed under section 349 of the Act,
- (b) the water supply work (bore) must comply with drilling standards as specified by the Minister,
- (c) construction of a water supply work (bore) must prevent contamination between aquifers through proper bore construction,
- (d) a water supply work (bore) approval holder must ensure decommissioning procedures comply with applicable standards as specified by the Minister,
- (e) a new or replacement water supply work (bore) to access water for basic rights will be required, as a condition of approval, to be constructed to sufficient depth to maintain access to the water source for the life of the work,
- (f) the water supply work (bore) approval holder is, within 2 months of completion, or after the issue of the approval if the water supply work (bore) is existing, to provide the Minister with:
 - (i) details of the work on the prescribed form,
 - (ii) a plan showing accurately the location of the work in relation to portion and property boundaries, and
 - (iii) details of any water analysis and/or pumping tests required by the Minister,
- (g) if, during the construction of the water supply work (bore), saline or contaminated water is encountered above the producing aquifer, such water is to be sealed off by:
 - (i) inserting the appropriate length(s) of casing to a depth sufficient to exclude the saline or contaminated water from the work, and
 - (ii) placing an impermeable seal between the casing(s) and the walls of the bore hole from the bottom of the casing to ground level, as specified by the Minister,
- (h) if a water supply work (bore) is abandoned, the water supply work (bore) approval holder is to:
 - (i) notify the Minister that the work has been abandoned, and

- (ii) seal off the aquifer by backfilling the work to ground level after withdrawing the casing (lining), as specified by the Minister,
- (i) an extraction measurement device shall be installed and maintained on each water supply work (bore) used for extraction of water under an access licence, and such devices shall be of a type and shall be maintained in a manner which is acceptable to the Minister,
- (j) a water supply work (bore) must comply with the relevant local impact management rules in Part 10 of this Plan,
- (k) notwithstanding the available water determination, it is the responsibility of the water supply work (bore) approval holder to ascertain from the Minister whether or not there are in place any local impact restrictions before commencing to take water from these groundwater sources,
- (l) extraction under an access licence through the approved water supply work (bore) is only authorised with respect to the access licences specified on the water supply work (bore) approval,
- (m) a water supply work (bore) approval holder must supply to the Minister on request, and to the required standards, a report pertaining to the quality of the water obtained from the water supply work (bore), and
- (n) any other conditions required to implement the provisions of this Plan.

Note. It is recommended that the Minister also apply conditions to water use approvals requiring the supply of information on an annual basis on types and areas of irrigated crops.

Part 13 Monitoring and reporting

56 Monitoring

The monitoring of the performance indicators specified in clause 11 shall be undertaken by the Minister.

Note. Review and Audit of this Plan

In accordance with section 43A of the Act, the Natural Resources Commission must undertake a review of this Plan prior to any decision to extend its term or to make a new plan. The review must consider the extent to which the Plan's water sharing provisions have contributed to achieving or not achieving the State priorities for local land services relevant to natural resource management (as referred to in the *Local Land Services Act 2013*).

When undertaking this review the Natural Resources Commission is required to call for public submissions. The Commission will take into consideration any submission received as well as any other relevant State-wide or regional government policies or agreements that apply to the Local Land Services region.

In accordance with section 44 of the Act, this Plan will be audited at intervals of no more than five years, for the purpose of ascertaining whether its provisions are being given effect to. This audit is to be carried out by an audit panel appointed by the Minister in consultation with a water management committee where one exists.

Part 14 Amendment of this Plan

57 Amendment of this Plan

- (1) This Part is made in accordance with section 45 (1) (b) of the Act.
- (2) This Plan can be amended in accordance with the following clauses of this Plan:
 - (a) clause 14 in respect to the average annual recharge,
 - (b) clause 16 in respect to planned environmental water,
 - (c) clause 29 in respect to the extraction limit, or
 - (d) clause 41 in respect to high priority groundwater dependent ecosystems.

58 Amendment relating to planned environmental water

- (1) The Minister may amend this Plan to provide for the recovery of planned environmental water as follows:
 - (a) the recovery is only to apply where the Minister has cancelled an access licence held by the Minister in accordance with section 8A of the Act,
 - (b) the amount of additional water to be provided as planned environmental water is to be equivalent to the annual average extraction of water under the cancelled licence over the long-term,
 - (c) the average annual long-term availability of water for the remaining access licences that relate to the water source concerned is to be reduced by the average annual long-term extraction of water under the cancelled licence.
- (2) The Minister may amend this Plan to specify the purposes for which planned environmental water committed under section 8A of the Act is to be used.

Schedule 1 Dictionary

The following definitions apply to this Plan in addition to the definitions set out in the Act:

abandoned refers to a water supply work (bore) that is no longer being used.

aquifer compaction refers to the reduction in the porosity (pore spaces) of an aquifer, and may result from over pumping the aquifer.

aquitards are geologic units that are of low permeability. Aquitards usually form a layer in a geologic sequence. They may contain water, but would not yield reasonable volumes of water to bores or wells. An example of an aquitard would be a saturated clay layer that is overlying a saturated sandy aquifer.

aquitard compaction refers to the reduction in the porosity (pore spaces) of an aquitard.

available water in relation to a water management area or water source, is the water that is available in that area or water source in accordance with an available water determination that is in force in respect of that area or water source.

available water determination is a written Order by the Minister as to the availability of water for the various categories of access licence in relation to a specified water management area or water source.

Note. An available water determination gives rise to a water allocation that is credited to a water allocation account for each licensed holder.

compaction see aquifer compaction.

component see share component.

drawdown refers to a lowering of the piezometric surface. Natural drawdown may occur due to seasonal climatic changes. Groundwater pumping may also result in seasonal and long-term drawdown.

extraction limit is the amount of water that can be extracted in each water accounting year of this Plan., subject to water allocation account management rules.

Great Artesian Basin is a 'confined' groundwater basin comprised of a complex multi-layered system of water bearing strata (porous sandstone aquifers) separated by largely impervious rock units, underlying largely arid and semi-arid landscapes to the

west of the Great Dividing Range, and extending from Queensland through New South Wales and the Northern Territory, to South Australia.

groundwater is water that occurs beneath the ground surface in the saturated zone.

groundwater dependent ecosystems are ecosystems which have their species composition and natural ecological processes determined by groundwater.

long term average storage component is the volume of water in the aquifer less the combined average annual recharge and requirements for basic rights at the commencement of this plan, and exceeds the combined requirements for basic rights extraction provided for in this Plan.

monitoring bore refers to a bore constructed for the purpose of measuring water levels and/or taking samples for water quality analysis.

recharge is the addition of water, usually by infiltration, to an aquifer.

replacement water supply work (bore) is a bore constructed within 20 metres of, and which replaces, an existing water supply work (bore) licensed under the Act and which has an internal diameter no greater than 110 percent of the internal diameter of the bore it replaces.

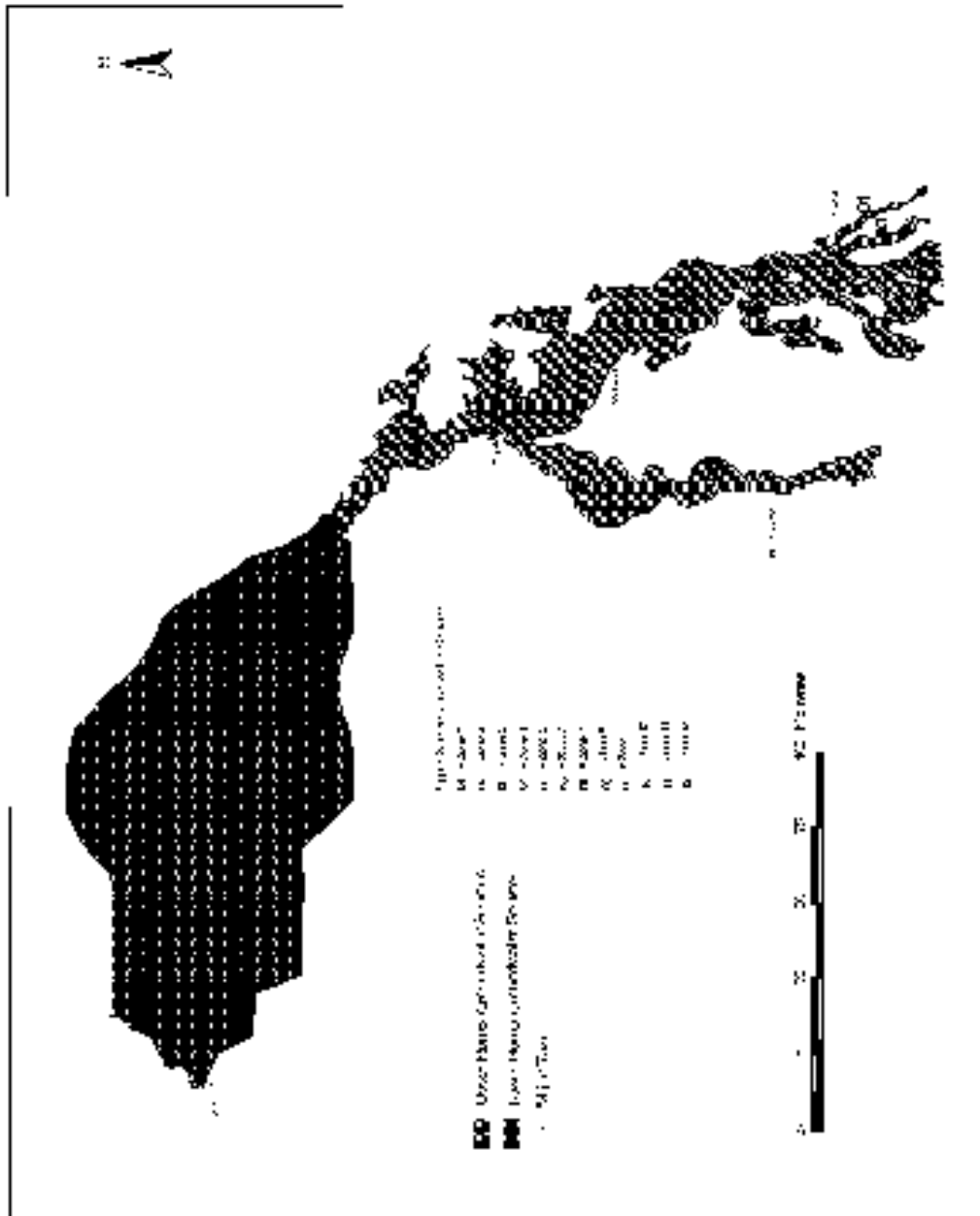
share component is the share component of an access licence.

unconsolidated alluvial sediments are sediments deposited by the action of flowing water, in particular along river beds and floodplains, but not including lakes and seas.

water supply work (bore) means a water supply work that is a bore.

water year is a 12 month period from 1 July to 30 June.

Schedule 2 Upper and Lower Namoi Groundwater Sources

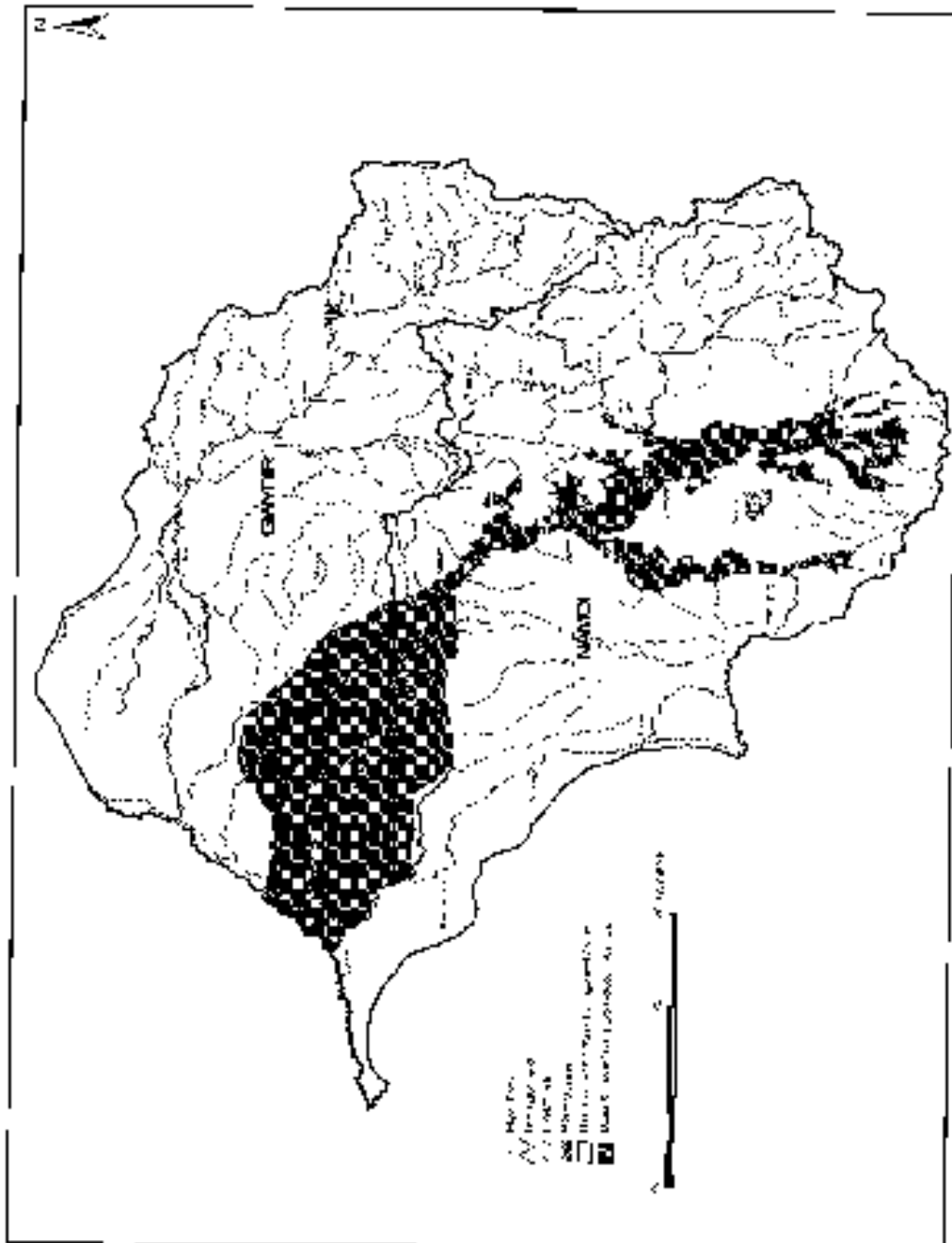


Schedule 3 High priority groundwater dependent ecosystems

Note. There are no high priority groundwater dependent ecosystems identified and scheduled at the commencement of this Plan.

Note. High priority groundwater dependant ecosystems may be added to (and removed from) this Schedule during the period of this Plan. The Regional or District Office of the Department of Land and Water Conservation, shown in Appendix 2, should be contacted for a current list.

Appendix 1 Namoi and Upper and Lower Namoi Water Management Areas



Appendix 2 Location of maps

The maps in relation to this Plan may be inspected at:

Department of Industry, Water
4 Marsden Road
Tamworth Agricultural Institute
CALALA NSW 2340