

Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020

under the

Water Management Act 2000

I, Melinda Pavey, the Minister for Water, Property and Housing, in pursuance of sections 45 (1) and 45A of the *Water Management Act 2000*, make the following Order to amend the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012*.

Dated 29th June 2020

MELINDA PAVEY MP
Minister for Water, Property and Housing

Explanatory note

This Order is made under sections 45 (1) 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 Energy and Environment was obtained prior to the making of this Order as required under section 45 of the *Water Management Act 2000*.

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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 2020*.

2 Commencement

This Order commences on 1 July 2020.

Schedule 1 Amendment of Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources 2012

[1] Part 1 Introduction

Omit the note. Insert instead:

Notes.

- 1 Part 12 allows for amendments to be made to Part 1.
- 2 In accordance with section 48 of the *Water Management Act 2000*, the Minister must take all reasonable steps to give effect to the provisions of this Plan when exercising functions under the Act.
- 3 In accordance with section 49 of the *Water Management Act 2000*, public authorities must also have regard to the provisions of this Plan to the extent they apply to the public authority.
- 4 The Minister may amend this Plan at any time under section 45 of the *Water Management Act 2000*, including if satisfied it is in the public interest to do so, or in such circumstances, in relation to such matters and to such extent as Part 12 of this Plan provides.

[2] Clause 1 Name of this Plan

Omit “Unregulated and Alluvial”. Insert instead “and Peel Unregulated Rivers”.

[3] Clause 3 Commencement of this Plan

Insert after paragraph (2) in the note:

- 3 Under the *Intergovernmental Agreement on Implementing Water Reform in the Murray-Darling Basin* and the associated National Partnership Agreement, NSW has agreed to develop water resource plans for Murray-Darling Basin water resources that are consistent with the requirements of the Basin Plan. This Plan was amended in 2020, partly to meet NSW’s commitments under these arrangements. Certain provisions of this Plan form part of the water resource plan for the Namoi surface water resource plan area.
- 4 *Basin Plan* is defined in the Dictionary.

[4] Clause 4 Application of this Plan

Omit “known as the Namoi Unregulated and Alluvial Water Sources” from subclause 4 (1).

[5] Clause 4 (1) (b)

Omit clause and note. Insert instead:

- (b) the Peel Unregulated River Water Sources (*the Peel Unregulated River Water Sources*) comprised of:
 - (i) Chaffey Water Source,
 - (ii) Goonoo Goonoo Creek Water Source,
 - (iii) Upper Peel River Tributaries Water Source,
 - (iv) Lower Peel River Tributaries Water Source, and

- (v) Cockburn River Water Source.

Note. The Namoi Water Management Area was constituted by Ministerial order made under section 11 of the *Water Management Act 2000* and published in the NSW Government Gazette No 180 on 23 November 2001 at page 9389.

[6] **Clause 4 (2)**

Omit the subclause. Insert instead:

- (2) These water sources are shown on the Plan Map called *Plan Map (WSP021_Version 4), Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012* (hereafter the **Plan Map**) held by the Department.

Note. The Plan Map is part of this Plan and is available on the NSW Legislation website. An overview of the Plan Map is shown in Appendix 1.

[7] **Clause 4 (3), (4), (5) and (6)**

Omit these subclauses. Insert instead:

- (3) Subject to subclause (5), these water sources include all water:
 - (a) occurring naturally on the surface of the ground within the boundaries of these water sources as shown on the Plan Map, and
 - (b) in rivers, lakes and wetlands within the boundaries of these water sources as shown on the Plan Map.
- (4) (Repealed)
- (5) These water sources do not include water:
 - (a) 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 Regulated River Water Source 2010*, and
 - (iii) the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012*, or
 - (b) taken in the course of floodplain harvesting under a floodplain harvesting (regulated river) access licence.
Note. *Floodplain harvesting* is defined in the Dictionary.
- (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) This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020*, applies to the Peel Unregulated River Water Sources.

Notes.

- 1 Prior to the commencement of this Plan, the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* applied to the Peel Unregulated River Water Sources.
- 2 This Plan, as amended by the *Water Sharing Plan for the Namoi Unregulated and Alluvial Water Sources Amendment Order 2020*, does not apply to the Namoi Alluvial Groundwater Sources. The *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020* applies to those water sources.

[8] Clause 5 Management zones

Omit subclause 1 (i). Insert instead:

- (i) Chaffey Water Source:
 - (i) Peel River Management Zone, and
 - (ii) Chaffey Tributaries Management Zone,
- (j) Goonoo Goonoo Water Source:
 - (i) Downstream Boiling Down Creek Management Zone, and
 - (ii) Upstream Boiling Down Creek Management Zone,
- (k) Upper Peel River Tributaries Water Source:
 - (i) Dungowan Creek Management Zone, and
 - (ii) Duncans Creek and Other Tributaries Management Zone,
- (l) Lower Peel River Tributaries Water Source:
 - (i) Moore Creek Management Zone, and
 - (ii) Lower Peel Tributaries Management Zone,
- (m) Cockburn River Water Source:
 - (i) Cockburn River Management Zone, and
 - (ii) Cockburn River Tributaries Management Zone.

[9] Clause 5 (2), note

Omit note. Insert instead:

Note. Overview maps of the management zones are shown in Appendix 2.

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

Omit clause.

[11] Clause 8 Interpretation

Insert after subclause (4):

(4A) The Plan Map forms part of this Plan.

(4B) A number in brackets following the name of a gauge is the gauge number.

[12] Part 2 Vision, objectives, strategies and performance indicators

Omit existing note. Insert instead:

- 1 This Part is made in accordance with section 35 (1) of the Act.
- 2 This Part describes broad objectives, which are the long-term outcomes sought by this Plan and are not directly measured but evaluated by considering the cumulative achievement of the associated targeted objectives. Targeted objectives described in this Part are specific outcomes that can be achieved by the strategies in this Plan and can be directly measured so that success or failure to achieve the objective can be quantified.

[13] Clause 9 Vision statement and clause 9A Acknowledgment

Omit clauses. Insert instead:

8A Acknowledgement

Respect is paid to the traditional owners of this country, who are acknowledged as the first natural resource managers within the Namoi Water Management Area.

9 Vision statement

The vision for this Plan is to provide for the following:

- (a) the health and enhancement of these water sources and their water-dependent ecosystems,
- (b) the continuing productive extraction of surface water for economic benefit,
- (c) the spiritual, social, customary and economic benefits of surface water to Aboriginal communities,
- (d) the social and cultural benefits to urban and rural communities that result from surface water.

[14] Clause 10 Objectives, clause 11 Strategies and clause 12 Performance indicators

Omit clauses. Insert instead:

10 Environmental objectives

- (1) The broad environmental objective of this Plan is to protect, and contribute to the enhancement of, the ecological condition of these water sources and their water-dependent ecosystems over the term of this Plan.

Note. The ecological condition of these water sources will be assessed by reference to the condition of high ecological value aquatic ecosystems, target species, communities, populations and key ecosystem functions as defined in the MER plan for these water sources. Water-dependent ecosystems in these water sources include instream, riparian and floodplain ecosystems.

- (2) The targeted environmental objective of this Plan is to protect, and contribute to the enhancement of, the following over the term of this Plan:
 - (a) the recorded distribution or extent, and population structure, of target ecological populations,

Notes.

- 1 *Target ecological populations* is defined in the Dictionary.
- 2 Target ecological populations in these water sources may include known or predicted populations of the following:
 - (a) native fish including eel-tailed catfish, Murray cod and purple-spotted gudgeon,
 - (b) native vegetation including carbeen, redgum and black box-coolbah woodlands,
 - (c) high diversity hotspots and significant habitat for native fish, frogs, waterbirds, native vegetation and low flow macroinvertebrate communities in water sources that are susceptible to increased frequency and duration of low flows and drying.
- 3 Measures of population structure may include the abundance or spatial extent of a species, different age classes or life stages within a species population, or measures that describe the health and condition of species or populations.

- (b) the longitudinal and lateral connectivity within and between water sources to support target ecological processes,

Notes.

- 1 Longitudinal connectivity means flows along the length of the river and between hydrologically connected rivers. Lateral connectivity means flows between the river and its anabranches, riparian zones, wetlands and floodplains.
- 2 Target ecological processes in these water sources include fish movement across significant barriers, as identified by NSW Department of Primary Industries (Fisheries) and described in the MER plan for these water sources.
- 3 Connectivity may be within or between these water sources and other water sources.

- (c) water quality within target ranges for these water sources to support water-dependent ecosystems and ecosystem functions.

Note. Water quality target ranges for these water sources are defined in the Water Quality Management Plan for the Namoi Water Resource Plan Area SW14 and the NSW State Water Quality Assessment and Monitoring Plan.

- (3) The strategies for reaching the targeted environmental objective of this Plan are as follows:

- (a) establish and maintain compliance with a long-term average annual extraction limit and a long-term average sustainable diversion limit,

Note. Part 6 of this Plan sets out the provisions for maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,

Notes.

- 1 *Flow regimes* is defined in the Dictionary.
- 2 The provisions in Division 2 of Part 8 of this Plan establish flow classes that manage the take of water.

- (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,

Notes.

- 1 *In-river pool, off-river pool* and *full capacity* are defined in the Dictionary.
- 2 The provisions in clause 47 and 48 restrict the take of water from in-river and off-river pools when the volume is less than full capacity.

- (d) restrict or prevent water supply work approvals in specified circumstances.

Note. The provisions in Part 9 of this Plan prevent the granting or amending of a water supply work approval in the circumstances specified.

- (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources and other connected water sources including the Upper Namoi Regulated River Water Source, the Lower Namoi Regulated River Water Source and the Peel Regulated River Water Source.

Note. The provisions in Division 2 of Part 8 of this Plan ensure that very low flows are protected from extraction.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad environmental objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted environmental objective in subclause (2) are the changes or trends in ecological condition during the term of this plan, as assessed using one or more of the following:
 - (a) the recorded range, extent or condition of target ecological populations,
 - (b) measurements of fish movements through priority fish passage areas,
 - (c) the recorded values of water quality measurements including salinity, turbidity, total nitrogen, total phosphorous, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
 - (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the environmental objectives,
 - (d) the extent to which external influences on these water sources during the term of this Plan have affected progress toward achieving the environmental objectives.

Note. External influences may include climate trends, land use patterns and other factors.

11 Economic objectives

- (1) The broad economic objective of this Plan is to maintain, and where possible improve, access to water to optimise economic benefits for agriculture, surface water-dependent industries and local economies.
- (2) The targeted economic objectives of this Plan are as follows:
 - (a) to maintain, and where possible improve, water trading opportunities for surface water-dependent businesses,

Note. Trading is a generic term referring to dealings under Division 4 of Part 2 of Chapter 3 of the Act.

- (b) to maintain, and where possible improve, access to water for agriculture, surface water-dependent businesses and landholders,
 - (c) to contribute to maintaining water quality within target ranges for agriculture, surface water-dependent businesses and landholders.
- (3) The strategies for reaching the targeted economic objectives of this Plan are as follows:

- (a) provide for trade of water allocations and share components subject to environmental constraints.

Note. The provisions in Part 10 of this Plan permit a variety of dealings within environmental constraints, including assignment of rights under access licences, assignment of water allocations between access licences, and the ability to move the share component of an access licence from one water source to another.

- (b) provide a stable and predictable framework for sharing water among water users,

Note. The compliance with extraction and diversion limit provisions in Division 4 of Part 6 of this Plan and the flow classes and access provisions in Division 2 of Part 8 of this Plan provide certainty in how water access will be shared between different categories of access licences.

- (c) provide flexibility of access to water,

Note. The individual account management provisions in clause 43 of this Plan, including the limit on the volume of water that can be taken in any water year or over three consecutive water years and the amount of water that may be carried over from one water year to the next, provide flexibility that reflects the characteristics of the licence category.

- (d) manage extractions to the long-term average annual extraction limit and the long-term average sustainable diversion limit.

Note. Part 6 of this Plan manages the extraction of water within the long-term average annual extraction limit and the long-term average sustainable diversion limit.

- (4) The performance indicator used to measure the success of the strategies for reaching the broad economic objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted economic objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted economic objectives in subclause (2) are the changes or

trends in economic benefits during the term of this Plan, as assessed using one or more of the following:

- (a) the economic benefits of water extraction and use,
- (b) the economic benefits of water trading as demonstrated by any of the following:
 - (i) the annual number or volume of share components of access licences transferred or assigned,
 - (ii) the weighted average unit price of share components of access licences transferred or assigned,
Note. *Weighted average unit price* is defined in the Dictionary.
 - (iii) the annual volume of water allocations assigned,
 - (iv) the weighted average unit price of water allocations assigned,
- (c) the recorded values of water quality measurements including salinity, sodium adsorption ratio, harmful algal blooms, total nitrogen, total phosphorus, pH and dissolved oxygen.

(6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:

- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
- (b) the extent to which the changes in the economic benefits of surface water extraction and use can be attributed to the strategies in subclause (3) and provisions in this Plan,
- (c) the extent to which the strategies in subclause (3) support achievement of the economic objectives,
- (d) the extent to which external influences on surface water-dependent businesses during the term of this Plan have affected progress toward achieving the economic objectives.

Note. External influences may include trends in urban, agricultural and industrial development, energy costs, commodity prices, interest rates, technology advances, climate or changes in industry policy or regulation.

12 Aboriginal cultural objectives

- (1) The broad Aboriginal cultural objective of this Plan is to maintain, and where possible improve, the spiritual, social, customary and economic values and uses of water by Aboriginal people.

- (2) The targeted Aboriginal cultural objectives of this Plan are as follows:
- (a) to provide access to water in the exercise of native title rights,
 - (b) to provide access to water for Aboriginal cultural use, including fishing,
 - (c) to protect, and where possible improve, identified surface water-dependent culturally significant areas, including important riparian vegetation communities,
 - (d) to contribute to the maintenance of water quality within target ranges to ensure suitability of water for Aboriginal cultural use.
- (3) The strategies for reaching the targeted Aboriginal cultural objectives of this Plan are as follows:
- (a) manage access to water consistently with the exercise of native title rights,
 - (b) provide for water associated with Aboriginal cultural values and uses,
Note. The provisions in Part 7 of this Plan provide opportunities for Aboriginal people to access water by allowing for the granting of an access licence of the subcategory 'Aboriginal cultural'.
 - (c) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (d) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
Note. The provisions in clause 47 of this Plan restrict the take of water from in-river and off-river pools when the volume is less than full capacity, thereby contributing to the protection of native fish populations, swimming and recreational areas and riparian vegetation.
 - (e) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
Note. The provisions in Division 2 of Part 8 of this ensure that a portion of natural flows are protected from extraction.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad Aboriginal cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted Aboriginal cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted Aboriginal cultural objectives in subclause (2) are the

changes or trends in Aboriginal cultural benefits during the term of this Plan, as assessed using one or more of the following:

- (a) the use of water by Aboriginal people by measuring factors including:
 - (i) the extent to which native title rights are capable of being exercised, consistently with any determination of native title or indigenous land use agreement, and
 - (ii) the extent to which access to water has contributed to achieving Aboriginal cultural outcomes,
 - (b) the recorded range or extent of target populations of native fish,
 - (c) the recorded range or condition of target populations of riparian vegetation,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause, the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in the Plan have been implemented and complied with,
 - (b) the extent to which changes in the performance indicators can be attributed to the strategies in subclause (3) and provision in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the Aboriginal cultural objectives,
 - (d) the water made available for Aboriginal cultural values and uses during the term of this Plan through available water determinations and the granting of new access licences,
 - (e) the extent to which external influences on surface water-dependent Aboriginal cultural activities during the term of this Plan have affected progress toward achieving the Aboriginal cultural objectives.
- Note.** External influences may include trends in Aboriginal cultural activity, urban, agricultural and industrial development, climate or changes in policy or regulation.

12A Social and cultural objectives

- (1) The broad social and cultural objective of this Plan is to provide access to surface water to support surface water-dependent social and cultural values.

- (2) The targeted social and cultural objectives of this Plan are to maintain, and where possible improve, the following:
 - (a) access to water for basic landholder rights, town water supply and licensed domestic and stock purposes,
 - (b) access to water for surface water-dependent cultural, heritage and recreational uses, including recreational fishing,
 - (c) water quality within target ranges for basic landholder rights, town water supply, domestic and stock purposes and surface water-dependent cultural, heritage and recreational uses, including recreational fishing.
- (3) The strategies for reaching the targeted social and cultural objectives of this Plan are as follows:
 - (a) provide access to water for basic landholder rights, town water supply, and for licensed domestic and stock purposes,
 - (b) reserve a portion of flows to partially mitigate alterations to natural flow regimes in these water sources,
 - (c) restrict the take of water from in-river and off-river pools when the volume of that water is less than full capacity,
 - (d) reserve a portion of flows to maintain longitudinal connectivity within and between these water sources, and between these water sources and other connected water sources.
- (4) The performance indicator used to measure the success of the strategies for reaching the broad social and cultural objective in subclause (1) is an evaluation of the extent to which the combined outcomes of the targeted social and cultural objectives in subclause (2) have contributed to achieving the broad objective.
- (5) The performance indicators used to measure the success of the strategies for reaching the targeted social and cultural objectives in subclause (2) are the changes or trends in social and cultural benefits during the term of this Plan, as assessed by using one or more of the following:
 - (a) the social and cultural uses of water during the term of this Plan, by measuring factors including:
 - (i) the extent to which basic landholder rights and licensed domestic and stock requirements have been met, and

- (ii) the extent to which major utility access licence and local water utility access licence requirements have been met,
 - (b) the recorded range or extent of target populations of native fish that are important for recreational fishing,
 - (c) the recorded takes of native fish that are important for recreational fishing within legal age and size classes,
 - (d) the recorded values of water quality measurements including salinity, harmful algal blooms, total nitrogen, total phosphorus, pH, water temperature and dissolved oxygen.
- (6) In evaluating the effectiveness of the strategies in meeting the objectives in this clause the following will be relevant:
- (a) the extent to which the strategies in subclause (3) and provisions in this Plan have been implemented and complied with,
 - (b) the extent to which the changes in the performance indicators can be attributed to the strategies in subclause (3) and provisions in this Plan,
 - (c) the extent to which the strategies in subclause (3) support achievement of the social and cultural objectives,
 - (d) the extent to which external influences on surface water-dependent social and cultural activities during the term of this Plan have affected progress toward achieving the social and cultural objectives.

Note. External influences may include trends in urban, agricultural and industrial development, social or cultural behaviour, climate, or changes in policy or regulation.

[15] Clause 13 Bulk access regime

Omit “Division 1 of” from subclause 2 (a).

[16] Clause 13 (2) (b)

Insert “are” before “to be made”, and omit “Division 2 of”.

[17] Clause 13 (2) (d)

Omit “contained in Division 1 of Part 6 of this Plan”, and insert instead “and long-term average sustainable diversion limit contained in Part 6 of this Plan,”.

[18] Clause 14 Climatic variability

Omit “and groundwater levels”.

[19] **Clause 14 (a) and (b)**

Omit “in these water sources” wherever occurring.

[20] **Clause 14 (a)**

Omit “, contained in Division 1 of Part 6 of this Plan,” and insert instead “and long-term average sustainable diversion limit, contained in Part 6 of this Plan,”.

[21] **Part 4 Planned environmental water provisions**

Omit the note. Insert instead:

Note. This Part is made in accordance with section 8 of the Act.

[22] **Clause 17 Establishment and maintenance of planned environmental water**

Omit the clause. Insert instead:

17 Establishment and maintenance of planned environmental water

- (1) This Plan establishes planned environmental water in these water sources as follows:
 - (a) the physical presence of water resulting from the access rules specified in Division 2 of Part 8 of this Plan,

Note. The rules in Division 2 of Part 8 of this Plan set flow rates or flow levels below which the taking of water is not permitted. Some limited exemptions apply.
 - (b) the long-term average annual commitment of water as planned environmental water resulting from compliance with the long-term average annual extraction limit and long-term average sustainable diversion limit as specified in Part 6,
 - (c) water remaining after water has been taken under basic landholder rights, access licences and any other rights under the Act in accordance with the rules specified in Parts 6 and 8 of this Plan.
- (2) The planned environmental water established under subclause (1) (a) is maintained by the rules specified in Division 2 of Part 8 of this Plan.
- (3) The planned environmental water established under subclause (1) (b) is maintained by the provisions specified in Part 6 of this Plan.
- (4) The planned environmental water established under subclause (1) (c) is maintained by the provisions specified in Parts 6 and 8 of this Plan.

Note. The provisions in Part 6 of this Plan ensure that there will be water remaining in these water sources over the long term by maintaining compliance with the long-term average annual extraction limit and the long-term average sustainable diversion limit. The provisions in Part 6 provide for a reduction in available water determinations when the long-term average annual extraction limit or the long-term average sustainable diversion limit have been assessed to have been exceeded.

[23] Clause 18 Application

Omit “Division 1 of” from subclause (3).

[24] Clause 19 Domestic and stock rights

Omit “1,978.6” in the first paragraph. Insert instead “2,480.2”.

[25] Clause 19

Omit subclauses (w) to (ad). Insert instead:

- (w) 42.8 ML/year in the Phillips Creek Water Source,
- (x) 55 ML/year in the Mooki River Water Source,
- (y) 127.7 ML/year in the Quirindi Creek Water Source,
- (z) 134.3 ML/year in the Warrah Creek Water Source,
- (aa) 14.6 ML/year in the Chaffey Water Source,
- (ab) 142.35 ML/year in the Goonoo Goonoo Creek Water Source,
- (ac) 80.3 ML/year in the Upper Peel River Tributaries Water Source,
- (ad) 105.85 ML/year in the Lower Peel River Tributaries Water Source, and
- (ae) 219 ML/year in the Cockburn River Water Source.

[26] Clause 20 Native title rights

Omit the paragraph and note. Insert instead:

The requirement for water to satisfy native rights is the water that may be taken in the exercise of native title rights in accordance with the *Native Title Act 1993* of the Commonwealth, including:

- (a) under any determination of native title, and
- (b) any indigenous land use agreement.

Notes.

- 1 No determinations of native title in relation to these water sources have been made in accordance with the *Native Title Act 1993* of the Commonwealth at the commencement of this Plan.

- 2 This Plan may be amended if there is a native title determination in accordance with the *Native Title Act 1993* of the Commonwealth by which water is required.
- 3 Native title rights may be exercise in accordance with the *Native Title Act 1993* of the Commonwealth, including section 211 of that Act.

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

Omit “784” in the first paragraph. Insert instead “993”.

[28] Clause 22

Omit subclauses (w) to (ad). Insert instead:

- (w) 0 ML/year in the Phillips Creek Water Source,
- (x) 105.5 ML/year in the Mooki River Water Source,
- (y) 45.5 ML/year in the Quirindi Creek Water Source,
- (z) 6 ML/year in the Warrah Creek Water Source,
- (aa) 15.5 ML/year in the Chaffey Water Source,
- (ab) 28 ML/year in the Goonoo Goonoo Water Source,
- (ac) 28.5 ML/year in the Upper Peel River Tributaries Water Source,
- (ad) 64 ML/year in the Lower Peel River Tributaries Water Source, and
- (ae) 73 ML/year in the Cockburn River Water Source.

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

Omit “2,733” Insert instead “8,333”.

[30] Clause 23

Omit subclauses (d) to (h). Insert instead:

- (d) 1,000 ML/year in the Quirindi Creek Water Source,
- (e) 5,600 ML/year in the Upper Peel River Tributaries Water Source, and
- (f) 0 ML/year in all other water sources.

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

Omit “141,488” in the first paragraph. Insert instead “153,386”.

[32] Clause 24

Omit “and” in paragraph (y), and insert after paragraph (z):

- (aa) 384.5 unit shares in the Chaffey Water Source,
- (ab) 1,033.5 unit shares in the Goonoo Goonoo Creek Water Source,
- (ac) 3,638 unit shares in the Upper Peel River Tributaries Water Source,
- (ad) 2,477 unit shares in the Lower Peel River Tributaries Water Source, and
- (ae) 4,365 unit shares in the Cockburn River Water Source.

[33] Clause 26 Share components of aquifer access licences and clause 27 Share components of aquifer (general security) access licences

Omit these clauses.

[34] Part 6 Limits to the availability of water

Omit the Part. Insert instead:

Part 6 Limits to the availability of water

Note. This Part sets out the rules for managing the availability of water for extraction in accordance with the following long-term limits on extraction:

- (a) a long-term average annual extraction limit, and
- (b) a long-term average sustainable diversion limit.

Division 1 Calculations under this Part

28 Exclusions, inclusions and variations in calculations

(1) This clause applies to the calculation of the following:

- (a) the long-term average annual extraction limit under clause 29,
- (b) the annual extraction under clause 30,
- (c) the annual permitted take under clause 33,
- (d) the annual actual take under clause 33.

Note. *Annual permitted take* and *annual actual take* are defined in the Dictionary.

(2) The calculations by the Minister to which this clause applies must:

- (a) exclude the following:
 - (i) allocations assigned from an access licence in one of these water sources to an access licence in a water source other than these water sources, under section 71T of the Act,

- (ii) in relation to annual extraction under clause 30 only, water committed as licensed environmental water under section 8F of the Act, and
 - (b) include allocations assigned to an access licence in one of these water sources from an access licence in a water source other than these water sources, under section 71T of the Act.
- (3) The calculation by the Minister of the long-term average annual extraction limit under clause 29 must be adjusted by a volume that appropriately reflects the following:
- (a) the share components of water access licences in the water source that are subject to a dealing under section 71U of the Act,
 - (b) any changes to the amount of water committed as licensed environmental water under section 8F of the Act.

Division 2 Long-term average annual extraction limit

29 Calculation of the long-term average annual extraction limit

The long-term average annual extraction limit for these water sources is the sum of:

- (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) 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,
 - (xxii) Baradine Creek Water Source,
 - (xxiii) Phillips Creek Water Source,
 - (xxiv) Mooki River Water Source,
 - (xxv) Quirindi Creek Water Source,
 - (xxvi) Warrah Creek Water Source, plus,
- (b) the annual water requirements pursuant to basic landholder 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,
 - (xvii) Etoo and Talluba Creeks Water Source,
 - (xix) Spring and Bobbiwaa Creeks Water Source,
 - (xx) Pian Creek Water Source,
 - (xxi) Lower Namoi Water Source,
 - (xxii) Baradine Creek Water Source, plus,
- (c) the annual extraction of water averaged over the period from 1 July 1993 to 30 June 1999 by floodplain harvesting activities for which floodplain harvesting (unregulated river) access licences may be issued in these water sources, plus

Note. In unregulated river water sources (including these water sources) the extraction of water by floodplain harvesting activities is typically already accounted for within the existing access licence share components. However, there may be instances where this is not the case and floodplain harvest access licences will be issued in accordance with the *NSW Floodplain Harvesting Policy*. Subclause (2) (c) applies only to those estimated extractions for which floodplain harvesting access licences are later issued, and not to estimated extractions under entitlements issued under Part 2 of the *Water Act 1912*.

- (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*, excluding those licences nominating works that extract water from the Wallamoore Anabranch and local water utility access licences that nominate works that extract water from Dungowan Dam, plus
- (e) the annual water requirements pursuant to basic landholder 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

- (f) the annual water requirements pursuant basic landholder 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*, plus
- (g) the estimated annual take of water from these water sources by plantation forestry that existed on 30 June 2009.

Note. *Plantation forestry* is defined in the Dictionary.

30 Calculation of annual extraction

- (1) Subject to subclause (2), following the end of each water year, the Minister is to calculate the total annual extraction from these water sources based on the following:
 - (a) the take of water by basic landholder rights and access licences in that water year,
 - (b) the estimated take of water by plantation forestry in that water year,
 - (c) until such time as it is included under paragraph (a), the estimated take of water in that water year by floodplain harvesting, for which floodplain harvesting (unregulated river) access licences may be issued in these water sources.
- (2) Calculations made under subclause (1) are to exclude extractions under licences nominating works that extract water from Wallamoore Anabranch and local water utility access licences nominating works that extract water from Dungowan Dam.

31 Assessment of compliance with the long-term average annual extraction limit

- (1) Following the calculation under clause 30, the Minister is to compare the average of the total annual extraction for these water sources over the preceding three water years against the long-term average annual extraction limit.
- (2) There is non-compliance with the long-term average annual extraction limit if the average of the total annual extraction over the preceding three water years exceeds the long-term average annual extraction limit by 5% or more.

Division 3 Long-term average sustainable diversion limit

Note. *Namoi SDL resource unit* is defined in the Dictionary.

32 Calculation of the long-term average sustainable diversion limit

- (1) Subject to any variation in accordance with subclause (2), the long-term average sustainable diversion limit for these water sources is the component of the baseline diversion limit for the Namoi SDL resource unit as calculated in accordance with Schedule 3 of the Basin Plan, that in the Minister's opinion is attributable to these water sources.
- (2) The long-term average sustainable diversion limit is to be varied as determined under Chapter 7 of the Basin Plan.

Notes.

- 1 **Baseline diversion limit** is defined in the Dictionary.
- 2 The long-term average sustainable diversion limit for the Namoi SDL resource unit specified in Schedule 2 of the Basin Plan covers extractions from the following water sources:
 - (a) the Upper Namoi Regulated River Water Source,
 - (b) the Lower Namoi Regulated River Water Source,
 - (c) the Peel Regulated River Water Source,
 - (d) the Namoi Unregulated Rivers Water Sources,
 - (e) the Peel Unregulated River Water Sources.

33 Calculation of annual permitted and annual actual take for the water year

- (1) Following the end of each water year, the Minister is to calculate the annual permitted take and annual actual take of water for the previous water year in these water sources in accordance with Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (2) For the purposes of the calculation, references to the SDL resource unit in Division 2 of Part 4 of Chapter 6 of the Basin Plan are taken to be references to these water sources.

Notes.

- 1 Under the Basin Plan take of licensed environmental water and under licences held by the Commonwealth Environmental Water Holder are not included in the calculation as it falls outside the definition of take for consumptive use.
- 2 **Consumptive use** and **take** and are defined in section 4 of the *Water Act 2007* of the Commonwealth.

33A Assessment of compliance with the long-term average sustainable diversion limit

- (1) Following the calculation under clause 33 after the end of each water year, the Minister is to undertake an assessment of compliance with the long-term average

sustainable diversion limit in accordance with the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.

- (2) There is non-compliance with the long-term average sustainable diversion limit in the circumstances set out in Division 2 of Part 4 of Chapter 6 of the Basin Plan.

Division 4 Compliance with extraction and diversion limits

33B Action following non-compliance

- (1) Subject to subclause (2) to (5), if an assessment under clauses 31 or 33A demonstrates non-compliance with either the long-term average annual extraction limit for these water sources or the long-term average sustainable diversion limit, the Minister is to take the following actions for the water year after the assessment:
 - (a) make available water determinations for unregulated river access licences of less than 1 ML per unit share,
 - (b) make available water determinations for unregulated river (special additional high flow) access licences of less than 1 ML per unit share.
- (2) The Minister may take the action specified in subclause (1) if an assessment under clause 33A would have demonstrated non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse, as provided for in Division 2 of Part 4 of Chapter 6 of the Basin Plan.
- (3) An action taken in accordance with subclause (1) and (2) is to be taken to the extent to which, and only for as long as, the Minister considers the following is necessary:
 - (a) in the case of non-compliance with the long-term average annual extraction limit— to return average annual extraction in these water sources to the long-term average annual extraction limit,
 - (b) in the case of non-compliance with the long-term average sustainable diversion limit— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan,
 - (c) in the case where non-compliance with the long-term average sustainable diversion limit would have occurred but for there being a reasonable excuse— to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan.

- (4) In taking action under subclause (1) or (2), the reduction applied to available water determinations for unregulated river (special additional high flow) access licences must be 200% of the reduction applied to available water determinations for unregulated river access licences.

Note. Subclause (4) means that if future available water determinations for unregulated river access licences are to be reduced from 1 ML per share to 0.95 ML per share then the available water determination for unregulated (special additional high flow) access licences should be reduced from 1 ML per share to 0.9 ML per share.

- (5) An action taken in accordance with subclause (1) and (2) to meet the requirements of Division 2 of Part 4 of Chapter 6 of the Basin Plan is to only apply to a water source to the extent to which extractions from the water source:
- (a) have caused non-compliance with the long-term average sustainable diversion limit, or
 - (b) would have caused non-compliance with the long-term average sustainable diversion limit but for there being a reasonable excuse.

Division 5 Available water determinations

34 General

- (1) Available water determinations for access licences with share components that specify any one of these water sources are to be expressed as either:
- (a) a percentage of the share component for access licences where share components are specified as ML/year, or
 - (b) megalitres per unit share for access licences where share components are specified as a number of unit shares.
- (2) The sum of available water determinations made for any access licence with a share component that specifies one of these water sources must not, in any water year, exceed:
- (a) 100% of the access licence share component for all access licences where share components are specified as ML/year, or
 - (b) 1 megalitre per unit share of the access licence share component for all access licences where share components are specified as a number of unit shares.
- (3) (Repealed)

35 Available water determinations for domestic and stock access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for domestic and stock access licences.

36 Available water determinations for local water utility access licences

Unless the minister otherwise determines, at the commencement of each water year an available water determination of 100% of the access licence share component is to be made for local water utility access licences.

37 Available water determinations for unregulated river access licences

Unless the Minister otherwise determines, at the commencement of each water year an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 33B is to be made for unregulated river access licences.

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit has been assessed to have been exceeded.

38 Available water determinations for unregulated river (special additional high flow) access licences

Unless the Minister otherwise determines, at the commencement of each water year, an available water determination of 1 ML per unit of access licence share component or such lower amount that is determined in accordance with clause 33B is to be made for unregulated river (special additional high flow) access licences.

Note. Division 4 of this Part provides for the making of available water determinations for unregulated river (special additional high flow) access licences that are less than 1 ML per unit of share component where the long-term average annual extraction limit or long-term average sustainable diversion limit has been assessed to have been exceeded.

39 - 40 (Repealed)

[35] Part 7 Rules for granting access licences

Omit the notes after the Part heading. Insert instead:

Notes.

- 1** This Part is made in accordance with sections 20 and 61 of the Act.
- 2** Access licences granted in these water sources are subject to mandatory conditions and may be subject to discretionary conditions.

[36] Clause 41 Specific purpose access licences

Omit the sentence “Only those specific purpose access licences listed in clause 10 of the *Water Management (General) Regulation 2011* can be granted under the regulations” from the note.

[37] Clause 42 Granting of access licences as a result of controlled allocation

Omit this clause.

[38] Part 8 Rules for managing access licences

Omit the note to Division 1. Insert instead:

Note. The Act and the regulations provide for the keeping of water allocation accounts for access licences. The rules in this Division impose further limits on the water that may be taken under an access licence over a specified period of time. These limits are in addition to any other limits on access licences for the taking of water. It is an offence under the Act to take water under an access licence for which there is no or insufficient water allocation.

[39] Clause 43 Individual access licence account management rules for the Namoi Unregulated Rivers Water Sources

Insert the word “and” at the end of subclauses (3)(b)(i) to (v).

[40] Clause 43 (5)

Omit subclause (5). Insert instead:

(5) Water allocations remaining in the water allocation account for an unregulated river access licence are to be carried over from one year to the next, up to a maximum of 1 ML per unit share of the access licence share component.

[41] Clause 44 Individual access licence account management rules for the Namoi Alluvial Groundwater Sources

Omit “Namoi Alluvial Groundwater Sources” from the heading. Insert instead “Peel Unregulated Rivers Water Sources”.

[42] Clause 44 (1)

Omit “Namoi Alluvial Groundwater Sources”. Insert instead “Peel Unregulated Rivers Water Sources”.

[43] Clause 44 (2) and (3)

Omit these subclauses. Insert instead:

(2) In any three consecutive water years, water taken under a domestic and stock access licence, a local water utility access licence or an unregulated river access licence must not exceed a volume equal to:

- (a) the sum of water allocations accrued to the water allocation account for the access licence from available water determinations in those three water years, plus
 - (b) the net amount of any water allocations assigned to and from the water allocation account for the access licence under section 71T of the Act in those three water years, plus
 - (c) 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.
- (3) Water allocations remaining in the water allocation account for a domestic and stock access licence, a local water utility access licence or an unregulated river access licence are to be carried over from one year to the next, up to a maximum of:
- (a) 100% of the access licence share component for access licences with share components expressed as ML/year, or
 - (b) 1 ML per unit share of the access licence share component for access licences with share components expressed as a number of unit shares.

[44] Clause 46 Flow classes

Omit “Appendix 5” from the note to subclause (6) and insert instead “Schedule 1”.

[45] Clause 46 (7)

Omit the full stop at the end of the clause, and insert instead: “, and in relation to the Peel Unregulated River Water Sources, are taken to have commenced on the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, unless otherwise specified in Column 4 of Table B.”

[46] Clause 46, Table B

Add these additional rows to the table, with each column corresponding to Columns 1-7 of the existing table:

Chaffey Water Source	Peel River Management zone	Very Low Flow Class	1 July 2010	2 ML/day or less	Peel River at Taroona gauge (419081)	Same day
		A Class	1 July 2010	More than 2 ML/day		Same day
Goonoo Goonoo Creek Water Source	Downstream Boiling Down Creek Management Zone	Very Low Flow Class	1 July 2010	No visible flow at upstream of Calala Lane Road Bridge or zero flow at Timbumburi gauge	Goonoo Goonoo Creek upstream of Calala Lane Road Bridge Lot 1821 DP 1122162,	Same day

		A Class	1 July 2010	Visible flow at upstream of Calala Lane Road Bridge and flow at Timbumburi gauge	Parish Calala, County Parry and Goonoo Goonoo Creek at Timbumburi gauge (419035)	Same day
Upper Peel River Tributaries Water Source	Dungowan Creek Management Zone—those licences nominating works upstream of Thortons Road Bridge	Very Low Flow Class	1 July 2010	No visible flow	Dungowan Creek at Thortons Road Bridge Lot 221 DP 1122162, Parish Woolomin, County Parry	Same day
		A Class	1 July 2010	Visible flow		Same day
	Dungowan Creek Management Zone—those licences nominating works downstream of Thortons Road Bridge	Very Low Flow Class	1 July 2010	No visible flow		Same day
		A Class	1 July 2010	Visible flow		Same day
Lower Peel River Tributaries Water Source	Moore Creek Management Zone—those licences nominating works upstream of Slippery Rock	Very Low Flow Class	1 July 2010	No visible flow at either flow reference point or a visible flow at both reference points without constant visible flow at Slippery Rock over the preceding 24 hours	Moore Creek at the road crossing (the Scout Camp) located within Lot 146 DP 753843 Parish Perry, County Inglis and Moore Creek at Slippery Rock located at Daruka Recreation Lot 36 DP 851460 Parish Moonbi, County Inglis	Same day
		A Class	1 July 2010	Visible flow at both flow reference points with a constant visible flow at Slippery Rock over the preceding 24 hours		Same day
	Moore Creek	Very Low	1 July 2010	No visible flow	Moore Creek at Slippery Rock	Same day

	Management Zone—those licences nominating works downstream of Slippery Rock	Flow Class			located at Daruka Recreation Reserve Lot 36 DP 851460	
		A Class	1 July 2010	Visible flow		Same day
Cockburn River Water Source	Cockburn River Management Zone	Very Low Flow Class	1 July 2020	Less than or equal to 2.5 ML/day on a rising river and less than or equal to 0.3 ML/day on a falling river	Cockburn River at Kootingal gauge (419099)	Same day
		A Class	1 July 2020	Greater than 2.5 ML/day on a rising river and greater than 0.3 ML/day on a falling river		Same day

[47] Clause 46, Table B, note 7

Insert “(419066),” after the words “Hokey Pokey Gauge”.

[48] Clause 46, Table B, notes

Insert after note 16:

- 17** Zero flow at Goonoo Goonoo Creek at Timbumburi gauge (419035) corresponds to a gauge height of 0.55 m at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.
- 18** 2 ML/day at the Peel River at Taroona gauge (419081) corresponds to the estimated 95th percentile of all days at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.

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

Omit “surface water” from the heading and insert instead “water from the Namoi Unregulated Rivers Water Sources”

[50] Clause 47 (12), note

Omit “Schedule 3” and insert instead “Schedule 2”.

[51] Clause 47 (18) (c)

Omit the subclause.

[52] **Clause 47 (18) (d)**

Omit “and” at the end of the subclause, and insert instead “or”.

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

Omit the clause. Insert instead:

48 Access rules for the taking of water from the Peel Unregulated River Water Sources

- (1) This clause applies to the taking of water under an access licence from the Peel Unregulated River Water Sources.
- (2) Subject to subclause (5), water must not be taken under an access licence with a share component that specifies a water source or management zone with a Very Low Flow Class that has commenced, when flows are in the Very Low Flow Class.
- (3) Notwithstanding subclauses (2) and (5), an access licence must not be used to take water if there is no visible flow in the water source at the location at which water is proposed to be taken, except for those access licences nominating any of the following water supply works:
 - (a) in the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Water Source,
 - (b) in the Cockburn River Management Zone in the Cockburn River Water Source,
 - (c) upstream of Slippery Rock in the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source,
 - (d) taking water from an in-river dam pool,
 - (e) taking water from a lagoon or lake.
- (4) Subject to subclause (5), water must not be taken under an access licence with an extraction component that specifies the Cockburn River Management Zone in the Cockburn River Water Source in the following circumstances when flows are between 2.5 ML/day and 0.3 ML/day at the Cockburn River at Kootingal gauge (419009) on a falling river:
 - (a) between 7 am and 7 pm from 1 September to 31 May,
 - (b) between 7 pm and 7 am from 1 June to 31 August.
- (5) Subclauses (2) and (4) do not apply to the following:

- (a) the taking of water under an access licence to which clause 1 of Schedule 4 applies, for a purpose listed below, provided that water taken does not exceed 20 kilolitres per day per access licence, or such lower amount specified on the access licence in accordance with subclause (4):
 - (i) fruit washing,
 - (ii) cleaning of dairy plant and equipment for the purpose of hygiene,
 - (iii) poultry watering and misting, or
 - (iv) cleaning of enclosures used for intensive animal production for the purposes of hygiene,
 - (b) the taking of water using a run-off harvesting dam or from an in-river dam pool,
 - (c) the taking of water from a lagoon or lake, or
 - (d) the taking of water under a local water utility access licence to which clause 2 of Schedule 4 applies, until such time as the Minister is satisfied that major augmentation of the access licence holder's water supply system has occurred.
- (6) The Minister may, in relation to an access licence to which subclause (5) paragraph (a) applies, amend the licence to reduce the maximum daily volume limit, if the Minister is satisfied that the reduced volume is satisfactory to meet the purpose for the licence as referred to in subclause (5) paragraph (a).
- (7) Water must not be taken from an in-river dam pool unless the in-river dam is:
- (a) constructed, operated and maintained in accordance with any conditions specified on the water supply work approval for the in-river dam, and
 - (b) passing such flows in such circumstances as specified on the water supply work approval for the in-river dam.

[54] Part 9 Rules for water supply work approvals

Omit the heading of Division 1. Insert instead "Rules applying to the granting or amending of water supply work approvals for water supply works".

[55] Clause 51 General

Omit "the Namoi Unregulated Rivers Water Sources". Insert instead "these water sources".

[56] Clause 52 Granting or amending water supply work approvals

Omit subclause (1).

[57] Clause 52 (4)

Omit “replacement surface water supply work”. Insert instead “*replacement surface water supply work*”.

[58] Clause 52 (4)

Omit “the Namoi Unregulated Water Sources where”. Insert instead “these water sources where”.

[59] Part 9 Rules for water supply work approvals

Omit Division 2.

[60] Part 9 Rules for water supply work approvals

Omit Division 3.

[61] Clause 60 General (2)(b)(iii) note

Omit the note to subclause (2) (b) (iii).

[62] Clause 60 (2)

Insert after subclause (b):

- (c) Lower Namoi Water Source:
 - (i) Drildool Warrambool and Gunidgera Creek Trading Zone, and
 - (ii) Other Anabranches Trading Zone,
- (d) Bohena Creek Water Source:
 - (i) Bohena Namoi River Trading Zone, and
 - (ii) Bohena Creek and Tributaries Trading Zone.

Note. *Trading zone* is defined in the Dictionary.

[63] Clause 60 (3)

Omit “maps in Schedule 7 of this Plan”. Insert instead “Plan Map”.

[64] Clause 60 (3)

Omit the Notes.

[65] Clause 60

Insert after subclause (3):

- (4) This Plan establishes the following subcatchments:
 - (a) Chaffey Subcatchment, which is comprised of the Chaffey Water Source.

- (b) Peel River Subcatchment, which is comprised of the following water sources:
 - (i) Goonoo Goonoo Creek Water Source,
 - (ii) Upper Peel River Tributaries Water Source,
 - (iii) Lower Peel River Tributaries Water Source,
 - (iv) Cockburn River Water Source,
- (c) Split Rock Subcatchment, which is comprised of the following water sources:
 - (i) Split Rock Water Source,
 - (ii) Upper Manilla Water Source,
- (d) Keepit Subcatchment, which is comprised 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,
- (e) Mooki Subcatchment, which is comprised of the following water sources:
 - (i) Werris Creek Water Source,
 - (ii) Lake Goran Water Source,
 - (iii) Phillips Creek Water Source,
 - (iv) Mooki River Water Source,
 - (v) Quirindi Creek Water Source,
 - (vi) Warrah Creek Water Source,
- (f) Namoi Subcatchment, which is comprised of the following water sources:
 - (i) Rangira Creek Water Source,
 - (ii) Bluevale Water Source,
 - (iii) Coxs Creek Water Source,
 - (iv) Maules Creek Water Source,
 - (v) Eulah Creek Water Source,
 - (vi) Bohena Creek Water Source,
 - (vii) Bundock Creek Water Source,
 - (viii) Brigalow Water Source,

- (ix) Coghill Creek Water Source,
- (x) Etoo and Talluba Creeks Water Source,
- (xi) Spring and Bobbiwaa Creeks Water Source,
- (xii) Pian Creek Water Source,
- (xiii) Lower Namoi Water Source,
- (xiv) Baradine Creek Water Source.

Notes.

- 1 Access licence dealings in these water sources are subject to the provisions of the Act, the regulations, the access licence dealing principles and the access licence dealing rules established in this Part.
- 2 The access licence dealing principles prevail over the access licence dealing rules in this Plan to the extent of any inconsistency, as provided under section 71Z (3) of the Act.

[66] Clause 62 Assignment of rights dealings

Omit subclause (1). Insert instead:

- (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 from:
- (a) an access licence with an extraction component that specifies the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone in the Mid Macdonald River Water Source, or
 - (b) an access licence with an extraction component that specifies the Macdonald River Upstream Woolbrook Management Zone or the Macdonald River Downstream Woolbrook Management Zone in the Mid Macdonald River Water Source to an access licence with an extraction component that specifies the Mid Macdonald River Tributaries Management Zone in the Mid Macdonald River Water Source, or
 - (c) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that specifies the Halls Creek Management Zone in the Upper Namoi Water Source, or
 - (d) an access licence with an extraction component that specifies the Macdonald and Namoi Rivers Management Zone or the Halls Creek Management Zone in the Upper Namoi Water Source to an access licence with an extraction component that

specifies the Upper Namoi Tributaries Management Zone in the Upper Namoi Water Source, or

- (e) an access licence that nominates a water supply work located downstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source to an access licence that nominates a water supply work located upstream of the offtake point for the Barraba town water supply in the Manilla River Management Zone in the Upper Manilla Water Source, or
- (f) an access licence with an extraction component that specifies the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Management Zone in the Upper Manilla Water Source, or
- (g) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Manilla River Tributaries Management Zone in the Upper Manilla Water Source, or
- (h) an access licence with an extraction component that specifies the Manilla River Management Zone, the Ironbark Creek Management Zone or the Manilla River Tributaries Management Zone in the Upper Manilla Water Source to an access licence with an extraction component that specifies the Ironbark Creek Tributaries Management Zone in the Upper Manilla Water Source, or
- (i) an access licence with an extraction component that specifies the Lake Goran Tributaries Management Zone in the Lake Goran Water Source to an access licence with an extraction component that specifies the Lake Goran Management Zone in the Lake Goran Water Source, or
- (j) an access licence with an extraction component that specifies the Lower Coxs Creek Management Zone or the Mid Coxs Creek Management Zone in the Coxs Creek Water Source to an access licence with an extraction component that specifies the Coxs Creek Tributaries Management Zone in the Coxs Creek Water Source, or
- (k) an access licence with an extraction component that specifies the Maules and Horsearm Creeks Management Zone in the Maules Creek Water Source to an access licence with an extraction component that specifies the Maules Creek Tributaries Management Zone in the Maules Creek Water Source, or

- (l) an access licence that does not nominate a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source to an access licence that nominates a water supply work located on the Mollee Weir Pool in the Bohena Creek Water Source, or
- (m) an access licence that nominates a water supply work in the Etoo and Talluba Creeks Tributaries Zone in the Etoo and Talluba Creeks Water Source to an access licence with an extraction component that specifies the Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source, 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 in the Turragulla Creek Trading Zone at the commencement of this Plan, or
- (n) an access licence that nominates a water supply work located in a trading zone in the Baradine Creek Water Source to an access licence that nominates a water supply work located in another trading zone in the Baradine Creek Water Source, or
- (o) (repealed)
- (p) an access licence that does not nominate a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on an off-river pool, or
- (q) an access licence that nominates a water supply work located on an off-river pool in one of these water sources to an access licence that nominates a water supply work located on another off-river pool in that water source, or
- (r) an access licence with an extraction component that specifies the Peel River Management Zone in the Chaffey Water Source to an access licence with an extraction component that specifies the Chaffey Tributaries Management Zone in the Chaffey Water Source, or
- (s) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source to an access licence with an extraction component that specifies the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source, or
- (t) an access licence with an extraction component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source, or

- (u) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source, or
- (v) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source, or
- (w) an access licence with an extraction component that specifies the Moore Creek or Lower Peel Tributaries Management Zones in the Lower Peel River Tributaries Water Source to an access licence which nominates a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source, or
- (x) an access licence with an extraction component that specifies the Moore Creek Management Zone or an access licence nominating works in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with share components that specify the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or
- (y) an access licence with an extraction component that specifies the Cockburn River Management Zones in the Cockburn River Water Source to an access licence with an extraction component that specifies the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.

[67] Clause 62 (3)

Omit the subclause. Insert instead:

- (3) Dealings under section 71Q of the Act between these water sources are prohibited if:
 - (a) the dealing would cause the sum of the share components of all access licences in the subcatchment specified in Column 1 of Table C to exceed the corresponding limit specified in Column 2 of Table C, or

- (b) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table D to exceed the corresponding limit specified in Column 2 of Table D, or
- (c) the dealing would cause the sum of the share components of all access licences in the trading zone specified in Column 1 of Table E to exceed the corresponding limit specified in Column 2 of Table E, or
- (d) the dealing involves an assignment of rights:
 - (i) to or from an access licence with a share component that specifies Lake Goran Water Source, or
 - (ii) to an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source, or
 - (iii) from an access licence with a share component that specifies a water source listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
 - (iv) from an access licence that nominates a water supply work located in a trading zone listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
 - (v) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
 - (vi) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or
 - (vii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
 - (viii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Columns 1 of Table F, or
 - (ix) from an access licence that nominates a water supply work located in a trading zone listed in in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or

- (x) from an access licence that nominates a water supply work located in a water supply work located in a trading zone listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.

Table C—Volumetric limits for dealings into subcatchments

Column 1	Column 2
Subcatchment	Volumetric limit
Chaffey Subcatchment	389
Peel River Subcatchment	17,565
Split Rock Subcatchment	2,051
Keepit Subcatchment	15,315
Mooki Subcatchment	67,208
Namoi Subcatchment	76,810

Table D—Volumetric limits for dealings into water sources

Column 1	Column 2
Water source	Volumetric limit
Chaffey Water Source	389
Upper Peel River Tributaries Water Source	9,631
Cockburn River Water Source	4,399
Goonoo Goonoo Creek Water Source	1,055
Lower Peel River Tributaries Water Source	2,480
Upper Manilla Water Source	2,051
Split Rock Water Source	300
Upper Macdonald River Water Source	70
Mid Macdonald River Water Source	5,872
Upper Namoi Water Source	9,790
Keepit Water Source	929
Warrah Creek Water Source	435
Phillips Creek Water Source	261
Quirindi Creek Water Source	3,156
Werris Creek Water Source	1,704
Mooki River Water Source	30,393
Rangira Creek Water Source	1,479
Bluevale Water Source	3,147
Coxs Creek Water Source	17,627
Maules Creek Water Source	1,079
Eulah Creek Water Source	4,704
Bohena Creek Water Source	1,453
Spring and Bobbiwaa Creeks Water Source	1,681
Bundock Creek Water Source	4,160
Brigalow Creek Water Source	1,957
Coghill Creek Water Source	1,390
Etoo and Talluba Creeks Water Source	1,925
Baradine Creek Water Source	20,396

Pian Creek Water Source	13,146
Lower Namoi Water Source	2,668

Table E—Volumetric limits for dealings into trading zones

Column 1	Column 2
Trading zone	Volumetric limit
Bohena Creek and Tributaries Trading Zone in the Bohena Creek Water Source	695
Etoo and Talluba Creeks Tributaries Trading Zone in the Etoo and Talluba Creeks Water Source	1,260
Turragulla Creek Trading Zone in the Etoo and Talluba Creeks Water Source	665
Namoi Effluents and Barwon Trading Zone in the Baradine Creek Water Source	47
Turragulla and Gil Gil Creeks Trading Zone in the Baradine Creek Water Source	19,023
Baradine Creek and Tributaries Trading Zone in the Baradine Creek Water Source	1,326
Drildool Warrambool and Gunidgera Creek Trading Zone in the Lower Namoi Water Source	2,006
Other Anabranches Trading Zone in the Lower Namoi Water Source	662

Table F—Water source, management zone or trading zone location for dealings

Column 1	Column 2	Column 3
Upper Namoi Water Source	Chaffey Water Source	Goonoo Goonoo Creek Water Source
Spring and Bobbiwaa Creeks Water Source	Upper Peel River Tributaries Water Source	Split Rock Water Source
Etoo and Talluba Creeks Water Source	Cockburn River Water Source	Keepit Water Source
Pian Creek Water Source	Lower Peel River Tributaries Water Source	Warrah Creek Water Source
Turragulla and Gil Gil Creeks Trading Zone in the Baradine Creek Water Source	Upper Manilla Water Source	Phillips Creek Water Source
Drildool Warrambool and Gunidgera Creek Trading Zone in the Lower Namoi Water Source	Upper Macdonald River Water Source	Quirindi Creek Water Source
	Mid Macdonald River Water Source	Mooki River Water Source
	Werris Creek Water Source	Rangira Creek Water Source
		Bluevale Water Source
		Coxs Creek Water Source
		Maules Creek Water Source
		Eulah Creek Water Source
		Bundock Creek Water Source
		Brigalow Creek Water Source

		Coghill Creek Water Source
		Namoi Effluents and Barwon Trading Zone in the Baradine Creek Water Source
		Baradine Creek and Tributaries Trading Zone in the Baradine Creek Water Source
		Other Anabranches Trading Zone in the Lower Namoi Water Source
		Bohena Creek and Tributaries Trading Zone

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

Omit the clause. Insert instead:

63 Amendment of share component dealings (change of water source)

- (1) Dealings under section 71R of the Act are prohibited if:
- (a) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table C to exceed the corresponding limit specified in Column 2 of Table C, or
 - (b) the dealing would cause the sum of the share components of all access licences in the water source specified in Column 1 of Table D to exceed the corresponding limit specified in Column 2 of Table D, or
 - (c) the dealing would cause the sum of the share components of all access licences in the trading zone specified in Column 1 of Table E to exceed the corresponding limit specified in Column 2 of Table E, or
 - (d) the dealing involves:
 - (i) the cancellation or granting of an access licence with a share component that specifies the Lake Goran Water Source, or
 - (ii) the granting of an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source, or
 - (iii) the cancellation of an access licence with a share component that specifies a water source listed in Column 3 of Table F and the granting of an access licence with a share component that specifies a different water source, or
 - (iv) the cancellation of an access licence that nominates a water supply work located in a water source listed in Column 3 of Table F and the granting of

- an access licence with a share component that specifies a different water source, or
- (v) the cancellation of an access licence with a share component that specifies a water source listed in Column 2 of Table F and the granting of an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
 - (vi) the cancellation of an access licence with a share component that specifies a water source listed in Column 2 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone in Column 1 of Table F, or
 - (vii) the cancellation of an access licence with a share component that specifies a water source listed in Column 1 of Table F and the granting of an access licence with a share component that specifies a water source listed in Column 1 of Table F, or
 - (viii) the cancellation of an access licence with a share component that specifies a water source listed in Column 1 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or
 - (ix) the cancellation of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F and the granting of an access licence with a share component that specifies a water source listed in Column 1 of Table F, or
 - (x) the cancellation of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F and the granting of an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.
- (2) A dealing under subclause (1) is subject to the share component of the new access licence being equal to the share component of the cancelled access licence.
 - (3) The extraction component of a new access licence granted in accordance with a section 71R dealing will not carry over the extraction component from the cancelled access licence.

[69] Clause 64 Amendment of extraction component dealings

Omit the words “a management zone” from subclause (1)(h). Insert instead “the Lake Goran Tributaries Management Zone”.

[70] Clause 64 (1)(k)

Omit the subclause.

[71] Clause 64 (1)

Insert after clause 64 (1)(k):

- (l) an access licence with an extraction component that specifies the Peel River Management Zone in the Chaffey Water Source being varied to specify the Chaffey Tributaries Management Zone in the Chaffey Water Source,
- (m) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source being varied to specify the Upstream Boiling Down Creek Management Zone in the Goonoo Goonoo Creek Water Source,
- (n) an access licence with an extraction component that specifies the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source being varied to specify the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source,
- (o) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone in the Upper Peel River Tributaries Water Source being varied to specify the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source,
- (p) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source being varied to specify the Moore Creek Management Zone in the Lower Peel River Tributaries Water Source,
- (q) an access licence with an extraction component that specifies the Moore Creek Management Zone being varied to specify the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if the share component of the proposed access licence, plus the total share component of all access licences with share components that specify the Lower Peel Tributaries Management Zone, exceeds the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or
- (r) an access licence with an extraction component that specifies the Cockburn River Management Zones in the Cockburn River Water Source being varied to specify

the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.

[72] Clause 65 Assignment of water allocations dealings

Omit subclause (1)(i). Insert instead:

- (i) an access licence with an extraction component that specifies the Lake Goran Tributaries Management Zone in the Lake Goran Water Source to an access licence with an extraction component that specifies the Lake Goran Management Zone in the Lake Goran Water Source,

[73] Clause 65 (1)(o)

Omit the subclause.

[74] Clause 65 (1)

Insert after subclause (q):

- (r) an access licence with an extraction component that specifies the Peel River Management Zone to an access licence with an extraction component that specifies the Chaffey Tributaries Management Zone in the Chaffey Water Source,
- (s) an access licence with an extraction component that specifies the Downstream Boiling Down Creek Management Zone to an access licence with an extraction component that specifies the Upstream Boiling Down Creek Management Zone, in the Goonoo Goonoo Creek Water Source,
- (t) an access licence with an extraction component that specifies the Dungowan Creek Management Zone to an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone, in the Upper Peel River Tributaries Water Source,
- (u) an access licence with an extraction component that specifies the Duncans Creek and Other Tributaries Management Zone to an access licence with an extraction component that specifies the Dungowan Creek Management Zone, in the Upper Peel River Tributaries Water Source,
- (v) an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone to an access licence with an extraction component that specifies
- (w) an access licence that nominates a water supply work located in Wallamoore Anabranche in the Lower Peel River Tributaries Water Source to an access licence with an extraction component that specifies the Moore Creek Management Zone, in the Lower Peel River Tributaries Water Source,

- (x) an access licence with an extraction component that specifies the Moore Creek Management Zone or the Lower Peel Tributaries Management Zone to an access licence nominating a water supply work in Wallamoore Anabranh in the Lower Peel River Tributaries Water Source,
- (y) an access licence with an extraction component that specifies the Moore Creek Management Zone or an access licence that nominates a water supply located in Wallamoore Anabranh in the Lower Peel Tributaries Management Zone to an access licence with an extraction component that specifies the Lower Peel Tributaries Management Zone in the Lower Peel River Tributaries Water Source, if it would cause total allocations in water allocation accounts of all access licences with share components that specify the Lower Peel Tributaries Management Zone, to exceed the total share component of all access licences that existed in that management zone at the commencement of the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*, or
- (z) an access licence with an extraction component that specifies the Cockburn River Management Zone to an access licence with an extraction component that specifies the Cockburn River Tributaries Management Zone in the Cockburn River Water Source.

[75] Clause 65 (3)

Omit the subclause. Insert instead:

- (3) Dealings under section 71T of the Act between different water sources are prohibited in these water sources if:
 - (a) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the subcatchment specified in Column 1 of Table C from available water determinations or dealings under section 71T of the Act in that water year to exceed the corresponding limit specified in Column 2 of Table C, or
 - (b) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the water source specified in Column 1 of Table D from available water determinations or dealings under section 71T of the Act to exceed the corresponding limit specified in Column 2 of Table D, or
 - (c) the dealing would cause the sum of water allocations credited to the water allocation accounts of all access licences in the trading zone specified in Column 1

of Table E from available water determinations or dealings under section 71T of the Act to exceed the corresponding limit specified in Column 2 of Table E, or

- (c) the dealing involves an assignment of water allocation:
 - (i) to or from an access licence with a share component that specifies Lake Goran Water Source, or
 - (ii) to an access licence that nominates a water supply work located in the Bohena Namoi River Trading Zone in the Bohena Creek Water Source,
 - (iii) from an access licence with a share component that specifies a water source listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
 - (iv) from an access licence that nominates a water supply work located in a trading zone listed in Column 3 of Table F to an access licence with a share component that specifies a different water source, or
 - (v) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 or 2 of Table F, or
 - (vi) from an access licence with a share component that specifies a water source listed in Column 2 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F, or
 - (vii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
 - (viii) from an access licence with a share component that specifies a water source listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Columns 1 of Table F, or
 - (ix) from an access licence that nominates a water supply work located in a trading zone listed in in Column 1 of Table F to an access licence with a share component that specifies a water source listed in Columns 1 of Table F, or
 - (x) from an access licence that nominates a water supply work located in a water supply work located in a trading zone listed in Column 1 of Table F to an access licence that nominates a water supply work located in a trading zone listed in Column 1 of Table F.

Omit subclause (1)(a). Insert instead:

- (a) an access licence with a share component that specifies any of the Namoi Unregulated Rivers Water Sources being amended to nominate a water supply work located in a different management zone than that specified in the extraction component of the access licence,

[77] Clause 67 (3)

Omit the subclause. Insert instead:

- (3) A dealing under section 71W of the Act is prohibited if it involves an access licence being amended to nominate a water supply work located in a different water source to that specified in the share component of the access licence.

[78] Clause 68 General

Omit “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” and insert instead “to the address listed in Schedule 1 of this Plan or to the email address for enquiries on the Department’s website, and” in subclause (a).

[79] Clause 68 (a) note

Omit “the Department’s Advisory Service, Water Regulation”. Insert instead “enquiries on the Department’s website”.

[80] Clause 69 General

Omit the heading “General”. Insert instead “Namoi Unregulated Rivers Water Sources”.

[81] Clause 69

Omit “these water sources” wherever occurring. Insert instead “the Namoi Unregulated Rivers Water Sources”.

[82] Clause 69

Omit “where required” wherever occurring.

[83] Clause 69 (2)(b)(v)-(ix)

Omit the subclauses. Insert instead:

- (v) for unregulated river access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in any three consecutive water years after the first water year of this Plan by comparison to the volume of water permitted to be taken in those years under clause 43 (3),

- (vi) for domestic and stock access licences, unregulated river (special additional high flow) access licences and local water utility access licences with share components that specify one of the Namoi Unregulated Rivers Water Sources, the volume of water taken in a water year by comparison to the volume of water permitted to be taken in that water year under clause 43 (4),
- (vii) any other information required to be recorded in the Logbook under the rules of this Plan,

[84] Clause 69 (4)

Omit the clause. Insert instead:

- (4) If an access licence with a nominated water supply work is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on the day on which the condition applies to the licence.

Note. The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals in these water sources by 1 December 2021.

- (5) Subclauses (2) - (4) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Note. *Mandatory metering equipment condition* is defined in clause 228 of the *Water Management (General) Regulation 2018*.

[85] Clause 69

Insert a new provision after clause 69:

69A Peel Unregulated River Water Sources

Access licences in the Peel Unregulated River Water Sources must have mandatory conditions 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.

[86] Clause 70 General

Omit the heading “General”. Insert instead “Namoi Unregulated Rivers Water Sources”.

[87] Clause 70

Omit “these water sources” wherever occurring. Insert instead “Namoi Unregulated Rivers Water Sources”.

[88] Clause 70

Omit “where required” wherever occurring.

[89] Clause 70

Insert after subclause (1):

- (1A) If an approval for a water supply work is subject to a mandatory metering equipment condition in relation to the work, subclause (1) (a) ceases to have effect in relation to the work on the day on which the condition applies to the approval.
- (1B) Subclauses (1) (a) and (1A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to the Namoi Unregulated Rivers Water Sources in accordance with clause 230 (1) of the *Water Management Act (General) Regulation 2018*.

Note. Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a meter from 1 April 2019, and to other access licences and approvals in the Namoi Unregulated Rivers Water Sources from 1 December 2021.

[90] Clause 70

Insert after subclause (3):

- (3A) If an approval for a water supply work approval is subject to a mandatory condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (2) and (3) cease to have effect in relation to the work on day on which the condition applies to the approval.
- (3B) Subclauses (2) - (3A) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to

these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

[91] Clause 70 (5)

Omit the subclause. Insert instead:

(5) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:

- (a) a dealing under section 71Q or 71W of the Act,
- (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
- (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
- (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.

[92] Clause 70 (6)

Omit the words “or specified by the Minister in accordance with”.

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

Omit clause 71. Insert instead:

71 Peel Unregulated River Water Sources

- (1) All water supply work approvals for water supply works in the Peel Unregulated River Water Sources must have mandatory conditions to give effect to the following:
 - (a) all approval holders must keep records:
 - (i) of any water management infrastructure used in connection with the operation of the water supply work, and
 - (ii) of any cropping carried out using the water taken through the water supply work including the type of crop, area cropped, and dates of planting and harvesting,

- (b) where metering equipment has been installed for use in connection with a water supply work, the approval holder must keep records of the time, date and quantity of water taken through the water supply work,
- (c) where metering equipment has not been installed for use in connection with a water supply work, the approval holder must keep records of all pumping activities for the water supply work including pump running hours, pump power usage and pump fuel usage,
- (d) when required by the Minister by notice in writing, the approval holder must provide any records kept under paragraphs (a), (b) or (c) to the Minister within the time specified in the notice and to the standard specified in the notice,
- (e) the records required to be kept under paragraphs (a), (b) or (c) must be kept for the duration of the approval,
- (f) when required by the Minister by notice in writing, metering equipment must be installed and maintained for use in connection with the water supply work,
- (g) if the Minister has specified in the notice issued under paragraph (f) that metering equipment must be of a type or standard or has specified other criteria, any metering equipment installed, operated or maintained must comply with any type, standard or the other criteria specified by the Minister,

Note. The Minister may direct a landholder or person to install, replace or to properly maintain metering equipment under section 326 of the Act.

- (h) any other conditions required to implement the provisions of this Plan.
- (2) If an approval for a water supply work is subject to a mandatory metering condition imposed by Part 10 or Part 11 of the *Water Management (General) Regulation 2018* relating to the recording or reporting of water that is taken by the work, subclauses (1) (a) – (g) cease to have effect in relation to the work on the day on which the condition applies to the approval.
- (3) Subclauses (1) (a) – (g) and (2) are taken to be repealed on the day on which the temporary exemption from the mandatory metering equipment condition ceases to apply to these water sources in accordance with clause 230 (1) of the *Water Management (General) Regulation 2018*.

Notes.

- 1 The *Water Management (General) Regulation 2018* will impose a mandatory condition requiring record keeping on access licences and approvals by 1 December 2021.
- 2 Clause 230 of the *Water Management (General) Regulation 2018* provides that the mandatory metering equipment condition applies to new works required to have a

meter from 1 April 2019, and to other access licences and approvals in these water sources from 1 December 2021.

- (4) Water supply work approvals for runoff harvesting dams and in-river dams must contain a mandatory condition that requires approval holders to comply with any direction by the Minister to modify or remove the dam to ensure that the capability of the dam to capture water is reduced to reflect any reduction in share components arising from:
- (a) a dealing under section 71Q or 71W of the Act,
 - (b) the surrender under section 77 (4) of the Act of an access licence and then the subsequent cancellation of that access licence under section 77A (6) of the Act,
 - (c) the amendment of the share component of an access licence by the Minister under section 68A of the Act, or
 - (d) the cancellation of an access licence under section 78 of the Act or via the compulsory acquisition of an access licence under section 79 of the Act.
- (5) A water supply work approval for a replacement surface water supply work must have mandatory conditions to give effect to the requirements for a replacement surface water supply work specified in clause 52 (4).

[94] Clause 73 Part 1

Insert the words “in relation to the Namoi Unregulated Rivers Water Sources only,” at the start of subclause (c).

[95] Clause 73 (c)(i)

Insert the words “or long-term average sustainable diversion limit” after the words “annual extraction limit”.

[96] Clause 74 Part 4

Omit the clause.

[97] Clause 75 Part 6

Omit subclause (1)(a).

[98] Clause 75 (1)(b)(i)

Omit the words “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”. Insert instead “clause 29 in the assessment of the average annual extractions against the long-term average annual extraction limit in these water sources, or”

[99] Clause 75 (1)(b)(ii)

Omit “29 (2)”. Insert instead “29”.

[100] Clause 75 (1)(b)(ii)

Omit the words “the EMU”. Insert instead “these water sources”.

[101] Clause 75 (2)

Omit the words “the EMU or that water source”. Insert instead “these water sources”.

[102] Clause 75

Insert after subclause 2:

(3) Division 3 of Part 6 may be amended to combine the long-term average sustainable diversion limit for these water sources with the long-term sustainable diversion limit for the Peel Regulated River Water Source, the Upper Namoi Regulated River Water Source and the Lower Namoi Regulated River Water Source.

[103] Clause 76 Part 8

Number the existing clause subclause (1).

Insert after subclause 1:

- (2) Division 2 of Part 8 may be amended to do any of the following in relation to rules for the Peel Unregulated River Water Sources:
- (a) amend the rock bar reference point for the Cockburn River Management Zone in the Cockburn River Water Source in Column 6 of Table B to specify a new gauge at the rock bar on the Cockburn River should such a gauge be installed,
 - (b) if an amendment is made under paragraph (a) the corresponding flow or river height in Column 5 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively,
 - (c) the reference point for those licences nominating works downstream of Thortons Road Bridge in Dungowan Creek Management Zone in Column 6 of Table B may be amended to also specify a site at the end of Dungowan Creek if flow monitoring equipment is installed to allow implementation,
 - (d) if an amendment is made under paragraph (c) occurs, the corresponding flow or river height in Column 5 in Table B should be amended to specify zero flow and flow at the new gauge for the Very Low Flow Class and A Class respectively,
 - (e) if an amendment is made under paragraph (c), clause 48 subclause (3) may be amended to exclude those water supply works downstream of Thortons Road Bridge in the Dungowan Creek Management Zone in the Upper Peel River Tributaries Water Source from the visible flow requirement,

- (f) the Slippery Rock reference point for the Moore Creek Management Zone of the Lower Peel River Tributaries Water Source in Column 6 of Table B may be amended to specify a new gauge at Slippery Rock should such a gauge be installed,
- (g) if an amendment is made under paragraph (f) the corresponding flow or river height in Column 5 in Table B should be amended from no visible flow at Slippery Rock to specify no flow at the new gauge,
- (h) to amend the flow or river height specified in Column 5 of Table B for those works nominating upstream of Slippery Rock and/or downstream of Slippery Rock in the Moore Creek Management Zone,
- (i) add, remove or modify the flow reference point for any of the Peel Unregulated River Water Sources or associated management zones other than those specified in paragraphs (a) to (i),
- (j) add, remove or modify the description of flows at the flow reference point for any of the Peel Unregulated River Water Sources or associated management zones as a result of an amendment under subclause (i), other than those specified in paragraphs (a) to (i),
- (k) add, remove or modify the commencement date for a flow class,
- (l) add, remove or modify the water sources or management zones to which these flow classes apply, other than those specified in paragraphs (a) to (i),
- (m) to amend clause 48 to:
 - (i) specify alternate access rules for lagoons, lakes, in-river pools and other lentic water features, and/or
 - (ii) allow a domestic and stock access licence or a domestic and stock (subcategory “domestic”) access licence with a share component that specifies a water source or management zone with a Very Low Flow Class to continue taking water for domestic consumption when flows are in the Very Low Flow Class after year three of this Plan.

[104] Clause 76 (1) (c)

Omit the subclause.

[105] Clause 77 Part 9

Omit subclause (b). Insert instead:

- (b) amend the definition of a replacement surface water supply work in clause 52 (4).

[106] Clause 77 (c) – (d)

Omit the subclauses.

[107] Clause 78 Part 10

Insert after subclause (b):

- (c) to provide for the conversion of regulated river (high security) access licences that specify regulated river water sources connected to, and downstream of, these water sources to access licences with share components that specify these water sources.

[108] Clause 79 Part 11

Omit the clause. Insert instead:

79 Part 11

Part 11 may be amended in relation to metering and record keeping including in relation to requirements for Logbooks.

[109] Clause 81 Schedules

Omit subclause (1).

[110] Clause 81 (3)(c)(i)

Insert “or” after “location,”.

[111] Clause 81 (5)(a)

Omit the words “or referred to in its conditions”, and omit “48 (6) (a)” and insert instead “48 (5) (a)”.

[112] Clause 81 (5)(c)(i)

Omit the words “being taken” after the words “under the licence”.

[113] Clause 81 (5)(c)(iii)

Omit the words “or its purpose ceases to exist, or”

[114] Clause 81 (7) – (10)

Omit the subclauses. Insert instead:

(7) 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.

[115] Clause 82 Other

Omit subclauses (1) (a), (f) and (g).

[116] Clause 82 (3)

Omit the subclause. Insert instead:

(3) This Plan may be amended to give effect to, or in connection with, a determination of native title under the *Native Title Act 1993* of the Commonwealth.

[117] Dictionary

Insert in alphabetical order:

annual actual take has the same meaning as it has in section 6.10 of the Basin Plan.

annual permitted take has the same meaning as it has in section 6.10 of the Basin Plan.

[118] Dictionary

Omit the definition of “alluvial sediments”.

[119] Dictionary

Insert in alphabetical order:

baseline diversion limit has the same meaning as it has in section 1.07 of the Basin Plan.

Basin Plan means the *Basin Plan 2012* made under section 44 (3) (b) (i) of the *Water Act 2007* of the Commonwealth.

[120] Dictionary

Omit the definitions (including any notes) of “drawdown” and “fractured rock”.

[121] **Dictionary**

Insert in alphabetical order:

floodplain harvesting means the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, excluding the take of water pursuant to any of the following:

- (a) a water access licence other than a floodplain harvesting access licence,
- (b) a basic landholder right,
- (c) an exemption from the need to hold a licence to take water under the Act.

flow regimes means, collectively, the magnitude, duration, frequency and patterns of flow that characterise a river or water source.

[122] **Dictionary**

Omit the definitions of “grazeable area” and “groundwater dependent ecosystems”.

[123] **Dictionary**

Omit the definition of “Minimum Construction Requirements for Water Bores in Australia”.

[124] **Dictionary**

Insert in alphabetical order:

Namoi SDL resource unit has the same meaning as provided for in section 6.02 of the Basin Plan.

[125] **Dictionary**

Omit the definitions of “porous rock” and “recharge”.

[126] **Dictionary**

Insert in alphabetical order:

plantation forestry means a commercial plantation as defined in section 1.07 of the Basin Plan.

[127] **Dictionary**

Insert in alphabetical order:

target ecological populations means communities of one or more species that are monitored to evaluate the success of targeted objectives for the environment. Populations must be easily monitored (i.e. not rare or cryptic) and may be linked to conservation or other environmental priorities.

[128] **Dictionary, definition of “trading zone”**

Omit the words “in Schedule 7 of this Plan” and insert instead “on the Plan Map”.

[129] Dictionary

Insert in alphabetical order:

weighted average unit price means the total value of all units sold divided by the number of units sold for a monetary value.

[130] Schedule 1

Omit this schedule. Insert instead:

Schedule 1 Office

NSW Department of Planning, Industry and Environment - Water
PO Box 550
TAMWORTH NSW 2340

[131] Schedule 3

Omit the heading to this schedule. Insert instead:

Schedule 3 Access licences used to take surface water exempt from cease to pump rules
in the Namoi Unregulated Rivers Water Sources

[132] Schedule 4

Omit this schedule. Insert instead:

Schedule 4 Access licences used to take surface water exempt from cease to pump rules in the Peel Unregulated River Water Sources

1 General

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

<i>Water Act 1912</i> entitlements that were replaced by access licences on commencement of the <i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i>.
90SL040426 90SL043074 90SL028794 90SL033145 90SL044228

2 Local water utility access licences and access licences of the subcategory “Town water supply”

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

<i>Water Act 1912</i> entitlements that were replaced by local water utility access licences or access licences of the subcategory “Town water supply” on commencement of the <i>Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010</i>.
90SL011230

[133] Schedule 5 Contamination sources in these water sources

Omit this schedule.

[134] Schedule 6 High priority groundwater dependent ecosystems

Omit this schedule.

[135] Schedule 7 Trading zones

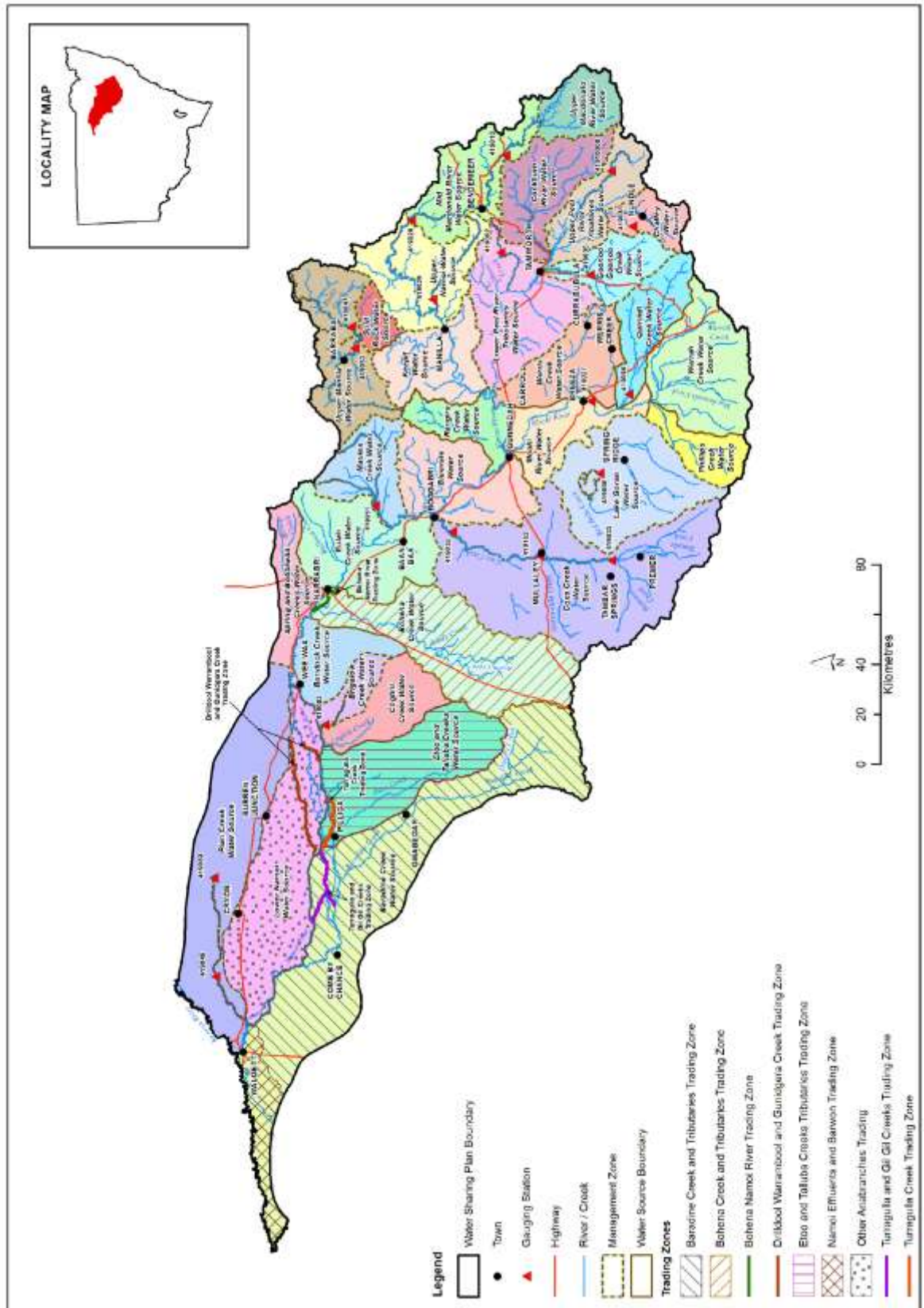
Omit this schedule.

[136] Appendix 1 Overview of the Plan Map

Omit this appendix. Insert instead:

Appendix 1 Overview of the Plan Map

Plan Map (WSP021_Version 4), *Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012*



[137] Appendix 2 Inspection of the Plan Map

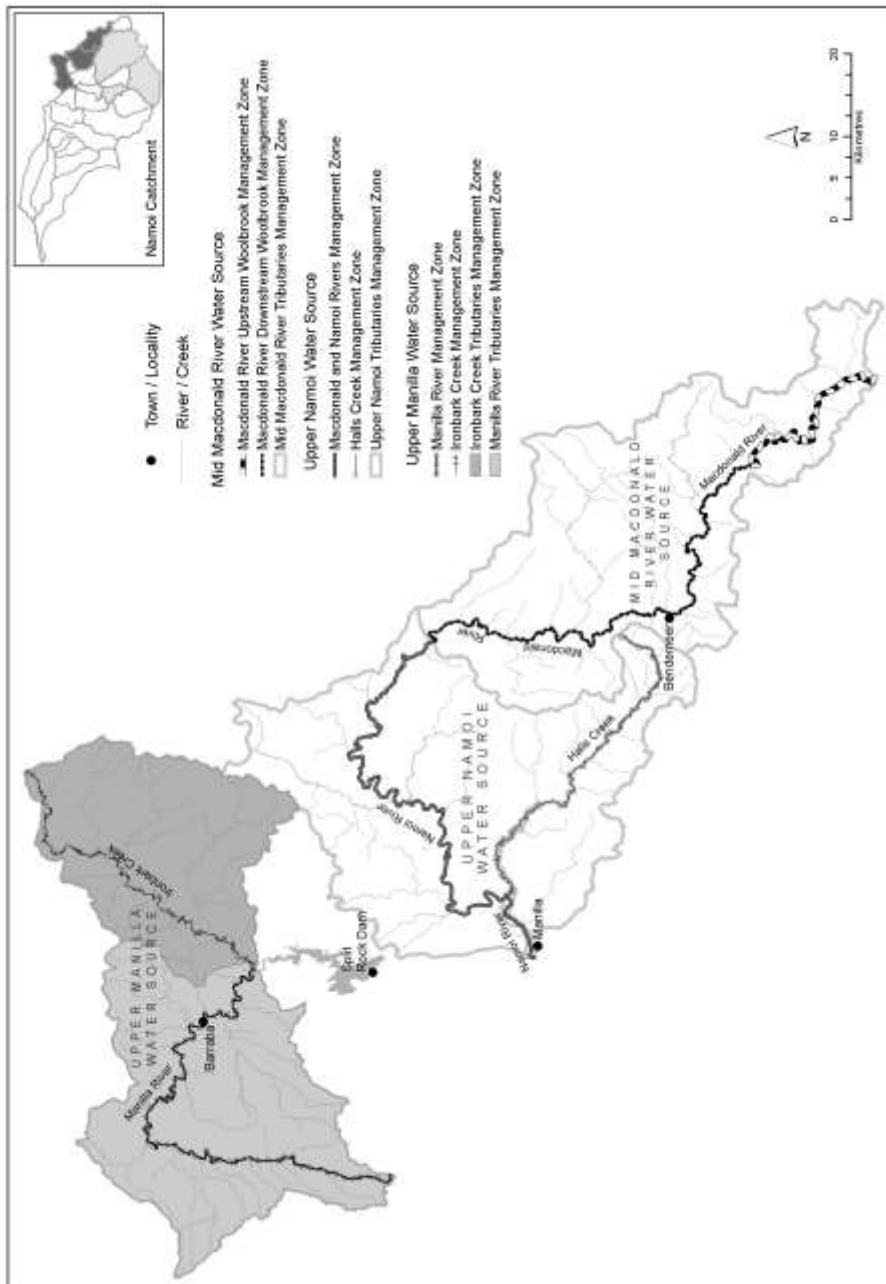
Omit this appendix.

[138] Appendix 3 Overview of the Management Zones covered by this Plan

Omit this appendix. Insert instead:

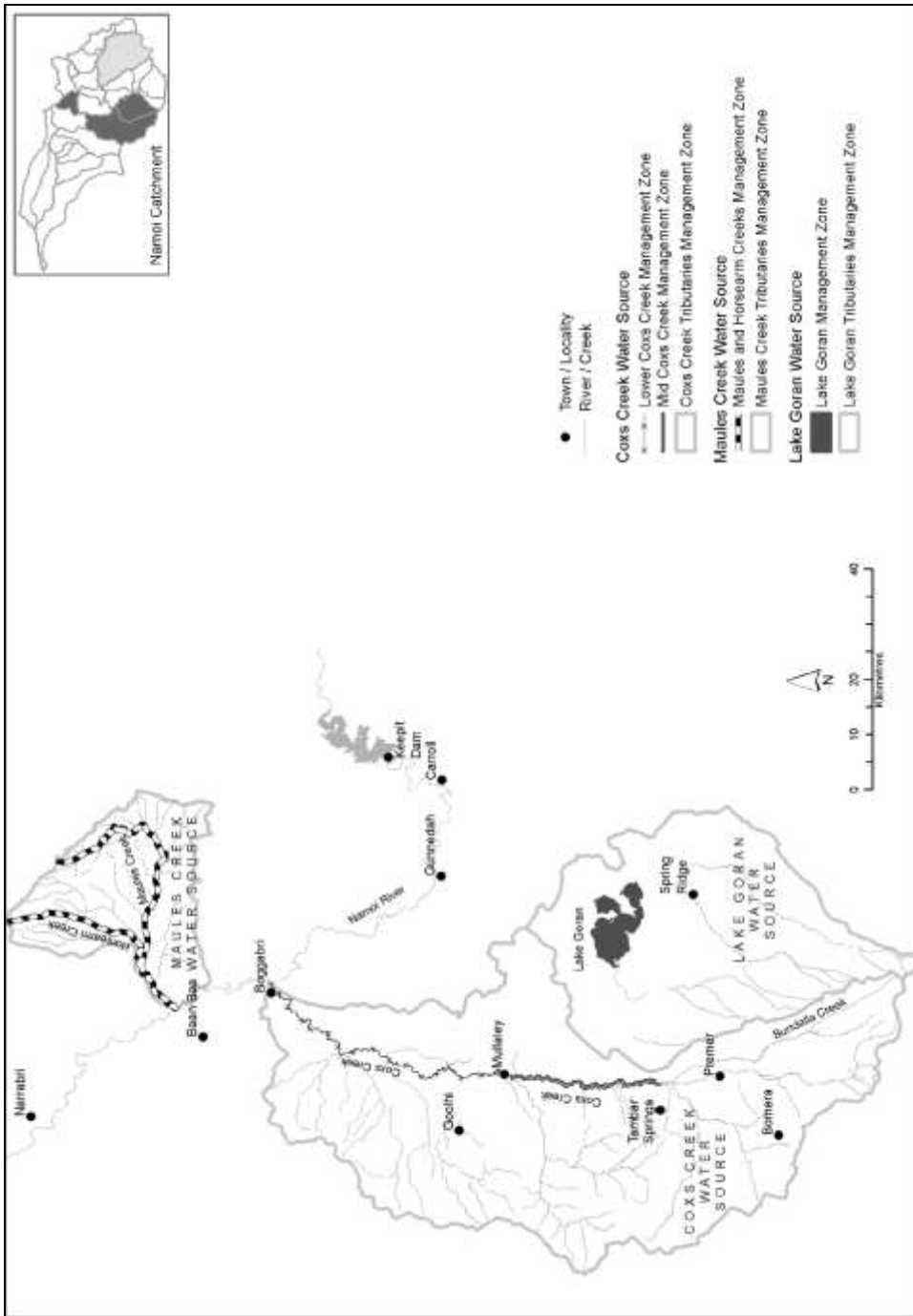
Appendix 3 Overview of the Management Zones covered by this Plan

Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



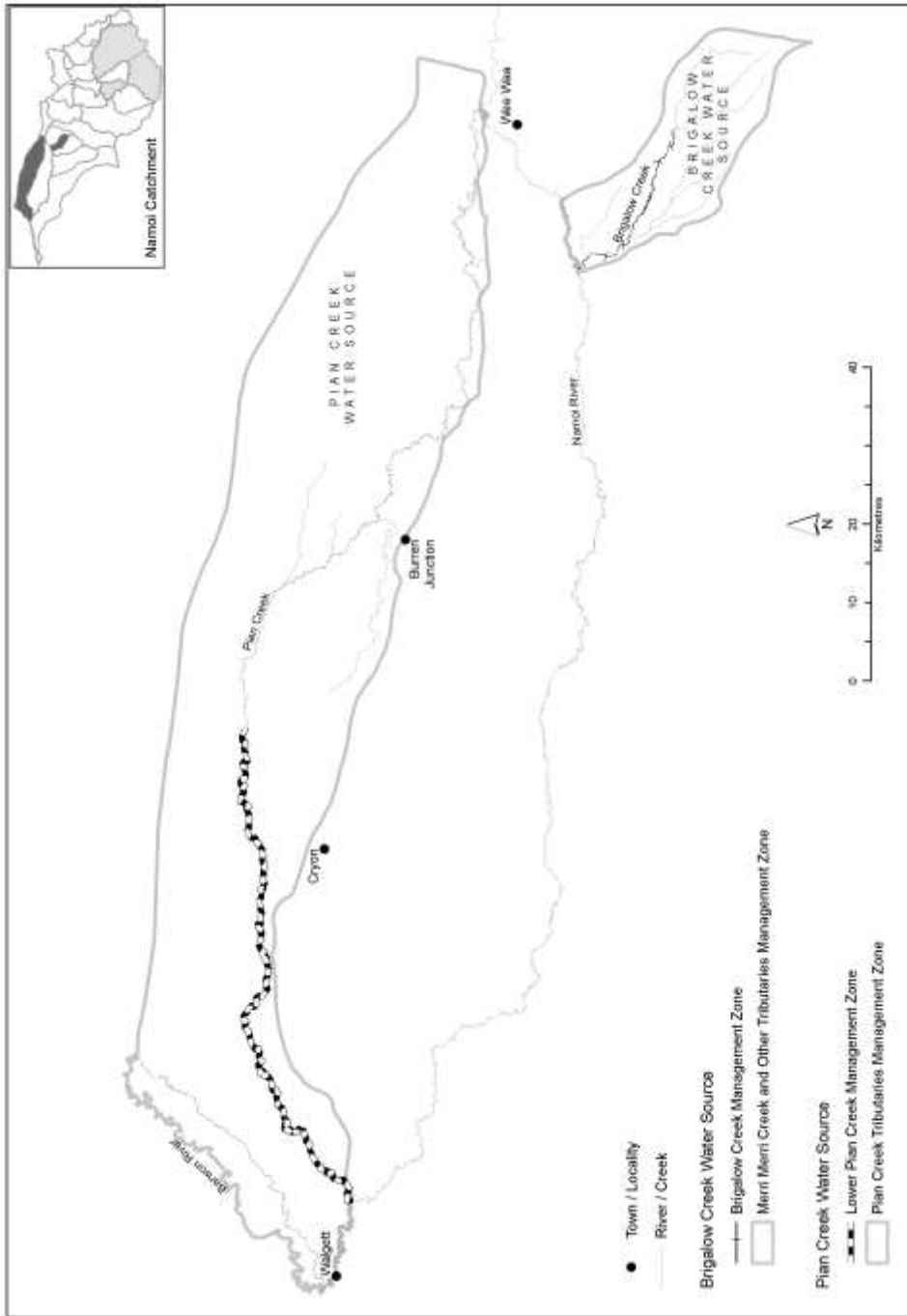
(Map 1 of 4)

Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



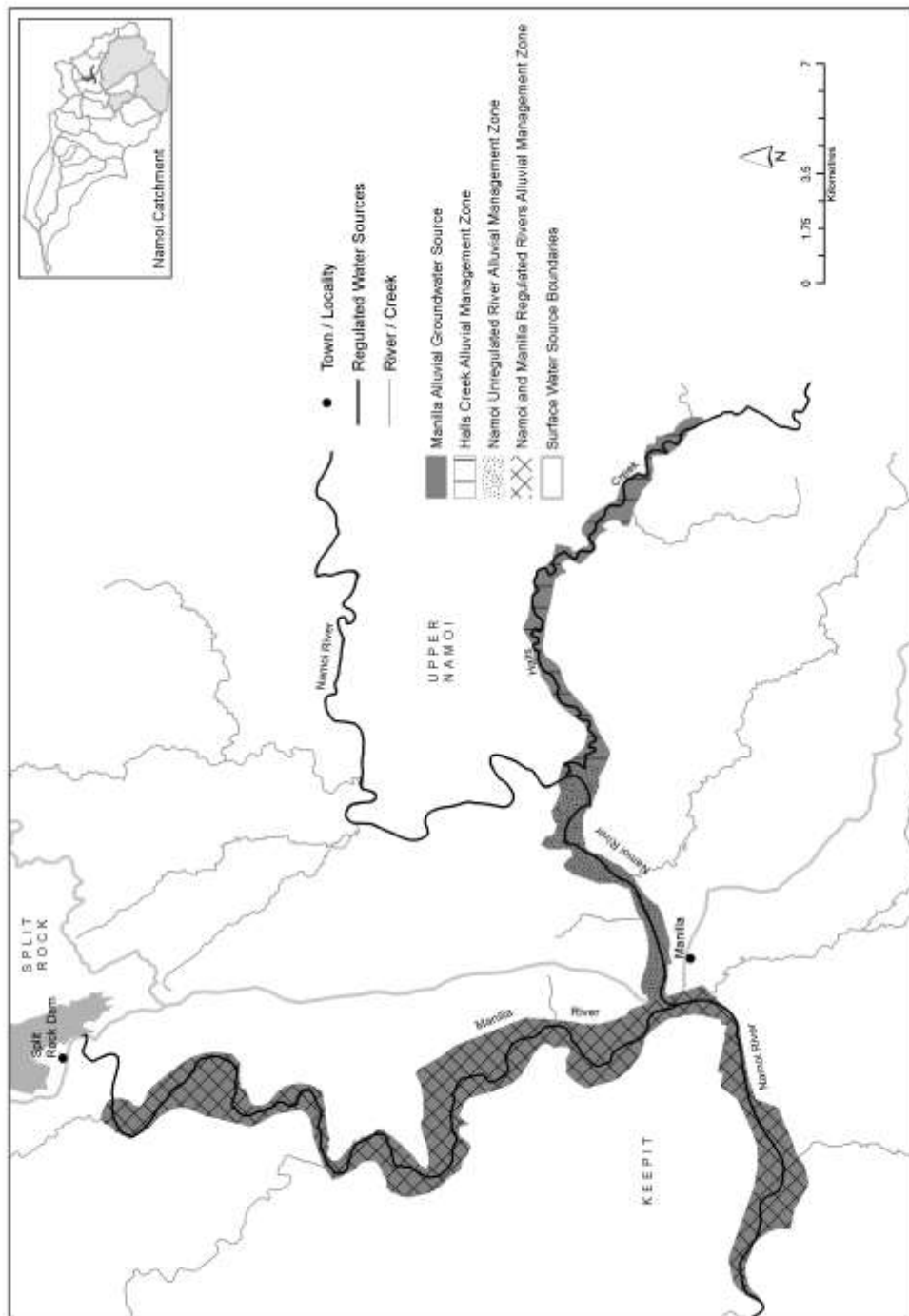
(Map 2 of 4)

Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



Map 3 of 4

Overview of management zones within the Namoi and Peel Unregulated Rivers Water Sources



Map 4 of 4

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

Omit this appendix. Insert instead:

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

It is expected that those access licences which replace *Water Act 1912* entitlements listed in Column 1 of the table below and which have share components that specify the water sources listed in Column 2 of the table below, will have the applicable *Water Act 1912* condition specified in Column 3 imposed as mandatory conditions to give effect to clause 47 (7) of this Plan.

Column 1	Column 2	Column 3
<i>Water Act 1912</i> entitlements that will be replaced by access licences on commencement of this Plan	Water Source	<i>Water Act 1912</i> conditions
90SL100823H	Lower Namoi Water Source	The authorised work shall not be used for the purpose of irrigating the authorised area or any part thereof, unless the discharge of the Namoi River at the downstream Weeta Weir Gauge exceeds 1600 megalitres per day (such discharge corresponding to a reading on the said gauge of 179.15 metres or such other reading as may be determined from time to time).
90SL45571	Werris Creek Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in the unnamed watercourse immediately above its junction with the pool level maintained by the "Gap Railway Dam" on Werris Creek.
90SL101064	Upper Namoi River Water Source	The authorised work/s shall not be used for the purpose of irrigation unless there is a flow of 28 megalitres per day at the North Cuerindi Gauge on the Namoi River.
90SL100820	Upper Namoi River Water Source	The authorised 50 mm pump shall not be used for the purpose of irrigation unless there is a visible flow over the weir authorised by Licence No 90SL004754 held by Tamworth Regional Council and unless there is a flow in the Namoi River at Wittagoona/East Hills Gauge that exceeds 50 megalitres per day, with such flow corresponding to a gauge reading of 0.54 metres or such other reading as may be determined from time to time.
90SL100935	Upper Namoi River Water Source	Any pump over 250mm in capacity shall not be used for the purpose of irrigation

		unless there is a flow over the weir authorised by licence no. 90SL004754 held by Tamworth Regional Council of least 100 megalitres per day.
90SL100962	Upper Namoi River Water Source	The licensed 250mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 100 megalitres per day.
90SL100975	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100976	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100977	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL101041	Upper Namoi River Water Source	Any pump of 250mm capacity or greater capacity shall not be used for the purpose of irrigation unless there is a flow in the Namoi River at the North Cuerindi Gauge of at least 100 megalitres per day.
90SL100934	Upper Namoi River Water Source	The licensed 380 mm pump shall not be used for the purpose of irrigation unless the flow in the Namoi River at the North Cuerindi Gauge is in excess of 95 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.88 metre or such other reading as may be determined from time to time).
90SL042638	Upper Manilla Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Barraba Creek at the rock bar situated immediately downstream of the railway bridge on Lot 1 DP 709498, Parish of Barraba, County of Darling.
90SL045974	Upper Manilla Water Source	The pump shall not be used for the purpose of irrigation unless there is a visible flow in Paling Yard Creek at the road causeway on the Tiabundle Road located between Lots 166 and 40 of DP752197.
90SL100812	Upper Manilla Water Source	The authorised work must not be used for the purpose of irrigation unless the flow in Ironbark Creek at gauging station 419047 (at Woodreef) exceeds 7 megalitres per

		day. And there must be a visible flow of water over the causeway on Coonoor Road where it crosses Ironbark Creek approximately 150 metres downstream from the pump site.
90SL049694	Upper Macdonald River Water Source	The authorised work shall not be used for the purpose of irrigation unless the flow in Smith's Creek overtops a permanent mark fixed to a rock bar located approximately 50 metres upstream of the south west boundary of Lot 66 DP 756468, Parish of Branga, County of Vernon. The level of the permanent mark (bolt) shall be fixed at not higher than 2 metres below the level of a bench mark established on a gum tree on the left bank of the watercourse near the control point and particulars of which are retained in the office of NSW Office of Water .
90SL100786	Pian Creek Water Source	No water shall be diverted from the Unnamed Watercourse unless water is being diverted into the said Unnamed Watercourse by means of the authorised works approval and associated access licence on the Namoi River and water has been continuously diverted for the preceding 12 hours.
90SL100948	Mid Macdonald River Water Source	The approval holder must not take any water from an approved work for the purpose of irrigation, unless the water level in the Macdonald River at the Retreat Gauge is greater than 38 megalitres per day (such discharge corresponding to a reading on the said gauge of 0.53 metres or such other reading as may be determined from time to time).
90SL037340	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow over the concrete causeway crossing of Maules Creek known as Merriendi Crossing.
90SL046395	Maules Creek Water Source	The pump shall not be used for the purpose of irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 200 megalitres per day (such discharge corresponding to a gauge reading of 0.49 metre or such other reading as may be determined from time to time).
90SL047307	Maules Creek Water Source	The 100 mm pump shall not be used for the purpose of irrigation unless the gauge height at Elfin Crossing exceeds 0.26 metres(which flow corresponds to a discharge of 14 ML/day).

90SL047307	Maules Creek Water Source	The 380 mm pump shall not be used for the diversion of water for any purpose from Maules Creek until the gauge height at Elfin Crossing exceeds 0.41 metres (which flow corresponds to a discharge of 206 ML/day).
90SL047562	Maules Creek Water Source	The authorised work shall not be used for the purpose of irrigation unless there is a visible flow in Maules Creek over the Merriendi concrete road causeway, situated on portion 41, Parish of Therribri, County of Nandewar.
90SL100765	Maules Creek Water Source	The pump shall not be used for the purpose of irrigation unless the flow in Maules Creek at Elfin Crossing exceeds 206 megalitres per day (such discharge corresponding to a gauge reading of 0.61 metre or such other reading as may be determined from time to time). You can obtain the latest information regarding Maules Creek flow and gauge heights by logging into the Departments WEB site at WWW.water.nsw.gov.au .
90SL100772	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL25851	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL28830	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL31646	Keepit Water Source	The authorised work shall not be used for any purpose unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of portion 228, Parish of Manilla, County of Darling, the said crossing being located approximately 1200

		metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL034807	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL034951	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek over a clay bar 100 metres downstream of the common boundary of Lot A DP 442930 and Lot 29 DP 752191, Parish of Manilla, County of Darling, and the licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the road crossing at the north west corner of Lot 228 DP 752191, Parish of Manilla, County of Darling, the said crossing being located approximately 1200 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL48383	Keepit Water Source	The licensed work shall not be used for the purpose of irrigation unless there is a visible flow in Greenhatch Creek at the Rushes Creek Road Crossing, the said crossing being located approximately 300 metres upstream of the junction of Greenhatch Creek with the Namoi River.
90SL49194	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between part portion 55 and Portion 67, Parish of Gurleigh, county of White.
90SL50498	Bundock Creek Water Source	The authorised work shall not be used to divert water for the purpose of irrigation unless there is a visible flow downstream in Molee Creek at the pipe culvert situated between Lot 102 DP 814925 (formerly part portion 55) and Lot 67 DP 757105

		(formerly portion 67), Parish of Gurleigh, county of White.
90SL051043	Coghill Creek Water Source	The authorised work shall not be used unless a visible flow exists and is maintained in Coghill Creek from the road bridge on the Wee Waa - Pilliga road, downstream to its confluence with the Namoi River.
90SL037282	Coxs Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Bomera Creek at the road crossing at the south- western corner of WR66, Parish of Bomera, County of Pottinger.
90SL050545	Coxs Creek Water Source	The authorised work shall not be used for the diversion of water from Cox's Creek in excess of 60 MLs/day unless; the discharge of Cox's Creek at the Mullaley Gauge is in excess of 15 ml/day; and the discharge of Cox's Creek at the Boggabri gauge is in excess of 20 ml/day, such discharge corresponding to readings on the said gauges of 0.66 metres and 0.44 metres respectively, or such other readings as may be determined from time to time.
90SL050545	Coxs Creek Water Source	The authorised work shall not be used for the diversion of water from Cox's Creek to its maximum capacity unless; the discharge of Cox's Creek at the Mullaley Gauge is in excess of 15MLs/day; and the discharge of Cox's Creek at the Boggabri gauge is in excess of 250 MLs/day, such discharge corresponding to readings on the said gauges of 0.66 metres and 0.98 metres respectively, or such other readings as may be determined from time to time.
90SL10056	Coxs Creek Water Source	When there is a flow in Dunnadie Creek, the pump(s) shall not be operated unless visible flows have firstly reached the flow level of the pipes in the causeway of the the shire road into "Kirkham", located between portions 96 and 98, Parish of Denison, County of Pottinger, provided that operation of the pump(s) must discontinue once flows cease at the Keringle-Ghoolendaadi road causeway.
90SA001791	Baradine Creek Water Source	During periods of inflow into the storage of the weir on Baradine Creek diversion by the authorised works from the storage of the weir shall not commence until the Bungle Gully Dam spills.

90SA001792	Baradine Creek Water Source	The authorised works shall not be used during periods of inflow into the storage of the weir on Turrigulla Creek unless there is a visible flow in the said creek at the bridge on the Epping Road.
90SA011749	Baradine Creek Water Source	When there is a flow in Turrigulla Creek the subject works shall not be used for the purpose of irrigation unless there is a visible flow in Turrigulla Creek at its confluence with the Namoi River.
90SL51241	Baradine Creek Water Source	The authorised works shall not be used for the purpose of irrigation unless there is a visible flow in Baradine Creek at its confluence with the Namoi River between portions 19 and 25, Parish of Cumberland, County of Baradine.

[140] Appendix 5 Office

Omit this appendix.